CHAPTER clxxxv.

An Act to amend and consolidate the Dundee Police and other Acts; to enable the Dundee Police Commissioners to create and issue debenture stock; and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS the inhabitants of the burgh of Dundee (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" (herein-after called the first recited Act), with the exception of the clauses and provisions thereof with respect to the supply of water, and the said Act was amended by the Nuisances Removal (Scotland) Act, 1856 (herein-after called the second recited Act), and by the Police of Towns (Scotland) Amendment Act, 1860 (herein-after called the third recited Act): 13 & 14 Vict. c. 33. 19 & 20 Vict. c. 103. 23 & 24 Vict. c. 96.

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" (herein-after called the fourth recited Act): 28 & 29 Vict. c. lx.

And whereas an Act was passed in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act to "confirm certain Provisional Orders under the General Police and "Improvement (Scotland) Act, 1862, relating to the burgh of "Dundee" (herein-after called the fifth recited Act): 30 & 31 Vict. c. 79.

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" (herein-after called the sixth recited Act), and the said 30 & 31 Vict. c. 101.

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Act was amended by an Act passed in the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, intituled "An Act for "amending the Public Health (Scotland) Act, 1867" (herein-after called the seventh recited Act), and both of the said Acts and all amendments thereof are in this Act called "the Public Health Acts":

34 & 35 Vict. c. 38.

And whereas by the adoption of the first recited Act the provost, magistrates and town council of the burgh became and are now commissioners of police within the burgh under and for the purposes of the first recited Act, as amended by the second and third recited Acts, and the fourth and fifth recited Acts confer additional powers on the Commissioners, and the sixth recited Act repeals the second recited Act, except Part V. thereof; and under the second recited Act the Commissioners were duly appointed by the board of supervision as, and under the second, sixth, and seventh recited Acts have exercised the powers of, the local authority in and for the parish of Dundee, and the united parishes of Liff, Logie, Benvie and Invergowrie, commonly and herein-after called the united Parish of Liff and Benvie, within which parishes the burgh lies:

25 & 26 Vict. c. 101.

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" (herein-after called the Police Act):

34 & 35 Vict. c. cliii.

And whereas an Act (local and personal) was passed in the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, intituled "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" (herein-after called the Improvement Act); and the said Act incorporated various clauses of the Police Act, and authorised the construction of new and improved streets within the burgh, the acquisition and demolition of old houses in various parts of the burgh, and the reconstitution of those portions of the burgh; the providing of public markets and public parks, and the construction of sewers and other works and improvements:

And whereas additional clauses of the Police Act were adopted in and made applicable to the burgh, on the eleventh day of October, one thousand eight hundred and seventy-one, by which and relative clauses in the first recited Act the Commissioners acquired power to provide and establish shambles or slaughter houses within the

burgh; and, under the first recited Act, the Commissioners were also entitled to provide baths and bathing places within and for the burgh:

And whereas an Act (local and personal) was passed in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty intituled "An Act to authorise the construction of tramways in the "burgh of Dundee and places adjacent, and for other purposes" (herein-after called the first Tramway Act); and by virtue of the agreement scheduled to and confirmed by the said Act, the Commissioners duly elected to be substituted for the Company thereby incorporated, and executed and published a notarial instrument in terms of the said agreement, and thereupon became vested with the powers conferred by the said Act on the said Company for the construction, maintenance, use and working of the tramways thereby authorised: 35 & 36 Vict. c. cxci.

And whereas an Act (local and personal) was passed in the forty-first year of the reign of Her present Majesty, intituled "An Act to "authorise the construction of tramways in the burgh of Dundee, "and for the transference of the turnpike roads within the burgh "to the Police Commissioners, and the abolition of tolls, and for "other purposes" (herein-after called the second Tramway Act); and the said Act confirms the foresaid adoption of clauses from the Police Act, and incorporates further and additional clauses thereof: 41 & 42 Vict. c. xciv.

And whereas in exercise of the powers and obligations vested in and incumbent on them, the Commissioners from time to time acquired large areas of lands and houses within the burgh, and have demolished the houses in several of the areas so acquired, and have formed new and improved streets, and have reconstituted portions of the burgh by the laying out and feuing of building lots, and have also provided public parks, public markets, public slaughter houses and public baths and bathing places, and the tramways or some of them authorised by the first and second Tramway Acts have been duly made and leased, and are now in operation; and thereby and otherwise the Commissioners contracted debt, and have paid off by means of sinking funds, and otherwise, portions of such debt, and hold, under the Improvement Act, large areas of land suitable for building lots, which it is not expedient to dispose of otherwise than in a gradual way, whereby the money value of such lots is not immediately available:

And whereas the debts of the Commissioners have been incurred for general purposes, including public parks; for sewers within the first and second drainage districts of the burgh; for roads, of old called statute labour roads, transferred to and vested in the Commissioners by the fourth recited Act; for public markets and public

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slaughter houses; for public baths and bathing places; for new and improved streets; for lands, houses and other property acquired for the re-constitution of the burgh; for tramways; and for roads (formerly turnpike) transferred to and vested in the Commissioners by the second Tramway Act; and some of the said debts have been incurred for more than one purpose or object, and it is expedient to divide the same between and among such purposes and objects, without prejudice to the rights, securities and priorities of the existing holders, and to make suitable provision in regard to the application of the prices realized from building lots, and the debts incurred in purchasing the properties of which such building lots form part:

And whereas it is expedient that power should be conferred on the Commissioners to raise moneys to enable them to pay off the debts contracted by them, and for that end as well as for all additional money to be borrowed by them to create and issue debenture stock:

And whereas the burgh is at present divided into two drainage districts, and it is expedient to abolish the said division, and also to amend and alter the rating and assessing powers of the Commissioners:

And whereas it is further expedient that the first, second, third, fourth and fifth recited Acts, and the Improvement Act (except sections eight and nine and Branch XII. of, and the schedules annexed to the said Act), and the foresaid adoption of clauses from the Police Act, and Branches III., IV. and V., and section four of the second Tramway Act (the said first mentioned five Acts, the Improvement Act except as aforesaid, the adopted clauses of the Police Act, and portions of the second Tramway Act being hereinafter called the special Acts) should, except as otherwise provided in this Act, be repealed, as regards the burgh, and that the provisions of the special Acts should be altered, extended, amended and consolidated, and that various clauses and provisions of the Police Act should be incorporated, and that power should be granted to the Commissioners by this Act constituted to carry the same into effect, and that various other powers should be conferred on the Commissioners for the better government and sanitary improvement of the burgh:

And whereas the purposes of this Act, cannot be effected without the 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 :— A.D. 1882.

I.—General.

Short title.

1. This Act may be cited for all purposes as the Dundee Police and Improvement Consolidation Act, 1882.

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 IV., chapter sixty-five;

"Existing Commissioners" shall mean the provost, magistrates and town council of the royal burgh of Dundee, acting as the commissioners of police for the burgh of Dundee, prior to the passing of this Act;

"Commissioners" shall mean the provost, magistrates and town council of the royal burgh of Dundee, acting as the commissioners of police for the burgh of Dundee, from and after the passing of this Act;

"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;

"Clerk," "treasurer," "collector," "medical officer" and "sanitary inspector" shall severally mean the clerk, treasurer, collector, medical officer and sanitary inspector of the Commissioners;

"Burgh engineer" and "surveyor" are and shall be synonymous, and either name shall mean the surveyor of the 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;

"Chief constable" and "superintendent of police" are and shall be synonymous, and either name shall mean the superintendent of police in and for the burgh;

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"Constables" shall mean the police constables of the burgh, and shall include the chief constable 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, warehouses, vaults, cellars, stables, breweries, manufactories, mills and other houses and buildings, and yards, places and other heritages;

"Street" shall extend to and include any public road, bridge, lane, square, court, alley, close, wynd, vennel, thoroughfare or 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 public use in whole or in part within the burgh after the passing of this Act, and shall not apply to any street approved of or the width and levels of which have been fixed under and in terms of the recited Acts, or any of them, before the passing of this Act;

"Sewer" and "sewers" shall extend to and include all outfall, overflow, intercepting and other sewers or drains, penstocks, flaps, inlets, outlets, chambers, filters, reservoirs, pumping apparatus, ventilating apparatus, irrigating apparatus, flushing apparatus, connecting sewers, cesspools, sandtraps, sluices, tunnels, manholes, covers, trays, gullies, and other works, appliances and conveniences connected therewith;

"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, offices, vaults, cellars, stables, breweries, manufactories, mills, churches, schools, 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, or any alteration of any house or building affecting its structural stability or sanitary arrangements erected or made, or proposed to be erected or made 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, or any alteration of any house or dwelling house affecting its structural stability

or sanitary arrangements erected or made, or proposed to be erected or made after the passing of this Act, and used or intended or designed to be used for human habitation;

"Park," "parks," "public park" and "public parks" shall mean and include the Balgay Hill Park, or recreation ground, belonging to the Commissioners, the Magdalen Green Park, or recreation ground, also belonging to the Commissioners, and any public park or pleasure ground, or place of public resort or recreation, belonging to or to be at any time provided by the Commissioners;

"Occupier" shall include tenant, but shall not include a lodger or a person in the occupation as tenant of a furnished house let for a less period than one year, but shall include the person by whom such furnished house is so let;

"Owner" shall include joint owner, fiar, liferenter, feuar, or other person in the actual possession or receipt of the rents of tenements, lands and heritages of any tenure, holding, or description, and the factor, agent or commissioner of such persons, or any of them, or any other person who shall intromit with or draw the rents;

"Cattle" shall include any horse, mare, gelding, foal, colt, filly, bull, cow, heifer, ox, calf, ass, mule, ram, ewe, wether, lamb, goat, kid or swine;

"Carriage" and "vehicle" shall include any coach, omnibus, chariot, fly, hansom, car, cabriolet, gig, brougham, waggon, timber carriage, dray, truck, hand cart, wheelbarrow, hand-barrow, lorry or other vehicle used for the conveyance of goods or persons, or plying for hire;

"Broker" or "brokers" shall extend to and include any person or persons dealing in second-hand goods or articles, or in yarn or waste, or in other unwrought materials, or in old metals, bones or rags: Provided always, that wholesale dealers in rags, ropes and waste, purchasing only from licensed brokers or licensed marine store dealers, or in quantities of not less than half a ton shall not be included in this definition;

"Building lots" shall mean all lands, houses and other property acquired under the Improvement Act not required for new or improved streets;

"Baths" and "bathing places" shall include public swimming ponds, curling ponds and skating ponds, and public baths of every description;

"Police assessment" or "police assessments" shall mean the assessments authorised to be levied under this Act, including all assessments under the Public Health Acts, but shall not

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include any private improvement assessment within the meaning of the Police Act;

"This Act" shall include all Acts or clauses, or portions of Acts, incorporated with or declared to form part of this Act;

"Police purposes" and "police provisions" shall mean the purposes and provisions of this Act;

"Adoption of this Act" shall mean the passing of this Act;

"Dundee esplanade" shall mean the public esplanade or public footway, and the public road or street authorised by and constructed under the Dundee Seawall Esplanade and Street Act, 1868.

31 & 32 Vict. c. cxii.

"Infectious disease" means and includes smallpox, cholera, typhus, typhoid, scarlet, relapsing, continued and puerperal fever, scarlatina and diphtheria, and such other disease as the Commissioners, under the provisions and for the purposes of this Act, may from time to time declare to be infectious.

Repeal of special Acts.

3. From and after the passing of this Act, the special Acts are hereby repealed as regards the burgh, save as in this Act otherwise provided.

Incorporation of general Acts.

8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.

4. Notwithstanding the repeal of the special Acts, the Lands Clauses Consolidation (Scotland) Act, 1845 (excepting sections 35 to 55 both inclusive), and the Lands Clauses Consolidation Acts Amendment Act, 1860 (herein-after called the Lands Clauses Acts), are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act, as regards all lands and heritages already taken by the existing Commissioners, but the purchase price or compensation applicable to which has not yet been agreed upon or settled; and further and generally, the clauses and provisions of the said Acts with respect to the purchase of lands by agreement (so far as the same are applicable to the purposes, and are not inconsistent with the provisions of this Act) are 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.

Limits of Act.

5. This Act, except where otherwise expressed or implied, and except as regards the sewers and utilization of sewage of the burgh,

and the powers of the Commissioners as the local authority of the parishes of Dundee and Liff and Benvie, shall apply only within the burgh.

Division of Act into parts.

6. This Act is divided into parts as follows:—

Part I.—General.

Part II.—Commissioners for purposes of this Act and their meetings.

Part III.—Powers and duties of Commissioners.

Part IV.—Orders in Council.

Part V.—Estimates and assessments.

Part VI.—Appointment of principal officers and of constables.

Part VII.—Powers, duties and privileges of constables, and other powers.

Part VIII.—Special constables.

Part IX.—Lighting.

Part X.—Cleansing.

Part XI.—Paving and maintaining streets.

Part XII.—Laying out new streets.

Part XIII.—Public sewers.

Part XIV.—Buildings.

Part XV.—Drainage of houses.

Part XVI.—Soil pipes, water closets, &c.

Part XVII.—Surveys and plans.

Part XVIII.—Precautions during repairs and ruinous or dangerous buildings and places.

Part XIX.—Nuisances and obstructions in the streets.

Part XX.—Prevention of fraud and offences against good conduct.

Part XXI.—Hackney carriages, omnibuses, carters, porters, &c.

Part XXII.—Brokers, pawnbrokers, and dealers in marine stores.

Part XXIII.—Suppression of vagrancy, &c.

Part XXIV.—Public baths and bathing.

Part XXV.—Public parks and places of public resort or recreation.

Part XXVI.—Public markets and slaughter houses.

Part XXVII.—Theatres and places of public resort.

Part XXVIII.—Disorderly houses and other places.

Part XXIX.—Public clocks.

Part XXX.—Fires.

Part XXXI.—Ventilation and cleansing.

Part XXXII.—Mitigation and prevention of disease.

Part XXXIII.—Execution of works.

Part XXXIV.—Byelaws.

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Part XXXV.—Special powers of Commissioners and other provisions.

Part XXXVI.—Jurisdiction and recovery of penalties and other powers.

Part XXXVII.—Borrowing and raising of money.

Part XXXVIII.—Saving clauses and appeal.

Deposited plans, &c., to remain with sheriff clerk.

7. Notwithstanding the repeal of the special Acts, all plans, sections and books of reference, and all corrections and certificates of correction thereof respectively, deposited for the purposes of or with reference to any of the said Acts, with any sheriff clerk, shall remain in his custody, for all intents and purposes as if this Act had not been passed.

Grants, conveyances, &c., to continue in force.

8. The repeal of the special Acts shall not annul or in anywise prejudice or affect any purchase, sale, conveyance, grant, lease, bond, security, act, matter or thing, whatsoever heretofore made, done, executed, commenced or instituted under or by virtue or in pursuance of the special Acts or any of them; but all such purchases, sales, conveyances, grants, leases, bonds, securities, acts, matters and things shall be as good, valid and effectual to all intents and purposes whatsoever, as if the special Acts had not been repealed.

Lands may be purchased by agreement.

9. Notwithstanding the repeal of the special Acts, the Commissioners may, in addition to the lands already acquired or authorised to be acquired and held by the existing Commissioners, purchase or feu by agreement, any lands or any rights therein required for the purposes or any of the purposes of this Act.

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

10. Notwithstanding the repeal of the special Acts, the Commissioners may, so far as not already done, take down the whole or any part of the buildings situated on any part of the lands and property acquired by the existing Commissioners under the authority of the Improvement Act, and sell and dispose of the materials thereof, and lay out and appropriate the said lands and property of new in such way and manner as they may deem best, and 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, and sell and dispose of such feus or ground annuals, all on such terms and subject to such conditions as they may determine and prescribe, and generally they may deal with the lands, houses or other buildings and property acquired by the existing Commissioners, under the Improvement Act or any of the repealed Acts as absolute proprietors thereof, subject only to the conditions and provisions of this Act.

Provisions as to ejectment of labouring classes.

11. The Commissioners shall not eject or displace from the lands and property referred to in the immediately preceding section, 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, either by provision of the Commissioners in manner herein-after mentioned or otherwise.

Commissioners may provide houses for labouring classes.

12. Whenever the Commissioners find it necessary to eject or displace any greater number of such persons than five hundred, and suitable accommodation for them has not been otherwise provided, or does 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 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 nett sum to be expended by the Commissioners in erecting, leasing or otherwise acquiring such houses or other premises, shall not exceed the sum of five thousand pounds.

Authorised works may be constructed, maintained and improved.

13. Notwithstanding the repeal of the special Acts, the Commissioners may construct, reconstruct, complete, erect and carry out all roads, streets and other matters and works of every nature, authorised by any of the special Acts and not hitherto done; and the Commissioners may also from time to time maintain and improve all such matters and works as have already been done, or which may hereafter be done, and may from time to time construct, carry out, maintain and improve all such new or additional works or matters as they might have done if this Act had not been passed.

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

14. Nothing in this Act contained shall make it binding on the Commissioners to execute all the works by the Improvement Act or this Act authorised, or to purchase or demolish all the lands, houses and property in the said Act or 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 or demolish such of the said lands, houses and property as it shall from time to time seem to them expedient to execute and purchase or demolish.

Provisions for payment of debts, &c.

15. All money borrowed under or for the purposes of the special Acts or any of them, and all other debts and moneys due or payable by the existing Commissioners at the commencement of this Act,

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shall be payable and paid by the Commissioners; and all rates, assessments, tolls, rents and duties, and arrears of rates, assessments, tolls, rents and duties, and all other debts and moneys belonging, due or payable to the existing Commissioners at the commencement of this Act are hereby transferred to and vested in, and may be collected and recovered by the Commissioners, in the same manner and with the same powers in all respects as they might have been collected or recovered by the existing Commissioners if this Act had not been passed.

Officers to be continued.

16. The officers appointed by the existing Commissioners and by the magistrates, under the special Acts or the recited Acts, or under any of the said several Acts, shall continue to hold their offices during the terms of their respective appointments, or until they resign or are removed, and shall be subject to the provisions of this Act; and all bonds or securities granted for the conduct and intromissions of such officers, shall be and remain valid, and may be enforced by the Commissioners to the same extent and effect that such bonds or securities might have been enforced by the existing Commissioners if this Act had not been passed.

Bye-laws to remain in force until altered.

17. All bye-laws and all orders, rules and regulations made by the magistrates or by the existing Commissioners, under the authority of the special Acts, or the recited Acts or any of them, which are in force at the passing of this Act, shall continue in force until altered or recalled by the Commissioners or magistrates, and all deliverances by the existing Commissioners, under the authority of the special Acts or the recited Acts or any of them not yet implemented or fulfilled, shall continue in force.

Actions, &c., not to abate.

18. All actions, suits, notices and proceedings at law or in equity, and all arbitrations to which the existing Commissioners are parties at the passing of this Act, are hereby specially saved and reserved, and shall not abate, or be prejudiced or affected by anything in this Act contained, and may be proceeded in, by or against the Commissioners without the necessity of intimating such action, suit, notice, proceeding or arbitration to the Commissioners, or their clerk or treasurer or collector, or making them formally parties thereto.

Police prosecutions reserved.

19. All complaints and prosecutions raised or pending at the passing of this Act at the instance of the procurator fiscal shall continue and be followed forth to a conclusion in the same way and with the same jurisdiction, remedies, penalties and powers as if this Act had not passed.

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Agreements may be enforced by and against the Commissioners.

20. The Commissioners may enforce against any person, company or corporation, and any person, company or corporation may enforce against the Commissioners, to the same extent and effect as might have been enforced by or against the existing Commissioners if this Act had not been passed:

All Acts of Parliament, and provisions of Acts, other than those repealed or altered, conferring any right on or imposing any liability upon the existing Commissioners, or on such person, company or corporation, or their predecessors respectively;

All notices for taking land or other notices given or received, or preliminary steps of procedure taken, by or against the existing Commissioners or their predecessors, to, or from, or with any person, company or corporation, or their predecessors in pursuance of any of the special Acts;

All claims for purchase price, compensation or damages, or for debts, penalties, costs or expenses, payable or recoverable by, to or from the existing Commissioners under the special Acts, or in consequence of any act, deed, matter or thing done or omitted to be done by such person, company or corporation, or their predecessors, or by the existing Commissioners or their predecessors;

All contracts or agreements for the sale or purchase of lands, or for the construction of works and other contracts or agreements of every nature and denomination whatsoever, entered into or adopted by the existing Commissioners, and such person, company or corporation or their predecessors;

All grants, conveyances, leases, interim or other receipts, acknowledgments, discharges or other deeds or writings granted to the existing Commissioners or their predecessors, by or on behalf of any person, company or corporation, or their predecessors, or to any person, company or corporation, or their predecessors, by or on behalf of the existing Commissioners or their predecessors, or to which any of the said parties have acquired right.

Claims not to be revived.

21. Nothing in this Act shall revive in favour of or against the Commissioners, any claim or cause of action, which, at the passing of this Act, had lapsed or been discharged, or confer any new cause of action, right, privilege, liberty or exemption which did not exist previously to the passing of this Act in favour of or against the existing Commissioners.

Books to be evidence.

22. All books, registers, deeds, documents and writings, and all certified copies or extracts thereof or therefrom, by the special Acts or any of them directed or authorised to be kept or made, and

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which if this Act had not been passed would be receivable in evidence, shall be admitted in evidence in all courts of law and equity and elsewhere, in the same manner as if this Act had not been passed.

Application of Public Health Acts.

23. The Public Health Acts, except in so far as expressly varied by this Act, 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 the purposes and provisions of the said Acts were purposes and provisions of this Act, and as if the additional powers, provisions and jurisdictions thereby conferred on the local authority were additional powers, provisions and jurisdictions contained in this Act, and all prosecutions under the same may be according to the forms and procedure of the Police Act.

As to Tramways Acts.

24. The first Tramway Act and the second Tramway Act, so far as not hereby repealed, shall continue to be carried out and executed by the Commissioners, and all lessees, present and future, and all others, according to the provisions thereof: And the Commissioners and the magistrates shall have and may exercise all the powers and authorities conferred by the said Acts, so far as not repealed, upon the existing Commissioners and magistrates.

Declaration as regards jurisdiction clauses in Harbour Act. 38 & 39 Vict. c. cl.

25. Nothing in this Act contained shall prejudice or affect sections 183, 184 and 185 of the Dundee Harbour Consolidation Act, 1875: Provided that the said section 184 shall be read as if the words "The Dundee Police and Improvement Consolidation Act, 1882," were substituted for the words "The Dundee Police and Improvement Act, 1871."

II.—Commissioners for purposes of this Act and their Meetings.

Magistrates and town council to be Commissioners and local authority.

26. The provost, magistrates and council of the royal burgh of Dundee for the time being, shall be the Commissioners for carrying this Act into operation as regards the burgh; and the said provost, magistrates and council as such Commissioners, are and shall also be the local authority in and under the Public Health Acts for and within the parish of Dundee and the united parish of Liff and Benvie; and the magistrates of the royal burgh of Dundee (including the provost or chief magistrate), shall be the magistrates of police of the burgh; and the said provost, magistrates and council as Commissioners and local authority aforesaid and the said magistrates as magistrates of police, shall have and enjoy all the powers, rights, privileges, jurisdictions and authorities of Commissioners, local authority and magistrates of police respec-

tively, which are by this Act or by law reserved to or conferred on the Commissioners, local authority and magistrates of police respectively; and all the lands, houses, feuduties, ground annuals, roads, streets, sewers, tramways, matters, works and property, funds, money, estates and effects whatsoever, heritable and moveable and real and personal, and wheresoever situated, of the existing Commissioners, and the rights, powers and privileges belonging to, or vested in, the existing Commissioners in relation thereto, or to the taking or acquisition of lands, houses or other property with all the writs, titles and securities thereof, are hereby continued with and transferred to and vested in the Commissioners, and the Commissioners may exercise in regard to such lands, houses and others foresaid the same rights and powers as were or might have been exercised by the existing Commissioners previous to the passing of this Act.

Statutory meetings of Commissioners.

27. Meetings of the Commissioners shall be held in the town hall of Dundee, or such other places as they shall appoint within the burgh, upon the second Monday of the months of February, May, August and November of each year at one o'clock afternoon, or at such other hour as the Commissioners may fix; and meetings shall also be held at such other times as the Commissioners may from time to time think necessary.

Incorporation of clauses of Police Act.

28. Clauses 58 and 60 to 63, both inclusive, of the Police Act, are hereby incorporated with, and form part of this Act.

III.—Powers and Duties of Commissioners.

Powers and duties of Commissioners generally.

29. The Commissioners shall, in such manner as to them shall seem best for the purposes of this Act, estimate, assess, levy and apply the sums of money hereby authorised to be raised for the purposes of this Act, and shall have power to appoint at such salaries and on such terms as they shall judge meet, clerks, treasurers, collectors, surveyors, inspectors, and all other persons whose appointment is not herein otherwise provided for, to be employed in the execution of this Act, and to remove and suspend such clerks, treasurers, collectors, surveyors, inspectors and other persons at pleasure, and to fix the number and description of officers and constables to be employed in the execution of this Act, and the wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish the number of constables and officers from time to time as they shall see cause, and to make orders and regulations for their government; and the Commissioners shall have power also to purchase such lands and premises as may be required for the purposes of this Act, and they

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shall likewise have full power and authority to make all necessary rules, orders and regulations relative to the watching, lighting with gas, or other light, paving and cleansing the streets, cleansing and lighting of common stairs or passages, or private courts, and for the prevention of infectious diseases and putting down and removing such nuisances as may affect the health of the inhabitants and otherwise, and for carrying fully into effect all the objects and purposes and provisions of this Act, and may enact penalties for enforcing the same, not exceeding in any case, except where otherwise specially provided by this Act, the sum of twenty shillings; and shall also have full power to execute the whole other matters specified in this Act and committed to their charge: Provided always, that the rules, orders and regulations so to be made shall not be contrary to the law of Scotland or to anything in this Act contained.

Incorporation of clauses of Police Act.

30. Clauses 65 to 78 both inclusive of the Police Act are hereby incorporated with and form part of this Act, subject to the following amendment: The statutory meeting at which the accounts of the Commissioners are to be submitted yearly shall be the meeting of the Commissioners in the month of August, or some adjournment thereof, and clause seventy-six of the Police Act shall be read and construed accordingly.

IV.—Orders in Council.

Incorporation of clauses of Police Act.

31. Clauses 79 to 83 both inclusive of the Police Act are hereby incorporated with and form part of this Act.

VI.—Estimates and Assessments.

Estimates to be made up.

32. The Commissioners shall annually at or before some meeting in August or September estimate and fix the sums of money necessary to be levied for the year then current, viz: from the fifteenth day of May preceding to the fifteenth day of May succeeding, for the several purposes of this Act, and of the Public Health Acts and the first and second Tramway Acts, and they may either lay on an assessment for the same in cumulo or separate assessments for each as after-mentioned, that is to say:—

(1.) For watching, lighting, paving and cleansing, maintenance of the fire brigade and fire establishment, public baths and bathing places, public markets, public slaughter houses, tramways and other purposes of this Act (all herein-after called general purposes), other than the purposes in this section herein-after specially mentioned;

(2.) For making, enlarging, reconstructing, maintaining, clearing and flushing sewers, and all other purposes of this Act applicable to sewers;

(3.) For special improvements, including the new and improved streets and the partial reconstitution of the burgh, authorised under the Improvement Act, and all purposes applicable thereto;

(4.) For the alteration, reconstruction, improvement, maintenance and management of the roads within the burgh, (formerly statute labour roads,) transferred to and vested in the existing Commissioners under the fourth recited Act, and all other purposes applicable thereto, and for the alteration, reconstruction, improvement, maintenance and management of the roads within the burgh (formerly turnpike) transferred to and vested in the existing Commissioners by the second Tramway Act, and all other purposes applicable thereto;

(5.) For all charges and expenses incurred by the Commissioners as local authority in executing the Public Health Acts, and all purposes of or applicable thereto:

Provided always, that such estimate shall show the aggregate amounts payable by occupiers and owners respectively, and that the assessments to follow in respect thereof shall not exceed in the whole the sums after specified in the pound of the yearly rent or value, viz.: As regards the first head, the sum of one shilling and sixpence in the pound, as regards the second head the sum of sixpence in the pound, as regards the third head the sum of sixpence in the pound, as regards the fourth head the sum of sixpence in the pound, and as regards the fifth head the sum of threepence in the pound.

Assessments to be laid on.

33. Once a year, at some meeting in August or September, the Commissioners (being convened by a notice which shall state the object of the meeting) shall lay on an assessment or assessments upon the occupiers of all premises and lands and heritages within the burgh according to the valuation roll, made up and completed in terms of the Acts in force for the valuation of lands and heritages in Scotland for the time, subject to the exceptions herein-after provided, of the sums necessary to be levied for the several purposes aforesaid for the year then current, and shall fix a day on which the said assessment or assessments shall be payable, or may, in their discretion, fix two days, on the first of which days one-half of the said assessment or assessments shall be payable, and on the other of which days the other half of said assessment or assessments shall be payable, and shall (subject to the provisions of this Act) levy such assessment or assessments from the said occupiers accordingly;

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and the rate or rates of assessment and day or days so fixed shall be published by handbills posted in the burgh, and by advertisement in any local newspaper published and circulating therein, if any such there be, or otherwise in some local newspaper published and circulating in the county in which the burgh is situated.

Exemptions from assessments.

34. The Commissioners shall not assess any premises used solely for public worship, nor any buildings which are solely occupied for the purposes of religion, or of public charity, or of education, or which are exempted from county, burgh, parochial, or other local rates or cesses, by the provisions of an Act, passed in the session of Parliament, held in the sixth and seventh years of Her present Majesty, intituled "An Act to exempt from county, borough, "parochial and other local rates, land and buildings occupied by "scientific or literary societies."

6 & 7 Vict. c. 36.

Mode of imposing assessments.

35. Except as otherwise provided by this Act, all assessments shall be imposed and levied subject to the provisions of clauses 85, 88, 90, 91, 92, 93 and 94 of the Police Act, which are hereby incorporated with and form part of this Act.

Town clerk to allow collector access to valuation roll.

36. To enable the Commissioners to make up the assessment roll from the valuation roll, the town clerk of the royal burgh of Dundee shall be bound, without making any charge, to exhibit or give access to the valuation roll in his custody to the Commissioners, and the assessment roll shall be made up with all despatch after the meeting of the Commissioners at which the assessment or assessments are resolved upon; and the collector shall be the officer who shall prepare the assessment roll under the orders of the Commissioners.

Power to amend rates.

37. The Commissioners may from time to time amend any assessment or rate and the assessment roll, 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; but every such alteration shall be made within one year after the expiry of the year for, or applicable to, which the said assessment or rate shall have been fixed or laid on; 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.

Certain assessments and rates to be levied from owners.

38. 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 this Act with respect to the recovery of assessments and rates generally.

Discount on rates.

39. 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.

40. The Commissioners shall allow deduction of the annual assessments and rates leviable in respect of any premises or lands 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.

Notices, &c., may include other assessments.

41. In the notices or schedules issued by the collector with reference to the assessment or assessments under this Act, the collector may include notice of all or any other assessments leviable from the occupiers of lands and heritages within the burgh, or other parties liable therefor in terms of the provisions of any Act of Parliament in force for the time being.

Recovery of rates from persons removing.

42. 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.

Contribution from common good of burgh.

43. In the event of the royal burgh of Dundee being possessed of any free income arising from the common good of such burgh, after deduction of the interest of any debt which such burgh may

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owe, and also the necessary annual outgoings of such burgh, there shall be annually contributed from such free income such a reasonable proportion towards the purposes of this Act as the town council of such burgh, having due regard to the extinction of the capital of such debt, shall think just: Provided always, that if any six or more inhabitants liable in assessment under this Act shall think proper, such inhabitants may require by notice in writing, that the amount of such contribution shall be submitted to the decision of the sheriff, who is hereby required thereupon to repair to such burgh, and to inquire into all facts and circumstances which he may deem material, and to take in writing the statements of parties and such evidence as he shall think necessary, and such sheriff shall decide as to the amount of such contribution to be paid from the common good of such burgh, and such decision shall be recorded in the books of the burgh, and also in the books of the Commissioners: Provided also that in the event of any change of circumstances operating either towards the increase or diminution of the free income of such burgh, it shall be competent either to the town council or to the said inhabitants after the expiration of three years after the date of any such decision, or three years after the date of any after decision, to propose an amendment or rectification of the existing contribution; and in case of disagreement between the town council and inhabitants, the amount shall again be submitted to the decision of the sheriff; and the decision of the sheriff in both of the cases above mentioned, shall, subject to the foresaid proviso, be final and not subject to review.

Disposal of surpluses.

44. If any surplus of the assessment for general purposes under this Act, or any surplus of any other assessment under this Act, shall remain at the end of any year after the whole expenses for which such assessment was imposed and levied shall have been paid or provided for, every such surplus respectively shall be applied towards the same purpose in the year following, so that such assessment may be proportionally diminished; and if any such assessment for any year shall not be sufficient for the purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorised and required to make provision for the payment of such deficiency in the following and subsequent years, until the same shall be fully paid: Provided always, that the rates hereby authorised to be levied shall in no one year be exceeded.

Burgh exempted from county assessment for police purposes.

45. The burgh shall not be liable for any assessment for the police purposes of the county of Forfar, anything in any Act or Acts of Parliament to the contrary notwithstanding.

VI.—Appointment of Principal Officers and of Constables.

Incorporation of clauses of Police Act.

46. Clauses 109 to 113, both inclusive of the Police Act, are hereby incorporated with and form part of this Act.

Appointment of superintendent of police and of constables.

47. The Commissioners shall, from time to time, appoint at a fixed annual salary, a superintendent of police or chief constable, who shall not be removable or subject to have his salary diminished by the Commissioners, unless with the approbation of the chief magistrate of the burgh and the sheriff; or, in case of their differing in opinion, of Her Majesty's Advocate for the time being, and as often as the Commissioners shall fix the number of constables which they shall judge necessary for the burgh, the said superintendent of police or chief constable is hereby authorised and empowered to appoint proper persons for the duty, and to direct their distribution within the burgh, and to remove them at pleasure.

Magistrates may appoint a temporary substitute for superintendent.

48. The magistrates may, from time to time, appoint one of the lieutenants of police to be superintendent of police in the stead of the superintendent during his temporary absence, or his illness, with power to act in case of his death until the appointment of his successor.

VII.—Powers, Duties and Privileges of Constables and other Powers.

Incorporation of clauses of Police Act.

49. Clauses 115 to 125, both inclusive of the Police Act, are hereby incorporated with and form part of this Act.

Provision may be made for disabled constables.

50. The Commissioners may make suitable provision out of the assessments for any constable who may at any time be disabled or wounded, or for the family of any constable who may lose his life in the execution of his office; and in case of any such constable being so disabled or wounded as to be unable to perform his duty or losing his life as aforesaid, and the chief constable being thereby obliged to engage another person to supply his place, which he is hereby authorised to do, such constable so disabled or wounded, and the widow and children of any constable losing his life as aforesaid, in the event of his leaving a widow or children shall receive the ordinary pay or wages of such constable till the next meeting of the Commissioners, when the special circumstances of the case shall be reported, and the Commissioners shall give such orders respecting the same as to them shall appear proper.

VIII.—Special Constables.

Magistrates may appoint special constables.

51. For the purpose of aiding the constables appointed by the superintendent of police on occasions of emergency, and suppressing

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or preventing any tumult or riot that may take place, or be reasonably apprehended, the magistrates may, from time to time appoint any of the proprietors or occupiers of lands or heritages or other persons residing within the burgh between the ages of twenty-five and fifty to act as special constables and may recall such appointment at pleasure, and the special constables so appointed shall have the same powers and privileges as constables of police appointed and acting under this Act: Provided always, that no such special constable shall act unless lawfully provided with a constable's baton.

Roll of special constables to be kept.

52. A roll of the names and addresses of all special constables shall be kept by the superintendent of police, and the expenses of providing them with batons, or otherwise equipping, training and employing them, shall be paid by the Commissioners.

Special constables on duty to be under superintendent of police.

53. Every special constable shall, when on duty, be under the direction of the superintendent of police, but the magistrates may make such regulations for their organisation and training as they think proper.

IX.—Lighting.

Lighting of streets, &c.

54. The Commissioners shall make provision for lighting in a suitable manner all the streets, within the burgh, and provide, erect and maintain such lamps, lamp-posts, lamp-irons and other appurtenances, as may be necessary for that purpose, and enter into contracts for lighting and cause to be lighted, such lamps by means of gas, or such other light as they may find expedient, and the Commissioners are hereby authorised to order the lamp-posts, lamp-irons and lamps to be fixed either upon the sides of the causeways, streets and roads, or upon the curb stones of the pavements or footways, or at or upon the rails, or in or upon the walls or buildings on the sides of the streets as they shall think proper, without being liable to any claim for compensation thereanent.

Cost of lighting streets to be fixed by arbitration failing arrangement.

55. If the Commissioners and the owners of any works authorised by Act of Parliament to supply gas or other light within the burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the terms and conditions of the supply, and as to the price to be paid for such supply, then such terms and conditions and price shall be settled by arbitration, and for that purpose the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the settlement of disputes by arbitration, shall be and are hereby incorporated with this Act; and the expression "undertakers" in the said Act shall, in reference to this Act, mean the Commissioners.

Incorporation of clauses of Police Act.

56. Subject to the provisions of this Act clauses 127, 128, 130 and 131 of the Police Act are hereby incorporated with and form part of this Act.

Commissioners may remove, &c., lamp posts, &c., where not lighted according to regulations.

57. If the Commissioners shall have given permission to any person to erect any lamp-posts, lamp-globes, gas fittings or other articles, and if any such lamp-posts, lamp-globes, gas fittings or other articles erected by any such person shall not be kept lighted or otherwise disposed of according to the orders or rules or regulations of the Commissioners, the Commissioners may take possession of or remove such lamp-posts, lamp-globes, gas fittings or other articles as they shall deem proper, without compensation being made therefor: Provided always that any such lamp-posts, lamp-globes, gas fittings or other articles so removed shall be delivered up to the owner thereof, in the event of his claiming the same, within six months after such removal, and paying all costs and expenses attending the removal and preservation of the same.

X.—Cleansing.

Incorporation of clauses of Police Act.

58. Clauses 132 to 145, both inclusive of the Police Act, are hereby incorporated with, and form part of this Act: Provided always that the streets therein mentioned are, and shall be, the streets specified in the interpretation clause of this Act, and that the word "company" in clause 136 of the Police Act shall be held to mean and include Commissioners.

Regulation to prevent accumulation of dung, &c.

59. No dung of any stable or byre shall be continuously accumulated within the burgh for a period exceeding twenty days, and no dung of any stable or byre shall at any time be allowed to accumulate within the burgh for more than fourteen days after a quantity exceeding two tons has been collected in any place not being a farmyard or not allowed by the Commissioners; and in either case any such dung, if not removed within forty-eight hours after notice from any officer of the Commissioners for that purpose, shall become the property of the Commissioners, and they or any person with whom they have at that time any subsisting contract for the removal of refuse, may enter upon the premises and remove the same, and may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of this Act.

As to laying down dung on fields, nursery or garden grounds.

60. Nothing in this Act contained shall have the effect of prohibiting any person laying down dung on any field, nursery or garden ground for the purpose of manuring the same: Provided always, that if in any case the medical officer shall certify that the

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manure so laid down in any place within the burgh is offensive or prejudicial to health, the magistrates may order such manure to be removed or otherwise disposed of forthwith, and every person failing to comply with such order shall be liable to a penalty not exceeding five pounds, and the magistrates may order the forfeiture of such manure if they shall see fit.

Stagnant pools of water and other annoyances to be removed.

61. No person shall suffer any waste or stagnant water to remain in any cellar or other place within any premises belonging to or occupied by him within the burgh, so as to be a nuisance, and every person who so suffers any such water to remain for forty-eight hours after receiving notice from the Commissioners to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which such nuisance continues; and the Commissioners may, in the event of such person failing to comply with such notice, drain and cleanse out any stagnant pools, ditches or ponds of water within the burgh, and abate any such nuisance as aforesaid, and for that purpose may enter by their officers and workmen into and upon any premises within the burgh at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence or occupying the premises whence such annoyance proceeds, and if there be no occupier, by the owner of such premises, and shall be recoverable as damages.

XI.—Paving and Maintaining Streets.

Powers of Commissioners over streets and the improvement thereof.

62. The Commissioners may from time to time cause all or any of the streets within the burgh or any part of such streets respectively to be raised, lowered, altered and formed in such manner and with such materials as they think fit, and they may also, from time to time, with such materials and in such manner as they think fit, cause any footways for the use of passengers in or by the sides of any such streets to be formed and constructed, and they may likewise cause such streets and footways to be repaired from time to time: Provided always that if it be necessary for any of the works by this section authorised to alter the level of any street, or fix the level of any street which may not have been previously levelled, the Commissioners may and shall be entitled to do so and that in such way and manner, and to such extent as they may from time to time find necessary or expedient, but before doing so they shall give

Levelling of streets.

public notice of their intention twenty-eight days at least by public notice put up or exhibited at or on each end of such street: And any abutting owner feeling himself aggrieved by any proposed alteration of level may appeal to the sheriff, who shall hear and determine the subject of said appeal as herein-after provided for, and in the case of any alteration of level the Commissioners may at any time allow, or the sheriff shall in pronouncing judgment on said appeal, or upon the complaint of any party aggrieved, presented to the sheriff within one year after any alteration of level shall have been actually made, order the Commissioners to pay compensation of such amount as may be right should any lands or houses of any abutting owner be injuriously affected by the altered level.

Frontage proprietors to provide footways in front of their properties.

63. The owners of all houses and other buildings, or of gardens, yards, grounds 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, shall, where the same has not hitherto been executed, cause, at their own expense, when required by the Commissioners, footways before their property respectively, on the sides of the said streets, squares or other public or principal places, to be made and to be flagged, asphalted, concreted, or otherwise constructed as the Commissioners shall desire and require, and of such breadth as the Commissioners shall direct; and, in case any such owner shall refuse or neglect or delay so to do, within fourteen days after notice has been given to him by the Commissioners, it shall be lawful for the Commissioners to cause the work ordered to be done to be executed, and the expense incurred by the Commissioners in respect thereof shall be repaid to them by such owners, and upon the said footways being made and flagged, asphalted, concreted, or otherwise constructed as aforesaid, the same shall thereafter be repaired and upheld by the Commissioners.

Commissioners may compel owners of lands abutting on streets to make good the same.

64. The Commissioners may require the owners of lands abutting on any street which has not been hitherto well and sufficiently paved or otherwise made good by such owners or their predecessors, to cause such street or the parts thereof not so paved or otherwise made good, to be paved or otherwise made good in such manner as the Commissioners shall direct, and in the event of such owners not complying with such requisition within one month after notice has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such street, or the parts thereof not so paved or otherwise made good, to be paved or otherwise made good in such manner as they shall think fit, and the expenses incurred by the Commissioners in respect thereof, shall be repaid to them by the owners of the lands abutting on such street or such parts thereof as

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have not been theretofore well and sufficiently paved or otherwise made good, and after such street shall have been paved or otherwise made good by the owners as aforesaid, it shall be repaired by the Commissioners out of the assessments levied under this Act.

Expenses incurred by Commissioners in making good streets to be a real debt on lands and property.

65. All expenses incurred by the Commissioners in case of the owners of property failing to execute the works under or in terms of the two immediately preceding sections, shall be and become a real debt and burden on and against the lands and property of the defaulting owner in respect of which such expenses were incurred as from the time when the works are commenced, but as against bonâ fide singular successors or heritable creditors only for three years from the date when the same shall be respectively payable: Provided always that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties: Provided further that the Commissioners shall be bound, on demand, to issue, under the hands of their treasurer, to any person demanding the same, a certificate showing at the date thereof the amount of such expenses, if any, and the date when such amount was payable as aforesaid.

Provisions as regards roads formerly turnpike or statute labour.

66. Provided always as regards all owners of properties abutting on, or fronting any road formerly a turnpike road, or a statute labour 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 such 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 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 assessments raised under the fourth head of section thirty-two of this Act; wherever the land along the sides of any such 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 foot-

ways 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 such 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 such 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 further, that nothing contained in this Act shall impose on the owners of lands and heritages fronting or abutting on any such road, viz.: any road formerly a turnpike road, or a statute labour road any liability to pave, flag, or otherwise make good the carriageway of such road.

Power to Commissioners to name streets.

67. The Commissioners may from time to time fix and alter the name by which each street shall be distinguished, and the surveyor shall cause such name to be put up or painted on a conspicuous part of some house, building or place at or near each end, corner or entrance of such street; and every person who destroys, pulls down or defaces any such name, or puts up any other, shall be liable to a penalty not exceeding forty shillings for every such offence.

Numbers of houses to be renewed by owner.

68. The owners of houses and other buildings on or by the sides of streets shall from time to time mark their houses with such numbers as the Commissioners direct or approve of, and shall renew such numbers as often as they become obliterated or defaced; and every such owner who fails, within one week after notice for that purpose from the Commissioners, to mark his house with a number directed or approved of by the Commissioners, or to renew such number when obliterated or defaced, shall be liable to a penalty not exceeding forty shillings: Provided always that if the numbers on

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houses or other buildings be required to be altered through or by any act or deed of the Commissioners, the Commissioners shall themselves be at the cost of such alteration and of any new numbering of such houses or buildings.

Commissioners may allow buildings to be set forward.

69. The Commissioners may allow, upon such terms as they think fit, any building within the burgh to be set forward for improving the line of the street in which such building is situated, and in the case of a new building proposed to be erected, they may order such building to be set forward as aforesaid.

Power to Commissioners to convey portions of streets to adjoining proprietors.

70. The Commissioners may, upon such terms as they think fit, convey any portion of a public street to the proprietor of any land or heritage adjoining it, for the purpose of obtaining a uniform line of frontage, and of improving such street.

Power to Commissioners to purchase lands to improve streets.

71. The Commissioners may by agreement with the owners, lessees and occupiers, purchase any land or heritage or any part thereof, for the purpose of widening, enlarging, extending, or otherwise improving any of the public streets, and they may re-sell any parts of the land or heritage so purchased not required for the said purposes.

Commissioners may allow tunnels, &c.

72. The Commissioners may, on such terms and for such consideration as they may from time to time fix, allow any person or persons to make tunnels under or through, or to erect or project wires, tubes or other apparatus over, under or above any street within the burgh.

Incorporation of clauses of Police Act.

73. Clauses 147, 148 and 163 to 168, both inclusive of the Police Act, are hereby incorporated with and form part of this Act.

XII.—Laying out New Streets.

Notices and plans, &c., of new streets.

74. Every person who intends to make or lay out any new street within the burgh shall, fourteen days at least 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 coloured plan (with a duplicate copy or tracing thereof on cloth) of the intended new street, drawn on such scale as the Commissioners shall order or approve of, and a coloured section (with a duplicate copy or tracing thereof on cloth) also drawn on such scale or scales as the Commissioners shall order or approve of; and such plan shall show thereon 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 proposed levels 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 on cloth, 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.

75. The Commissioners shall approve or disapprove of every proposed new street within twenty-eight 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.

Powers of Commissioners as to laying out of new streets.

76. 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, and how and with what materials such carriageway and such footway shall be paved and flagged or otherwise made good.

Commissioners in certain cases may open up new streets.

77. Whereas it may happen that the whole or part of the ground on the line of a new street will remain for a time unfeued or unbuilt upon, and it is expedient to encourage the opening up of streets that might be or become main thoroughfares for the public use: Therefore, upon the approval of any new street becoming final, or at any time thereafter, and in the event of such new street not being opened up and paved, flagged or otherwise made good to the satisfaction of the Commissioners by the owners or others interested, in whole or in part, it shall be lawful for the Commissioners to open up and make any such street in whole or in part according to its approved lines and levels, and that either temporarily or permanently as to the Commissioners may seem proper, and to advance and pay ad interim the expense of so doing in so far as effeiring to vacant or unfeued ground, subject to relief from the feuars or other persons erecting buildings along such street when and as the same are erected: Provided that so soon as buildings are erected along such street, the Commissioners shall be entitled to charge the expense advanced by them without interest thereon, against the feuars or other persons erecting buildings thereon respectively, proportionally to the length of the frontages of their feus or properties along such street, as such proportions of expense, without interest thereon, shall be certified by the treasurer, and said expense, without interest thereon, may be recovered in the same way and by the same means as any assessments levied under this Act: Provided further, that should any such street be only temporarily laid out by the Commissioners, the said feuars or other persons erecting buildings shall, in

A.D. 1882. proportion to the length of their frontages respectively, be also bound to pave and flag or otherwise make good such street to the satisfaction of the Commissioners as and when required by the Commissioners, and after such street shall have been paved, flagged or otherwise made good as aforesaid, it shall be maintained and repaired by the Commissioners out of the assessments levied under this Act.

Penalty on persons laying out new streets without approval of Commissioners.

78. If any person proceeds in the making or laying out of any new street without having given the notice 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 notice 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.

Streets to be laid out before building can be commenced.

79. Before any buildings shall be commenced in any new street, such street shall be laid out in whole or in part, and paved or flagged, or otherwise made good 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 exceeding forty shillings for each day that shall elapse before such street is laid out in whole or in part, and paved and flagged, or otherwise made good as aforesaid.

Incorporation of clauses of Police Act.

80. Clauses 174 to 179, both inclusive of the Police Act, are hereby incorporated with and form part of this Act.

XIII.—Public Sewers.

Sewers, &c., with certain exceptions,

81. All sewers and drains within the burgh, whether existing at the commencement of this Act or at any time thereafter,

(excepting sewers and drains within the private property of any person, made and used as of private right by any person for his own benefit,) shall remain vested, and vest in and belong to, and be entirely under the management and control of the Commissioners. A.D. 1882. vested in Commissioners.

82. The two drainage districts into which the burgh is now divided are and shall be abolished, and the burgh shall be and be treated as one drainage district. Burgh formed into one drainage district.

83. The Commissioners may from time to time cause to be made and maintained in and under any streets, or elsewhere within the burgh, such sewers and drains as may be necessary for the effectual draining of the burgh, or any portion of it, and shall also cause to be made and maintained all such reservoirs, sluices, engines and other works as shall be necessary for working or cleansing such sewers and drains, and if needful they may carry such sewers and drains through and across any enclosed or other lands, making full compensation to the owners and occupiers thereof, and through or under any underground buildings, areas, cellars and vaults, making full compensation for any damage done, which compensation in case of dispute shall be ascertained in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts, and the Commissioners may also cause such sewers and drains to communicate with and empty themselves into the sea or any tidal waters, and they shall have right of access for maintenance of all such sewers and drains, making compensation for any damage done. Power to Commissioners to construct sewers and drains.

84. Wherever any watercourse, burn or ditch within the burgh (including such as may form any portion of the boundary of the burgh) shall have come to be used as a sewer by the introduction into the same of foul and offensive matter, whereby a nuisance in the sense of the Public Health (Scotland) Act, 1867, shall, in the opinion of the Commissioners, have arisen, they may, after advertisement for two weeks in two newspapers published within the burgh, declare such watercourse, burn or ditch to be a sewer in the sense of this Act, and such watercourse, burn or ditch shall be subject to all the provisions with regard to public sewers contained in this Act: Provided always, that it shall be competent to any person claiming right in such watercourse, burn or ditch, within fourteen days after such declaration, to appeal to the sheriff on the question of such watercourse, burn or ditch being a nuisance as before mentioned, and such sheriff shall hear parties on such appeal, and shall dispose of the same in a summary way, and his decision shall be final and not subject to review or appeal. Watercourses, &c., which have become sewers.

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Commissioners may alter, &c., sewers.

85. The Commissioners may from time to time repair, enlarge, alter, deepen, divert, arch or cover over, and otherwise improve all or any of the sewers or drains vested in them; and if any of such sewers or drains at any time appear to them to have become useless they may fill up and discontinue such sewers or drains or any portion thereof; and the Commissioners may cause pipes to be laid along the course of such sewer as they shall determine, and carry such sewer into or through any enclosed or other lands in order to make junctions with existing sewers, making compensation to the owners and occupiers thereof, which compensation in case of dispute shall be settled in the same manner as compensation for land to be taken under the Lands Clauses Acts is directed to be settled.

Where works for sewage provided, streams not to be polluted.

86. Whenever the Commissioners shall have caused pipes or other works to be laid in or along any stream, burn, ditch or watercourse within the burgh for the purpose of intercepting and conveying away the sewage which would otherwise flow into and pollute the same, it shall not be lawful for any person to introduce into any part of such stream, burn, ditch or watercourse, within the burgh along which such pipes are laid, any sewage or other offensive matter or thing from any source; but the Commissioners are by this section authorised and required to allow junctions to be made with such pipes or works for the purpose of drainage of any lands and heritages which would naturally fall towards or into such stream, burn, ditch or watercourse, on such terms as they may arrange with the persons requiring such drainage, and failing such arrangement, on such terms as may be fixed by the sheriff; and the sheriff is by this section required to hear and determine any questions affecting such drainage that may be submitted to him: and every person who shall infringe the provisions of this section shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding one pound for each day during which such infringement shall be continued.

Authorised junction to be made.

87. In order to effect a junction with any sewer or drain within the burgh vested in the Commissioners, permission shall first be obtained from the Commissioners, and the person proposing to effect such junction shall pay the Commissioners for making such junction according to a scale of rates to be fixed from time to time by the Commissioners.

Ventilation of sewers.

88. The Commissioners may arrange with the owner or occupier of any manufactory, gas work, brewery or other premises having furnaces and chimney shafts so situated as to be available for the ventilation of the adjacent sewers and drains for such ventilation;

and the Commissioners are hereby authorised and empowered to acquire, by agreement, lands and heritages, and to construct all ventilating shafts, furnaces, and other works which may be found necessary from time to time for the efficient ventilation of all sewers and drains, and for that purpose may fix such ventilating pipes or shafts on or against such houses or buildings, as to them may seem proper, and as may be agreed on, making compensation to the owners of such houses or buildings.

Commissioners to give notice before making or altering sewers.

89. Twenty-eight days at the least before making any sewer or drain where none was before, or altering the course or level of or abandoning or stopping any sewer or drain, the Commissioners shall give notice of their intention by posting a notice in a conspicuous place in which such work is to be undertaken, and at each end of every street through or in which it is intended to pass, and by giving notice to any gas or water company, trust or incorporation privileged to lay pipes, which notice shall set forth the name or situation of the street or court through or near which it is intended that the new sewer or drain shall pass, or the existing sewer or drain be altered or stopped up, and shall refer to the plans of such intended work, and shall specify a place where such plans may be seen, and a time and place where all persons interested in such intended work may be heard thereupon.

Proceedings in objections.

90. The Commissioners, or a committee of their number appointed for the purpose, shall meet at the time and place mentioned in the notice referred to in the last section, to consider, in the presence of the surveyor, any objections made against such intended works; and any person whose property is proposed to be passed through, or which, if the works were executed, would be injuriously affected thereby, shall be entitled to be heard before the Commissioners or a committee at such meeting; and thereupon the Commissioners or such committee may decide to proceed with, abandon or make such alterations in the said intended works as they may judge fit: Provided always, that any gas or water company, trust or incorporation authorised to lay pipes, or any party interested, dissatisfied with such decision, may at any time within seven days after the date thereof appeal to the sheriff against the same, and the work so appealed against shall not be begun until after the judgment of the sheriff upon such appeal, and the sheriff shall hear and determine the matter of the appeal, and shall make such order thereon, and award such costs to either party as he shall think fit.

Penalty for opening or injuring sewers.

91. Every person who, without the license of the Commissioners, shall make any opening into any sewer, or who shall destroy or injure any sewer or any of the works of the Commissioners, shall

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for every such offence be liable to a penalty not exceeding ten 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.

Penalty on persons causing obstruction of drains.

92. Any person who throws or permits to fall into any sewer or drain any cinders, ashes, bricks, rubbish, fibrous material, wood, stone, earth, sand, shell or other like substance, or causes or permits to flow thereinto any lime washings or other refuse by which the sewer or drain may become blocked up or obstructed, or discharges, or causes or allows to be discharged into any sewer or drain any gas, steam or liquid which would injure such sewer or drain, or which from its temperature or otherwise would be injurious in a sanitary point of view, shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding one pound for every day during which the offence continues after expiration of twenty-four hours from service of notice thereof on him by the Commissioners; and the Commissioners may remove and replace any damage caused thereby, and recover summarily the expenses of so doing from the offender.

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

93. All grants and easements made to, or other rights vested in the existing 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 existing Commissioners shall remain valid and operative in favour of the Commissioners, 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.

94. 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 Acts recited in the Improvement Act, or of that 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.

95. 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.

96. 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.

97. 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.

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

98. 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.

99. 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.

100. The Commissioners shall cause all sewers and other works to be so constructed, covered and kept as not to be or to create a nuisance or be injurious to health.

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Commissioners not to be exempt from proceedings for nuisances.

101. 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.

Notice to be served before breaking up public roads.

102. Before any public road shall be opened or broken up by the Commissioners for any of the purposes of this part of the Act, they shall give to the persons under whose control or 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.

103. Every such road shall be opened or broken up under the superintendence of the persons 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.

104. 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.

105. 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.

Incorporation of clauses of Police Act.

106. Subject to the provisions of this Act, Clauses 183, 189, 191, 192, 193, 194 and 195 of the Police Act, are hereby incorporated with and form part of this Act.

XIV.—Buildings.

New buildings.

107. 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 ceiling 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. Providing 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 under this Act.

Measurement of front elevation.

108. 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.

109. No dwelling house to be occupied separately 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: Provided always that when any such building is to be erected on the side of or abutting on any street the width whereof exceeds fifty feet, the Commissioners may allow one additional storey in height.

Height of rooms.

110. 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,

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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, or as regards the attics of any new building of a public character.

Windows in rooms.

111. 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.

Lighting, &c. of public buildings.

112. 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.

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

Ventilation of buildings.

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

Only one storey in roof.

115. There shall not be more than one habitable storey in any part of the roof of any new house, except in public buildings when the Commissioners may, in special circumstances and in their discretion allow more.

Pipes to be approved by Commissioners.

116. 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.

117. 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.

Provisions against fire.

118. With regard to new buildings, the following provisions shall apply: The joists under every hearth shall be bridled, and where practicable the hearth shall be supported by a brick arch under its whole area, or be otherwise constructed or supported as the Commissioners think fit. Every fire-place shall have jambs projecting at least to the flush of the plaster work. No joist shall be inserted into a wall nearer to the chimney than twelve inches.

Restrictions as to steam pipes and funnels for conveying smoke.

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

Preventing building on ground filled up with offensive matter.

120. 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 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.

121. Every person who intends to erect any new building within the burgh shall, four days next before some meeting of the works'

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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 saloons, water-closets, privies, cesspools, ashpits, house drains and wells, if any, and the elevations of such building, and all out-buildings or erections intended to be erected or to be used with such building; and such plans and sections shall be accompanied by a coloured duplicate copy or tracing thereof on cloth 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 out-buildings on the properties immediately adjoining, the width and level of the street and 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.

122. 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.

123. 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.

124. 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.

125. The outside of every roof or flat of every new building, and of 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.

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

New buildings in streets.

127. Where any person, after the commencement of this Act, erects any new 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 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: Provided further that the foregoing provision as to compensation shall not apply to lands or buildings abutting on roads formerly statute labour or turnpike, but the provisions in all Statute Labour and Turnpike Road Acts, as regards the erection or keeping back of walls or buildings from the centre of any such statute labour or turnpike road, or as regards the height of walls or buildings adjoining the same in force within the burgh at the passing of this Act shall continue to be operative and applicable to such roads and to lands or buildings abutting on such roads and the owners thereof;

(3.) In case any person after the commencement of this Act erects or rebuilds any house or building, contrary to a requisition made by the Commissioners or their surveyor in terms of sub-section (1) of this section, the Commissioners may, within

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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.

128. 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 or falls 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.

129. 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 shall 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.

130. 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, ash pits, 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: Provided also that if in any new building the ground floor is designed for and to be occupied as shops or business offices, the Commissioners shall, notwithstanding that the building otherwise is intended to be used as a dwelling house or for dwelling houses, permit the erection of saloons or warerooms in connexion with such shops or offices and immediately behind the same, unless where on account of special circumstances they resolve otherwise on grounds and for reasons to be stated in their order or deliverance, but the level of the ceiling of such saloons or warerooms shall in no case exceed in height the level of the ceiling of such shops and offices, and the height and construction of the roof shall be in accordance with the requirements of the Commissioners and the roof shall in no case contain any room or place for habitation or use.

Continuance of open space.

131. 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.

132. 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.

Excavations to be drained.

133. Before commencing and during the erection of any building, the owner or builder shall carry off from the lowest excavations for or basement of such new building all the water capable of being carried off and shall prevent such water from flowing into the basement or cellars of any adjoining or neighbouring buildings or into the walls thereof; and if any person acts in contravention of this section he shall be liable to a penalty not exceeding forty shillings and to a further penalty not exceeding twenty shillings for each day during which the offence continues after the expiration of forty-eight hours from service of notice on him by the Commissioners.

Prevention of lock-up shops, &c.,

134. Where in the plan of a building submitted to and approved by the Commissioners a building is described as a lock-up shop,

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being used for habitation.

workshop, shed or place of business, the use thereof or of any part thereof for the purposes of habitation by any person other than a caretaker shall be an offence against this Act, and shall be deemed to have been committed on the day when the user thereof is first detected. The provost may from time to time by warrant under his hand, authorise the surveyor, medical officer or any officer, to enter at any time into and examine any building suspected of being so used. If any person obstructs the surveyor or such officer so authorised in his entry or examination he shall be liable to a penalty not exceeding five pounds.

Powers of inspection.

135. 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.

136. Within one month after any new building has been completed, the owner shall give notice to the surveyor, and such surveyor shall forthwith proceed to survey such building, 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.

Penalties relative to buildings, &c.

137. 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 or sanitary arrangements 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 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; 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.

Buildings unfit for human habitation.

138. 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.

Regulations as to lodging houses.

139. 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.

XV.—Drainage of Houses.

Incorporation of clauses of Police Act.

140. Clauses 199 to 201, and 206 to 208, all inclusive of the Police Act, are hereby incorporated with and form part of this Act.

Drainage of buildings.

141. 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 by the owners thereof in the most effectual manner practicable, subject to the approval of the Commissioners: Provided that nothing herein contained shall enable the Commissioners to order any owner to

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construct or provide additional drainage applicable to any houses or buildings, the plans and sections of which have been or may be approved of by the Commissioners.

Construction of drainage.

142. The drains of all houses and buildings shall be laid with water-tight joints, and shall consist of glazed stoneware or fire-clay pipes, or other equally suitable material in the judgment of the Commissioners, and shall be constructed at such gradients or with such falls and otherwise, and be trapped and connected with the sewers in such manner as the surveyor directs, and shall not be covered until the surveyor by written order so allows, or until seven days after notice served on the surveyor.

Ventilation of house drainage.

143. 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, or other sufficient traps approved of by the Commissioners, which shall also be properly ventilated as above directed, and with the exception of those of water-closet soil pipes shall, as regards all houses and buildings to be erected after the passing of this Act, be made to discharge into a trap and have no direct connexion with the drains.

Drainage of subsoil, &c.

144. The house drainage shall be so constructed either with additional earthenware pipes or otherwise as to drain the subsoil of the buildings and grounds thereto attached and prevent dampness of the same and injury to health, and all rain-water shall be so drained or conveyed from the roofs and other parts of buildings and grounds, as to prevent its dripping on to the ground and causing dampness in the walls or grounds or being a nuisance to occupants and passengers.

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

145. 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, ash pit 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.

Commissioners may put in branch drains at the expense of owners of houses.

146. Where a main or other sewer has been constructed by the Commissioners for the general sewerage or drainage of the premises in any street, the Commissioners may construct and lay branch drains of such size at such level and with such fall as they think proper from such premises into such sewer, or may divert any drain existing at the time of completion of such sewer and connected with such premises so that the same may discharge into such sewer. All expenses incurred by the Commissioners in the execution of this section shall be repaid to the Commissioners by the owners of such premises, each owner contributing in proportion to the length of drain laid down for him, and such proportion shall be ascertained and determined by the surveyor.

Power to construct drain in substitution of mal-constructed drain.

147. Where any person has been convicted of causing a house to be erected or built, or any drain to be constructed in contravention of this Act or of the Public Health Acts, the Commissioners may cause such drain or drains to be laid, re-laid or amended or re-made, as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

XVI.—Soil Pipes, Water-Closets, &c.

Incorporation of clauses of Police Act.

148. Clauses 210 to 215, both inclusive of the Police Act, are incorporated with and form part of this Act: Provided always, that the expression "the magistrates" where occurring in any of said clauses shall mean the Commissioners.

Construction of water-closets, &c.

149. The situation, dimensions, materials and construction of every water-closet or dry closet and privy shall be subject to the approval of the Commissioners, and every water-closet, dry closet, or privy shall be sufficiently lighted and 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: Provided always that nothing herein contained shall enable the Commissioners to order any owner to alter the design or construction of any water-closet, dry closet, or privy, which they may have approved of previous to the passing of this Act, or which they may approve of under the provisions of this section.

Construction of cesspools, &c.

150. A cesspool shall not be allowed for a new house except when unavoidable, in which event it shall be constructed in such

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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 otherwise covered over, and have a current of fresh air conducted by pipe or shaft thereinto, 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 ash pits, &c., and use of same.

151. The situation, dimensions, materials and construction of every ash pit 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 ash pits shall be cleaned out and (not being the receptacle of dry ashes only) flushed by the scavengers at each visit: Provided further, that if any person not being the owner or occupier of the house or premises to which any ash pit belongs or is attached, shall deposit or use the said ash pit for the deposit of ashes or dry refuse, or any other matter or thing, such party shall be guilty of an offence and on conviction thereof liable to a penalty not exceeding forty shillings.

Buildings not to be without water-closets or privies and ashpits approved by Commissioners.

152. 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 water-closet or dry closet, or privy, or ash pit approved of by the Commissioners, or has a water-closet, or dry closet, or privy, or ash pit out of repair, or insufficient, 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 water-closet or dry closet, or privy, or ash pit, 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 water-closets or privies to be constructed as they may think necessary.

Owners to remove cesspools after notice.

153. 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 tho contents thereof.

Power to enforce conversion of privies into water-closets.

154. Where any privy, ash pit or cesspool is certified by the medical officer to be prejudicial to health, or in a bad state of repair, or to be so situate that the removal of refuse therefrom is prejudicial to health, the Commissioners may, by written notice, require the owner of the same within a reasonable time to be specified in the notice to repair, alter or cleanse such privy and

ash pit, or to convert the same into a water-closet or earth-closet, and to repair, alter or cleanse such cesspool, as the case may require, to the satisfaction of the Commissioners; in default of the execution of the work specified in such notice the Commissioners may do the work required to be done, and may recover the expenses incurred by them in so doing from the owner.

Privies, &c., to be provided in factories.

155. Where it appears to the Commissioners upon the report of the medical officer or of the surveyor or sanitary inspector that any factory, shop, office or workshop is insufficiently provided with privy accommodation for the persons employed therein, and it is practicable to provide the same, the Commissioners may, by written notice, require the owner or occupier thereof, or if such factory, shop, office or workshop be let for a less term than from year to year, at any rent not exceeding fifteen pounds per annum, the owner thereof to provide so many sufficient water-closets, earth-closets or privies and urinals, and in such suitable position as the Commissioners shall think fit; any such owner or occupier who makes default for the space of one month in complying with the requirements of such notice shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which the default is continued.

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

156. The Commissioners may order the owner or occupier of any inn, public house, beer house, 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 water-closets and urinals, one or more, 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.

157. 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.

Power to Commissioners as to

158. The Commissioners may provide or erect in any street or public place, or on or under land belonging to or leased by them,

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water-closets, &c.

water-closets, urinals and lavatories for the use of the public, and may charge for the use of such water-closets and lavatories such sum as they may think proper, and the Commissioners may make regulations for the management of water-closets, urinals and lavatories, and for the conduct of the persons using the same. They may also lease the same.

XVII.—Surveys and Plans.

Incorporation of clauses of Police Act.

159. Clauses 228 to 232, both inclusive, of the Police Act are hereby incorporated with and form part of this Act.

Plans, &c., of buildings may be inspected.

160. All plans and sections or duplicate plans and sections of buildings, streets, sewers and other works furnished to the Commissioners, and left with them under any of the provisions of this Act, shall be open to inspection by any conterminous owner at all reasonable times without fee or reward in the office of the surveyor.

XVIII.—Precautions during Repairs and Ruinous or Dangerous Buildings and Places.

Incorporation of clauses of Police Act.

161. Clauses 233 to 247, both inclusive of the Police Act, are hereby incorporated with and form part of this Act.

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

162. 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, step, stairs, chimney stack, fence, wire, post, structure, excavation, place, stream, well, reservoir, pond, quarry or quarry hole, well, dam, open space or other thing is, in the opinion of the Commissioners, for want of sufficient repair, protection or enclosure, a cause of danger to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or footpath, or through any lands 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 take down, repair, protect, or enclose the same so as to prevent any danger or nuisance 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, or if the owner is not known and cannot after due enquiry be found, the Commissioners may, on

the expiry of the period in the order prescribed, cause such works as they think proper to be done for effecting such taking down, 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 this 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, for the worth or value thereof, 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;

(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.

Streets may be stopped up during repairs, &c.

163. The Commissioners may stop any street and prevent the same being used as a common passage or thoroughfare for a reasonable time during the construction, alteration, repair or demolition of any sewer or drain or other work on, in, or under any street, or for the purpose of paving or macadamising or repairing any street.

XIX.—Nuisances and Obstructions in the Streets.

Incorporation of clauses of Police Act.

164. Clauses 248 to 258, both inclusive of the Police Act, are incorporated with, and form part of this Act.

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Offences and penalties.

165. Without prejudice to clause 251 of the Police Act, every person who commits any of the following offences shall be liable to a penalty not exceeding forty shillings, or in the discretion of the magistrate before whom he is convicted, to imprisonment for any term not exceeding thirty days, that is to say:—

(1.) Every person who writes or draws any profane, indecent, obscene or offensive word, character, figure or representation on any common stair or the walls thereof, or on any common passage or the walls bounding the same, or on any building, wall, fence, hoarding or other erection in any common court;

(2.) Every person who affixes to any house, building, wall, board or public urinal, water-closet or lavatory, or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature, or referring to any disease of a loathsome or secret kind, or to any cure for any such disease;

(3.) Every person having the care of any waggon, cart or carriage who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart or carriage under his care.

Penalty for being drunk, &c.

166. Every person drunk in any street and guilty of any riotous or indecent behaviour therein, and also every person guilty of any violent or indecent behaviour in any police office or any police station house within the burgh, shall be liable to a penalty not exceeding forty shillings for every such offence, or, in the discretion of the sheriff or magistrate before whom he is convicted, to imprisonment for a period not exceeding seven days.

Penalty for betting in streets.

167. Any three or more persons who, to the annoyance of the inhabitants or passengers assemble together in any street or open place within the burgh for the purpose of betting, shall be deemed to be obstructing the street or open place, and each of such persons shall be liable to a penalty not exceeding forty shillings.

Cabmen's shelters.

168. The Commissioners may authorise suitable erections for the use, convenience and shelter of drivers of hackney carriages, omnibuses and tramway cars or of carters to be placed in such of the streets of the burgh as they may think fit, and may make regulations for the management and use of such places, and the conduct of the persons resorting thereto.

Shoeblack stands.

169. The Commissioners may authorise suitable moveable stands for the purpose of enabling persons to follow the occupation of shoeblacks, to be placed in such streets as they may think fit, and

they may make regulations for the conduct of such persons, and the user by them or the public of such stands.

Statues and drinking fountains.

170. The Commissioners may from time to time erect, place and maintain, or permit and allow to be erected, placed, and maintained in any street or public place any monument, ornamental drinking fountain or trough as they think fit, and if any person damages, defaces, or makes any mark on the same, or on any work appurtenant thereto, or pollutes, or makes unfit for drinking by man or animal, water in any such fountain, or trough, or washes in, or permits to enter into that water any dog or other animal under his charge or accompanying him, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Commissioners' powers of regulating traffic.

171. The powers of the Commissioners, and also of the magistrates, as regards the regulation of traffic on streets and the route to be observed by all carts, carriages, horses and persons, and for preventing obstructions of streets under clause 248 of the Police Act by this Act incorporated shall apply to all occasions and to all times the Commissioners or the magistrates may consider proper and necessary for the safety of the public or the peace of the neighbourhood.

XX.—Prevention of Fraud and Offences against Good Conduct.

Incorporation of clauses of Police Act.

172. Clauses 259 to 277, both inclusive and 327 to 330, both inclusive, of the Police Act, are incorporated with, and form part of this Act: Provided that clause 327 shall be read and construed as if the said clause also enumerated "animals."

Inspector to have power to enter premises and require articles to be weighed.

173. Every inspector of weights and measures may, at all reasonable hours, enter any building or part of a building, or other place within the burgh in which any article is sold, or is made up, or kept or exposed for sale by weight or measure, or in which articles are sold or are set apart, or kept or exposed for sale in numbers, or in which any article is weighed or measured, or any articles are numbered with a view to their being bought or sold, or he may stop any waggon, cart or carriage, or any person carrying or in charge of any basket from which such articles are sold, or kept or exposed for sale, on the street, and require such article or articles to be weighed, measured, or numbered in his presence; and if the weight, measure or number thereof ascertained does not correspond with the weight, measure, or number thereof which has been represented by the person who has sold or made up, or kept or exposed the same for sale, or who weighed, measured, or numbered the same with a view to purchase or sale, such inspector may seize, impound, and convey such article or articles to the police office, or

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to the office provided for the purpose by the Commissioners, and the magistrate may sentence the person who has sold or made up, or kept or exposed the same for sale, or who has incorrectly weighed, measured, or numbered the same with a view to purchase or sale, to a penalty not exceeding five pounds, or to imprisonment for any period not exceeding thirty days, and declare such article or articles in so far as belonging to such person to be forfeited, unless such person shall prove to his satisfaction that the deficiency in weight, measure or number has arisen without any fraudulent intent.

Small quantities of coals to be sold from carts and in labelled bags.

174. Every person who sells or delivers coals in quantities not exceeding two hundred weight in weight from any waggon cart or carriage shall have and keep the specific quantities of coals to be sold by him made up in bags or boxes labelled in such a manner as to indicate the weight which such bag or box contains, or is to be sold as containing, and any such person failing to comply with this provision shall be liable to a penalty not exceeding forty shillings, and failing payment, to imprisonment for a period not exceeding twenty days.

Offences against rules of good conduct.

175. Every prostitute or night walker loitering in any street, esplanade, park, common stair or common passage or public place, and importuning passengers for the purpose of prostitution, shall be liable in a penalty not exceeding forty shillings, or to imprisonment for any period not exceeding fourteen days.

XXI.—Hackney Carriages, Omnibuses, Carters, Porters, &c.

Incorporation of clauses of Police Act.

176. Clauses 278 to 310, both inclusive of the Police Act, are hereby incorporated with and form part of this Act: Provided always, as regards clause 291, that the conviction therein mentioned must be during the same year of license as that in which the first conviction took place.

Application to omnibuses of provisions as to hackney carriages.

177. The terms "hackney carriage or carriages" shall be deemed to include every omnibus, waggonette and other carriage plying or standing for hire, by, or used to carry passengers at separate fares to, from or in any part of the burgh, and the word "driver" or "drivers" shall be deemed to include every conductor of any such omnibus, waggonette or other carriage as aforesaid: Provided that nothing herein contained shall authorise the Commissioners to fix the rates or fares for any omnibus, waggonette or carriage other than a hackney carriage.

Byelaws for regulation of omnibuses.

178. In addition to the powers for making byelaws contained in the clauses of the Police Act incorporated in this branch of this

Act, the magistrates may make byelaws for the following purposes, namely:—

(*a*) To provide for the exhibition on some conspicuous part of any such omnibus, waggonette or other carriage mentioned in the next preceding section of a statement in legible letters and figures of fares to be demanded and received from the persons using or carried for hire in such omnibus, waggonette or other carriage;

(*b*) To prevent the owner, driver, or conductor of any such omnibus, waggonette or other carriage, or any other person on his or their behalf, by touting, calling out or otherwise, from importuning any person to use or to be carried for hire in such omnibus, waggonette or carriage to the annoyance of such person.

Penalties for offences as to carriages and drivers.

179. Every person shall be liable to a penalty not exceeding forty shillings who fraudulently or with intent to deceive does either of the following things, namely:—

(1.) Affixes or places on any carriage, any figure or number to resemble any figure or number appointed by the magistrates to be affixed to any licensed carriage;

(2.) Affixes or carries on his person any badge, figure or number to resemble any badge, figure or number appointed by the magistrates to be carried by a licensed driver or conductor.

XXII.—Brokers, Pawnbrokers and Dealers in Marine Stores.

Incorporation of clauses of Police Act.

180. Clauses 311 to 326, both inclusive, of the Police Act are incorporated with and form part of this Act: Provided that the goods or articles mentioned in clause 326 shall be delivered up to and dealt with by the police as stolen or unclaimed property.

Dealers in marine stores to be licensed.

181. No person shall carry on within the burgh the business of a dealer in marine stores without a license from the magistrates authorising such person to carry on such business, which license the magistrates shall have power of granting or refusing.

Names of dealers in marine stores to be painted on premises.

182. Every person licensed under the authority of this Act to carry on the business of a dealer in marine stores shall cause to be painted in capital letters not less than four inches in height and of a proportionate and proper breadth on the outside of the front of the house in which such business is in such license stated to be carried on, and so that the same shall be at all times plainly legible, the christian name and surname of such licensed person at full length, together with the words "licensed dealer in marine stores;" and such person shall continue such name and words painted as afore-

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said so long as he continues to carry on the said business upon the same premises.

Form of application for license.

183. An application for any such license shall be in such form as the magistrates shall from time to time require, and shall be signed by the applicant, and shall specify the christian name and surname and place of abode of the applicant, and the place where such business is proposed to be carried on.

Duration of license.

184. Every such license shall be signed by the clerk, and shall be in force for one year only from the day of the date of such license, or until the next general licensing day, in case any such general licensing day be appointed by the magistrates as they are hereby authorised to do.

Contents of license.

185. There shall be specified in every such license the true christian name and surname and place of abode of the applicant, also the name of the street and the number of the house in which such business is or is intended to be carried on, and the particular rooms or other parts of such house used or intended to be used for the purposes of such business.

Fee and registration of license.

186. For every such license, and for every renewal thereof, there shall be paid to the clerk such sum not exceeding twenty shillings as the magistrates shall direct, and the clerk shall enter such licenses in a register to be provided and kept by the magistrates for that purpose.

Notice of change of abode and of place of business.

187. Whenever a licensee changes his place of abode or the place of carrying on his said business, or carries on the same in any other part of the house than that mentioned in the license as used for the purposes thereof, he shall, within twenty-four hours next after such change, give notice thereof in writing, signed by him, to the clerk, specifying in such notice his new place of abode or his new house of business, or the additional or other part of the house used for the purposes of the said business, as the case may be, and shall within three days after such change, produce his license at the office of the clerk, who shall endorse thereon a memorandum specifying the particulars of such change.

Penalty on carrying on business without license, and other offences.

188. Any person who commits any of the following offences (that is to say):

carries on within the burgh the business of a dealer in marine stores without having obtained a license for such purpose; or

makes any wilfully false statement in any application for a license; or

having obtained a license, neglects or omits to cause his christian name and surname together with the words "licensed dealer

"in marine stores" to be painted and continued as required by this Act; or

neglects or omits to give any notice by this Act required to be given to the clerk by licensees or to produce his license as directed by this Act

shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such business is carried on contrary to the provisions of this Act.

Licenses may be suspended or revoked.

189. Any such license may be suspended or revoked by any magistrate or court before whom the licensee is convicted of any offence which in the opinion of the magistrate or court renders it expedient that such license should be suspended or revoked.

Saving for ship chandlers or rope makers.

190. Nothing in this Act contained with respect to dealers in marine stores shall relate to or affect persons who carry on the business of a general ship chandler or that business and the business of a rope maker.

XXIII.—Suppression of Vagrancy, &c.

Incorporation of clauses of Police Act.

191. Clauses 331 to 334, both inclusive, of the Police Act are incorporated with and form part of this Act.

XXIV.—Public Baths and Bathing.

Incorporation of clause of Police Act.

192. Clause 335 of the Police Act is incorporated with and forms part of this Act.

Commissioners may enlarge existing public baths.

193. The Commissioners may from time to time enlarge, extend and improve the existing public baths and bathing places belonging to them or under their charge, and for these purposes may by agreement, but not otherwise, purchase and acquire such lands, houses and other property as they may think fit.

Power to provide drags, life buoys, &c.

194. 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.

Commissioners may levy charges for public baths.

195. The Commissioners may levy and exact such charges or rates, as they may from time to time fix, for the use of any baths or bathing places belonging to them, and vary, alter and amend the same.

Precautions in skating and bathing.

196. Every person who persists in going upon the ice on any skating pond or place belonging to or under the charge of the

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Commissioners, at any time when placards or other signals are exhibited intimating that it is in a dangerous state, and every person who wilfully breaks the ice on any such pond or place, and every person who goes beyond the ropes or danger signals at any open bathing place under the charge of the Commissioners, shall be guilty of an offence, and on conviction liable to a penalty not exceeding forty shillings.

XXV.—Public Parks and Places of Public Resort or Recreation.

Power to purchase lands for formation of parks and to form parks.

197. The Commissioners may from time to time by special order enlarge, extend and improve the existing public parks and places of public resort or recreation belonging to them, and may from time to time purchase by agreement any lands within or without the burgh for the purposes of a park or a public walk or public walks or a place or places of public resort or recreation, at any sum not exceeding in all twenty thousand pounds, and may level, drain, sewer, pave, flag, lay out, plant, light or otherwise improve every park, walk or place belonging to them, and do such other acts as appear necessary to them, with a view to the proper formation, maintenance, improvement, use and enjoyment of every such park or place.

Maintenance and improvement of parks.

198. The Commissioners may from time to time maintain re-arrange and ornament the parks for the time being belonging to them, and may erect in any part of the same refreshment rooms, shelters, pavilions and other like buildings and conveniences for the use of the public, and buildings and conveniences for the better storing and keeping of materials for maintaining and improving the same, and they may, for the purpose of improving and ornamenting the parks and approaches thereto, make, do and execute all such works, roads and conveniences and enlarge all or any of the existing roads leading thereto as they may from time to time think necessary or expedient.

Power to set apart lands for games.

199. The Commissioners may set apart portions of the parks and recreation grounds for cricket, football, bowls, archery, croquet and other like games, but so that the same shall be open to the public when not in use for such games.

Power to close parks and let portions for special purposes.

200. The Commissioners may from time to time, on giving notice by advertisement in a newspaper published and circulating within the burgh, once at least, and by placard published not less than seven days previously, close any park or part of any park for such days, not exceeding twelve days altogether, in any one year as

they think fit, and may take money for special use on those days of any park or any part thereof for any purpose they may approve.

Power to provide apparatus for games.

201. The Commissioners may provide apparatus for games and recreation for the use of the public frequenting the parks and recreation grounds belonging to the Commissioners, and may charge for the use thereof, or they may lease or grant the right of so doing upon such terms and conditions as they think proper, and the Commissioners may make regulations or byelaws with respect to the use and the payment for the use of such apparatus.

Byelaws for regulation of parks.

202. The Commissioners may from time to time make byelaws for all or any of the following purposes relating to any park, public walk or place of public resort or recreation belonging to them (that is to say) :—

For appointing and regulating keepers and other persons employed therein ;

For regulating the hours at which the same are to be opened and closed ;

For fixing the payment to be made for admission to any building therein or for the use of any ground for cricket or other games ;

For preventing or regulating the holding therein of any religious, political or party meeting, or any meeting which in the judgment of the Commissioners is not proper to be held therein ;

For regulating the days on and hours at which games are to be permitted therein and the particular parts or places for the same ;

For regulating the days on and hours at which bands of music or music of any sort are or is 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 prices of the articles to be sold therein ;

For preventing or for regulating the smoking of tobacco in any building or part of a building therein ;

For preventing or regulating the admission therein of dogs ;

For preventing males from intruding on or using places therein set apart for the use of females and vice versâ ;

For preventing or regulating the admission therein of vehicles, horses and other animals ;

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences and other parts or things of or belonging to the park or place ; and for preventing the destruction or

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injury of aquatic or other birds, their nests or eggs, or of other animals or of fish, or of trees, shrubs plants or flowers, or the plucking of flowers or leaves therein.

XXVI.—Public Markets and Slaughter Houses.

Incorporation of clauses of Police Act.

203. Clauses 358 to 364, both inclusive of the Police Act, including the provisions incorporated by the said clause 364, are incorporated with and form part of this Act.

Commissioners may extend and improve public markets and slaughter-houses, &c.

204. The Commissioners may enlarge, extend, improve and maintain the existing market place and market houses and other conveniences provided by them within the burgh and also the existing shambles or slaughter houses provided by them within the burgh, and they may also provide, erect and maintain new or additional market places and market houses and shambles or slaughter houses within the burgh, and for any such purposes may by agreement purchase and acquire such lands, houses and other property as they may think fit.

Stallage dues and rates for markets and slaughter-houses.

205. The Commissioners may from time to time levy demand and take, in respect of their markets, market places or market houses and shambles or slaughter houses, such tolls, dues, stallages, rates and rents as they shall from time to time appoint, not exceeding, as respects the subjects and animals and articles specified in the first schedule to this Act, the several tolls, dues, stallages, rates and rents specified in that schedule, and not exceeding as respects any other animals or articles, such tolls, dues, stallages, rates or rents as may from time to time be fixed by the Commissioners, with the concurrence of the sheriff; and the Commissioners may from time to time let their market places or market houses and shambles or slaughter houses or any part or parts thereof, and the tolls, stallages, dues, rates and rents exigible therefor, or any of them, or any part thereof, for any period not exceeding five years.

Penalty on sales elsewhere than in markets.

206. Every person who shall, without giving previous notice to the Commissioners, publicly sell or expose for sale in any place within the burgh, except in the market places or market houses provided and established by, and belonging to the Commissioners any horse, ass, mule, cattle, sheep, lamb, pig or other animal in respect of which tolls, stallages, dues, rates or rents are authorised to be taken by the Commissioners, shall for every such offence be liable to a penalty of not exceeding forty shillings: Provided always that nothing herein contained shall prevent the owner of any horse or other animal or any person on behalf of such owner, from selling or exposing the same for sale on his premises, or from showing or trying any horse preliminary to any such sale or

intended sale thereof: Provided further, that it shall be lawful for any person to sell by public sale cattle or other animals at any place within the burgh, but any person or persons so selling shall be bound, twenty-four hours before the time fixed for each such sale, to give notice in writing to the Commissioners or their treasurer of the time and place fixed for each such sale, and to give free access at all times to the collector or other officers of the Commissioners to such sales; and such person or persons shall be bound to make payment of the market tolls or dues in respect of the cattle and other animals exposed by them for sale, and shall afford such collector every requisite facility for making the collection of such tolls or dues, and if any person shall fail to give the notice herein required, or shall refuse access to the collector or other officers to such sale or sales, or shall wilfully evade or refuse to make payment of the said tolls or dues, such person so offending shall, in addition to payment of the said tolls or dues, be subject to a penalty not exceeding five pounds for each offence.

Recovery of tolls.

207. If any person liable to the payment of any tolls, dues, stallages, rates or rent payable to the Commissioners does not pay the same when demanded, the Commissioners or their lessee or any person authorised by the Commissioners or their lessee to collect the same, may seize and detain any animal or article in the market belonging to the person liable to pay the same or under his charge, and if the tolls, dues, stallages, rates or rent, and the reasonable expenses of the seizure and detention and of the keeping and maintaining of the animal or article seized, are not paid, in case of perishable articles seized, forthwith, and in case of animals or other articles seized, within four days from the time of seizure, the Commissioners or their lessee may forthwith or on the expiration of those four days (as the case may be) sell the animal or article seized, and out of the money arising thereby, may pay and retain the tolls, dues, stallages, rates or rent or charge and the expenses aforesaid and of the sale, returning the overplus (if any) to the owner of the animal or article seized, or such tolls, dues, stallages, rates or rent or charge, and such expenses may be recovered in any court of competent jurisdiction.

Settlement of disputes as to tolls.

208. If any dispute arises concerning any tolls, dues, stallages, rates or rent or the charges of keeping or selling any animal or article seized or detained under the powers of this Act, such dispute shall be determined by the sheriff, who shall on application make such order therein and may award such costs to either party as may appear just.

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Double toll on animals, &c., left in market at the close.

209. If any animal, article or thing brought into a market of the Commissioners, and liable to tolls, dues, stallages, rates or rent be not removed at or before the closing of such market, the tolls, dues, stallages, rates or rent payable in respect thereof shall be doubled in amount, and all the provisions for the time being in force with respect to the recovery of the ordinary tolls, dues, stallages, rates, or rent on such animal, article or thing shall extend and apply to such double toll.

Power to take possession of stalls for non-payment of rent.

210. If any tenant shall, on demand thereof after the same has become due and payable, make default in the payment of any toll, stallage, rent or charge payable to the Commissioners in respect of any stall, booth, stand, shed, hiring, fixture or property in any market or slaughter house, the Commissioners may enter upon and take possession thereof and relet the same, without prejudice to any other remedy for the recovery of such toll, stallage, rent or charge.

Market inspectors may be made constables.

211. The Commissioners may cause the inspectors and collectors in the markets and slaughter houses now or hereafter belonging to or under the control of the Commissioners, to be police constables, and the men so appointed shall be provided with uniform and have some distinctive badge, and have such powers, authorities and privileges, and shall be liable to such responsibilities and (subject to the directions of the Commissioners) shall perform all such duties as constables appointed under this Act.

Forfeiture of articles left in markets.

212. Every animal or article brought into any market and left therein after the hour of closing (except such as may be left in charge of the superintendent of the market) may be taken possession of by the superintendent; and if the same, being of a perishable nature, be not claimed within two hours after the closing of the market, or, not being of a perishable nature, be not claimed within one month thereafter, then and in every such case the same may be sold by the Commissioners, who shall return the surplus proceeds of such sale, after deducting any unpaid tolls, dues, stallages, rates or rent in respect thereof, and the expenses of detention and sale, to the owner on demand, if such demand is made within one month after the sale; but if demand is not so made, the proceeds of the sale shall be forfeited to the Commissioners.

Power to purchase and abolish fair and market dues.

213. 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.

214. 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 belonging to them, 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.

215. 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 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, 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.

216. Notwithstanding anything in this Act 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 a constable to the effect that such public notice has been given

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in accordance with this section shall be received as evidence of the facts thereby declared,

Places for slaughtering horses to be licensed.

217. 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 recall such licenses at pleasure; and it shall not be lawful to carry or convey within the burgh any dead horse unless in a covered cart or waggon, or unless the dead carcase be sufficiently covered; 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.

XXVII.—Theatres and Places of Public Resort.

Theatres, &c., to be licensed.

218. It shall not be lawful for any person to have or keep any house or 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.

219. 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 fifty pounds, with two sureties, to be approved of by the Commissioners, in such further sum not exceeding twenty 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.

Billiard rooms to be licensed.

220. Every person who shall keep, or suffer to be kept or used, or use any house, building, room or place for public billiard playing, or shall keep a public billiard table or bagatelle board, or other table or instrument used in any game of the like kind, at which persons are admitted to play, except in any premises duly licensed as an hotel, without having obtained a license from the magistrates, and also every person who has obtained a billiard license under this Act who shall not during the continuance of such license put and keep up the words "licensed for billiards" legibly printed in some conspicuous place on or near the door, and on the outside of the house or building specified in the license, shall be liable to a penalty not exceeding ten pounds; and in the event of such house, building, room or place being continued to be kept or used for such purpose after such conviction, to a continuing penalty of ten pounds for every day during which the offence is committed or continued.

Regulating hours of play at billiard tables, &c.

221. Every person licensed to keep any public billiard table, or bagatelle board, or table or instrument used in any game of the like kind, under the provisions of this Act, who shall allow any person to play at such table, board, or instrument, except during the hours between eight of the clock in the morning and eleven of the clock at night, on any lawful day, or at such extended hour at night as the magistrates may, by special regulation in particular cases, for reasons assigned, permit, and every person holding a hotel license who shall allow any person except bonâ fide residents in such hotel to play at such table board or other instrument kept on the premises specified in such hotel, at any time when such premises are not by law allowed to be open for the sale of wine, spirits or beer, or other fermented or distilled liquors, shall be liable to the penalties in this Act provided in the case of persons keeping such public billiard table, bagatelle board or other table or instrument as aforesaid for public use without license.

Character of performance.

222. 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, and 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 herein-before specified, the burden 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.

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Byelaws may be made as to places of public amusement.

223. 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.

Penalty for breach of byelaws.

224. 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.

Constables *may enter* certain premises.

225. Any constable shall have power, by virtue of his office, at any time to enter any premises or other place of the following description, viz.:—

(1.) Any house, building, room or place licensed or used for public billiard playing;

(2.) Any place to which the public are admitted, by payment or otherwise, used for the purpose of stage plays, or dramatic, musical or other entertainments, or for any show, circus or exhibition;

(3.) Any music, singing or dancing saloon, hall or room, eating house, coffee house or other such place;

(4.) Any victualling house, public house, house or building in which wine, spirits, beer, cider or other exciseable or fermented or distilled liquors are sold, or suspected to be sold, whether licensed or not;

(5.) Any house or building, or common brothel for the reception of prostitutes, or usually frequented by thieves or loose and disorderly persons;

and therein to aid in the preservation of order and in the restoration of order in case of disturbance, and in carrying into effect the provisions of this Act or any byelaws made thereunder, and every occupier or keeper of any such premises or other place, or other person having the charge thereof, who shall not admit such constable when required, shall be liable to a penalty not exceeding ten pounds.

Unlicensed theatres may be entered and occupants removed.

226. 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 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 burden 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.

XXVIII.—Disorderly Houses and other Places.

Incorporation of clauses of Police Act.

227. Clauses 336, 337 and 339 to 342, both inclusive, of the Police Act are incorporated with and form part of this Act.

Places of public resort not to be used for improper purposes.

228. Every person who shall have or keep any place of public resort which shall be used for indecent exhibitions or representations, shall be liable to a penalty not exceeding forty shillings, or to imprisonment for a period not exceeding fourteen days.

Remedy where room used for meetings becomes a nuisance.

229. The Commissioners are hereby authorised and required, on their being satisfied on the complaint of householders residing in any common tenement, that any room or apartment therein, used for public entertainments, is a nuisance, to order the person having or keeping the same to discontinue the use thereof till the nuisance be abated; and every person continuing to use such apartment for such purposes while any such order is in force, shall be liable to a penalty not exceeding ten pounds, or to imprisonment for a period not exceeding sixty days.

Disorderly houses.

230. 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.

Termination of leases of premises used as brothels.

231. The conviction of the tenant, lessee or occupier of any house or building, or part of a house or building, under the provisions of this Act as to the keeping of brothels, shall, in the option of the

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owner, void and terminate any lease or any arrangement to let such house or building, or part of a house or building, from and after the date of such conviction.

Notices to owners of conviction of occupiers.

232. Upon conviction of the tenant, lessee or occupier of any house, or part of a house or building, for a breach of the provisions of this Act for keeping a brothel, the clerk of the police court shall, within two days from the date of such conviction, intimate the same by a notice to the owner of such house or building or part of a house or building, provided he be not the occupier of such house or building or part of a house or building; and such notice shall contain the date of such conviction, the name of the person convicted, and the situation of such house or building or part of a house or building.

XXIX.—Public Clocks.

Incorporation of clause of Police Act.

233. Clause 343 of the Police Act is hereby incorporated with and forms part of this Act.

Improvement and lighting of public clocks.

234. The Commissioners may from time to time improve, maintain and light all clocks belonging to them within the burgh or which may be dedicated for public purposes.

XXX.—Fires.

Incorporation of clauses of Police Act.

235. Clauses 344 to 348, both inclusive, of the Police Act are incorporated with and form part of this Act.

Power to provide fire police stations.

236. The Commissioners may continue and maintain the engines, stations, engine houses and other places, buildings and apparatus connected with the fire police establishment already belonging to them, and may from time to time alter, enlarge and improve the same as they may deem expedient, and if necessary provide new engines, stations, engine houses and places, buildings and apparatus.

Power to enter and break open premises in case of fire.

237. Any constable in uniform or provided with his warrant, which he shall show if called upon to do so, may enter and, if necessary, break into any building in the burgh being on fire, or any building or lands adjoining or near thereto without the consent of any owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Captain of fire brigade to have con-

238. The captain or superintendent of the fire brigade of the Commissioners or other officer for the time being in charge of the

engines or part of the fire police establishment of the Commissioners attending at any fire in the burgh shall from the time of his arrival thereat have the sole charge and control of all operations for the extinguishment of such fire, whether by the Commissioners' engines or establishment or any other or others, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply and the parts of the building on fire or of adjoining buildings against which the water is to be directed.

Control of operations.

239. The said captain or superintendent, or the superintendent or chief officer of police in charge of the police in attendance on the occasion of any fire, shall be entitled where he considers the same necessary to enable the fire brigade better to discharge their duties or for the protection of the hose or other appurtenances or for the safety of the public to shut up temporarily by means of a rope, chain, tressels, or barricade, any street, lane, thoroughfare, court or passage in or near the place where such fire exists; and every person wilfully using such street, lane, thoroughfare, court or passage while it is so temporarily shut up, without the consent of the said captain or superintendent, or the superintendent or chief officer of police in charge as aforesaid, shall be liable to a penalty not exceeding five pounds, and failing payment thereof to imprisonment for a period not exceeding fourteen days.

Power to shut up streets temporarily.

240. The superintendent or chief officer of police in charge at a fire if he be the procurator fiscal, or deputy procurator fiscal, but not otherwise, shall be entitled to examine and take the evidence of all or any parties reasonably suspected by him of being able as witnesses to give information as to how the fire originated, and any parties refusing to be examined shall be liable to a penalty not exceeding ten pounds, and failing payment to imprisonment for any period not exceeding thirty days. But parties suspected of wilful fire-raising shall not be bound to give evidence or be examined by such superintendent or chief officer relative to such fire.

Superintendent of police may examine witnesses as to cause of fire.

241. The superintendent or chief officer of police in charge at a fire shall, if he consider it necessary for the ends of justice, be entitled to retain possession of the premises in which the fire has occurred until twenty-four hours after the circumstances of the fire have been reported to the procurator fiscal.

Police may retain possession of premises till case reported to procurator fiscal.

242. The captain or superintendent of the fire brigade or other officer in charge as aforesaid shall make up and deliver to the Commissioners a statement of the whole expense attending each fire, which shall include the wages payable to the firemen and other

Statement of expenses attending fires to be made up by inspector.

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persons employed at it, the rewards or premiums which he recommends to be given to them, the outlay incurred in taking them and the engines to the spot where such fire occurred, and in obtaining a supply of water and other the like expense, and such statement in so far as approved of or as altered by the Commissioners shall be primâ facie evidence of the amount of expenses attending the said fire.

XXXI.—Ventilation and Cleansing.

Incorporation of clauses of Police Act.

243. Clauses 352 to 357, both inclusive, of the Police Act are incorporated with and form part of this Act: Provided that the expression "dwelling houses" in clause 355 shall include offices, work rooms, ware rooms, and store rooms.

XXXII.—Mitigation and Prevention of Disease.

Sheriff may prohibit sale of milk from farm houses from which contaminated milk is supplied within burgh.

244. The sheriff may, on a certificate from the medical officer, that in his opinion an infectious disease is being spread, or is likely to be spread, throughout the burgh by the sale or delivery of milk from a farm house, steading or other premises, whether within or without the burgh, and after allowing parties an opportunity of being heard, issue an order prohibiting the sale or delivery of such milk within the burgh for such period as may appear to be necessary for the public safety, and such order shall be immediately intimated by the sanitary inspector to the various parties interested in the sale or delivery of such milk, and such order shall be sufficient authority to any officer or constable of the Commissioners to prevent the sale or delivery of such milk within the burgh; and the sheriff may by subsequent order extend or limit the period of such prohibition, and every person in the knowledge of such order selling or delivering such milk within the burgh during the period specified in the original or any subsequent order shall be liable to a penalty not exceeding forty shillings.

Sale of milk to be discontinued in infected premises.

245. When it shall be certified by the medical officer to the chief constable that any person is ill of any infectious disease, in any premises within the burgh where milk is sold, the chief constable shall apply to the magistrates for an order to prohibit the sale of milk in such premises, from and after due intimation of such order, until the person affected shall have been removed, or shall have recovered from such illness, the premises been disinfected, and the bedding and clothing have been destroyed, or thoroughly disinfected, and it is certified by the medical officer of health that the said premises are free from infection, and that the sale of milk from such place may be safely resumed therein; and every person con-

travening such order shall, for the first offence, be liable to a penalty not exceeding five pounds, and for a second and every subsequent offence, to a penalty not exceeding ten pounds. A.D. 1882.

Commissioners may provide temporary accommodation during disinfection of dwellings.

246. The Commissioners may from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected.

Commissioners may provide nurses, &c.

247. The Commissioners may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the burgh, and may charge a reasonable sum for the service of any nurse provided by them.

Notice to be given of persons suffering from infectious disease.

248. In order to secure that due notice be given to the Commissioners of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall have effect (that is to say) :—

1. If any such inmate be suffering from any infectious disease, the occupier or the person having the charge, management or control of such building (or if such occupier or person be prevented by reason of such disease, then the person in charge of such inmate) shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice thereof to the medical officer, at his office;
2. If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by illness, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person;
3. The Commissioners shall provide and supply gratuitously to every registered medical practitioner resident or practising in the burgh, who shall apply for the same, forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act;
4. Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease forthwith fill up, sign and deliver or send to the medical officer, at his office, a

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certificate or declaration stating according to the form so prescribed the name of such inmate, the situation of such building, the name of such occupier or person, and the nature of the infectious disease from which, in the opinion of such medical practitioner, such inmate is suffering;

5. The Commissioners shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice, and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;

6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provision.

249. The Commissioners may, from time to time, by resolution on the report of the medical officer and approved by the Board of Supervision in Scotland, order that any infectious disease other than those specifically mentioned in this Act, shall be deemed to be an infectious disease within and subject to the provisions of this Act.

1. Any such order of the Commissioners may be permanent or temporary only, and if temporary, the period during which it is to continue in force, shall be specified therein, and the Commissioners shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the burgh, and after such public notice has been given, the provisions of this Act shall, so long as the order continues in force, apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;

2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;

3. The Commissioners shall, immediately after any such order shall have been made, send a copy thereof to each registered medical practitioner residing in the burgh, but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish

250. Whenever it shall be certified to the Commissioners by the medical officer, or other registered medical practitioner, that the

spread of infectious disease is in the opinion of such medical officer or medical practitioner attributable to the milk supplied by any cowkeeper, purveyor of milk, or occupier of a dairy, milkstore or milkshop, the Commissioners may require such cowkeeper, purveyor of milk or occupier, to furnish to them, within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the burgh, and such cowkeeper, purveyor of milk or occupier shall furnish such list accordingly, and the Commissioners shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed two shillings, and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

lists of customers in certain cases.

251. Where the Commissioners are of opinion on the certificate of their medical officer, or of any other registered medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease, and that such cleansing and disinfection would more effectually be carried out by the Commissioners than by the owner or occupier of such house or part thereof, the Commissioners without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid, may, if they think fit, but at their own cost, themselves cleanse and disinfect such house or part thereof and articles, and may for that purpose remove any such articles, and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section. And any person who shall obstruct any duly authorised officer of the Commissioners in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

252. Every person who shall cease to occupy any house, room or part of a house, in which any person has within six weeks previously been suffering from any infectious disease, without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a registered medical practitioner, as testified by a certificate signed by him, or without first giving to the owner of such house, room or part of a house, notice of the previous existence of such disease, and every person ceasing to occupy any house, room or part of a house, and who on being questioned by the owner thereof, or by any person negotiating for the hire of such house, room or part of a house, as

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner, or making false answers.

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to the fact of there having within six weeks previously been therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

253. No person shall without the sanction in writing of the medical officer or of a registered medical practitioner retain unburied, elsewhere than in a mortuary, for more than forty-eight hours, the dead body of any person who has died of any infectious disease, and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital, &c., of infectious diseases to be removed only for burial.

254. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Commissioners, and the medical officer or the medical attendant (if any) upon such person certifies that in his opinion it is desirable, in order to prevent the risk of communicating any infectious disease or spreading infection, that the dead body shall not be removed from such hospital or place, except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such dead body from such hospital or place, except for the last-mentioned purpose, and when the dead body is taken out of such hospital or place for that purpose, it shall be forthwith carried or taken directly to some cemetery or place of burial, and shall be forthwith there buried, and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Magistrates may in certain cases order dead bodies to be buried.

255. Where the dead body of any person, who has died of any infectious disease, remains unburied elsewhere than in a mortuary for more than forty-eight hours after death, without the sanction of the medical officer, or of a registered medical practitioner, or is retained in a room in which persons live or sleep, or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building, or of any adjoining or neighbouring house or building, and there shall be a certificate thereof signed by a legally qualified medical practitioner, any magistrate may order the body to be removed at the cost of the Commissioners to any mortuary provided by the Commissioners, and direct the same to be buried within a time to be limited in the order, or may in the case of the body of a person who has died of any infectious disease, or in any case in which he shall consider immediate burial necessary, direct such body to be so buried without requiring the same to be removed to a mortuary, and unless the friends or relatives of the deceased undertake to bury and do bury

the body within the time limited by such order, it shall be the duty of the Commissioners to bury such body, but any expense so incurred may be recovered by the Commissioners in a summary manner from any board or person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a magistrate under this section, shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

256. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public conveyance, that the person whose corpse is or is intended to be so conveyed has died from infectious disease, and any owner or driver of a public conveyance, other than a hearse, which has been used for conveying the corpse of a person who has died from infectious disease, who shall not immediately afterwards provide for the disinfection of such conveyance, shall be liable to a penalty not exceeding five pounds.

Mode of recovering penalties.

257. No penalty under this part of this Act shall be recoverable, except on the information or complaint of the procurator fiscal.

Power to seize diseased cattle. 41 & 42 Vict. c. 74.

258. In case any cattle infected with, or labouring under any disease within the meaning of the Contagious Diseases (Animals) Act, 1878, 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 may seize any such cattle, and cause the same to be inspected by a veterinary surgeon, 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, and failing payment to imprisonment for a period not exceeding sixty days.

Penalty for selling unwholesome drink.

259. 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 proceed against original seller of diseased cattle, &c.

260. Where any person is 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

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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: Provided that such animal or meat were unsound or diseased or unfit for the food of man at the time of the sale thereof by such original seller to the convicted person, and the purchase by the convicted person or by any one 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 the penalty and punishment provided by this Act 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 this Act against the convicted person shall be applicable to the prosecution, trial and punishment of such original seller.

Power to enter premises and seize food or liquor.

261. 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 food or 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 such offence be found to have been committed and a penalty be imposed, it shall be lawful for the magistrate to declare any such article forfeited.

Corn, bread, &c.

262. The twenty-sixth section of the Public Health (Scotland) Act, 1867, shall be read and have effect as if the words "corn, bread, cheese, flour or milk" were included in the articles named therein, and the said section as so amended is incorporated herewith.

XXXIII.—Execution of Works.

Incorporation of clauses of Police Act.

263. Clauses 392, 393, 399, 400, 401, 402, 403, 404, 405, 406, and 407 of the Police Act are incorporated with and form part of this Act.

XXXIV.—Byelaws.

Incorporation of clauses of Police Act.

264. Clauses 375 to 383, both inclusive, of the Police Act are incorporated with and form part of this Act.

Power to make byelaws with

265. For more readily carrying out the powers and provisions of this Act in regard to the following matters, the Commissioners

may also, from time to time, make byelaws, not being inconsistent with the provisions of this Act, for or with respect to all or any of the following matters, that is to say :—

respect to baths, streets, new buildings, &c.

For the regulation and use of public baths and bathing places;

For the regulation and use of bicycles, velocipedes and other similar mechanical contrivances on any street;

For the regulation and use of the Dundee esplanade;

With respect to the opening up of, laying out of, width, level and construction of new streets;

With respect to the structure of buildings for securing stability, and the prevention of fire;

With respect to the sufficiency of the open space about buildings to secure a free circulation of air, and with respect to the lighting and ventilation of existing and new buildings;

With respect to the drainage of buildings, and to water-closets, privies, ash pits, cisterns, sinks, lavatories, waste pipes, traps and cesspools in connexion with buildings, and to the situation and ventilation thereof;

With respect to the thickness and construction of walls of or near ovens and furnaces built, or wholly or partially rebuilt after the commencement of this Act;

With respect to the height of all buildings, in relation to the width of streets upon which they abut or their other surroundings, and also with respect to the distances between ranges of buildings and parallel rows, and the open spaces in rear thereof;

With respect to the height, form and construction of mansard and other roofs;

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 workshop, office, dwelling or sleeping room, of any workshop, office or room, any portion whereof extends immediately over any privy, ash pit, midden or cesspool, or for enforcing the removal or alteration of such privy, ash pit, midden or cesspool;

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

For the regulation, management and use of slaughter houses, and the regulation and conduct of parties using and frequenting the same;

As to the giving of notices;

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

Penalty for breach of byelaws.

266. The Commissioners and the magistrates respectively may, on the making of any byelaws as aforesaid, or on the making of any byelaws otherwise authorised by this Act, fix a pecuniary penalty for the breach thereof not exceeding (unless otherwise specially allowed by this Act) for every offence the sum of five pounds.

Byelaws to be in writing, authenticated and published.

267. All byelaws to be made by the Commissioners under or in pursuance of this Act shall be reduced into writing, and shall be authenticated, confirmed and published as provided for in the incorporated clauses of this Act.

XXXV.—Special Powers of Commissioners, and other Provisions.

Incorporation of clauses of Police Act.

268. Clauses 365 to 374 both inclusive, and 391 of the Police Act are incorporated with and form part of this Act.

Commissioners to be local authority under Explosives and Contagious Diseases (Animals) Acts.
38 & 39 Vict. c. 17.

269. From and after the passing of this Act the Explosives Act, 1875, and the Contagious Diseases (Animals) Act, 1878, and all orders, rules, regulations, licenses and byelaws made under the said Acts or either of them, shall be read and construed as if the Commissioners had been named in the said Acts, orders, rules, regulations, licenses and byelaws, in place of the magistrates and town council as the local authority within the burgh, and as if the officials and officers or any of them of the Commissioners had been named in the said Acts or either of them instead of the officials and officers or any of them of the magistrates and town council, but notwithstanding anything contained in this section, everything done or suffered under the said Acts or either of them before the passing of this Act shall be and continue to be as valid and effectual as if this Act had not passed.

Steam whistles.

270. 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.

Mad dogs and other animals.

271. Any constable or other officer appointed by the Commissioners may destroy any dog or other animal within the burgh reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

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Stray dogs.

272. Any constable or other officer may take possession of any dog found straying on any street or highway, and not under the control of any person, and may detain such dog for five clear days at a police station, and during that time it shall be properly fed and, if at the expiration of that time such dog be not claimed and all expenses incurred by its detention paid, the same may be sold or destroyed. When any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post, to the address inscribed on the collar.

XXXVI.—Jurisdiction and Recovery of Penalties and other Powers.

Incorporation of clauses of Police Act.

44 & 45 Vict. c. 33.

273. Clauses 408 to 438, both inclusive, of the Police Act are incorporated with and form part of this Act: Provided always that the rules and regulations and forms of procedure made and approved of under the first recited Act shall be held to be the rules and regulations and forms of procedure authorised and required by clause 412 of the Police Act, and by the Summary Jurisdiction (Scotland) Act, 1881: Provided further that the chief constable or other person on duty at the police office or police station to which any person may be brought in custody, may discharge such person from custody on being satisfied that there is no sufficient evidence to warrant a complaint against him.

Offences under Cattle Sheds in Burghs Act.

29 & 30 Vict. c. 17.

274. All offences committed within the burgh against the provisions of the Cattle Sheds in Burghs (Scotland) Act, 1866, 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 this Act.

Offences under Smoke Acts.

275. 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,

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" and an Act of the twenty-fourth year of Her Majesty to amend " the said Act;" 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 this Act.

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

276. All offences committed under the following Acts, viz., thirteen and fourteen Victoria, chapter ninety-two, intituled " An Act " for the more effectual Prevention of Cruelty to Animals in Scotland;" forty-first and forty-second Victoria, chapter forty-nine, intituled, " An Act to consolidate the law relating to Weights and Measures;" six and seven 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 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 this Act; and it is hereby provided that all pieces of bread under one pound in weight shall be deemed fancy bread.

Crimes within burgh within jurisdiction of any burgh magistrates or justices may be tried as police offences.

277. Subject to the provisions, declarations and exceptions in clause 413 of the Police 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 by public general statute or common law, and within the jurisdiction of the magistrates of any royal burgh, or of any justices of the peace may, if committed within the burgh, be tried as heretofore, by the magistrates 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 this Act.

Penalty for contravention of Act.

278. Every provision of this Act to the contravention of which no penalty is attached, shall be read and construed as if it were also thereby provided that every person contravening the same, shall on conviction thereof, be liable in a penalty not exceeding forty shillings.

Penalties on repetition of offences.

279. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permit, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

As to recovery of fines.

280. All fines, penalties and forfeitures imposed, or authorised to be imposed, by this Act other than those to which the burgh is made liable, shall be recoverable by and at the instance of the procurator fiscal, or person acting as the procurator fiscal, of the magistrates in the police court, in the way and manner, and with the like sanctions and remedies, and shall be applied in the same manner as fines and penalties imposed, or authorised to be imposed, by the Police Act are thereby directed to be recovered and applied, and all sentences for such fines, penalties and forfeitures shall be reviewable in no other way than is prescribed by that Act.

Power to modify certain penalties.

281. Wherever, by 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 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.

282. 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 such party or parties shall notwithstanding of this Act still continue to be so entitled.

Superintendent of police to keep register of persons convicted.

283. The superintendent of police shall cause to be kept a register of the name, description, crime and sentence of persons charged with and convicted before the magistrates of crimes and offences punishable by imprisonment, with or without the alternative of a penalty or fine or in default of payment of a penalty or fine, and shall cause to be entered therein such other particulars as he may from time to time be directed to enter by the magistrates; and the entries in such register, or any extracts therefrom, certified by the superintendent of police, shall be taken and received as evidence of every sentence and conviction and of any previous conviction and the particulars thereof.

Form and services of notices, &c., by the Commissioners.

284. Any notice, order, resolution, declaration, requisition, demand or other instrument made, given, delivered or served under this Act or any byelaw of the Commissioners, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the clerk or other proper officer (according to the subject of the particular document) being affixed thereto in print or writing on behalf of the Commissioners; and it shall be sufficient in all cases where any such notice, order,

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resolution, declaration, requisition, demand or other instrument is required to be given to or served upon the owner or occupier of any property to address such notice, order, resolution, declaration, requisition, demand or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice, order, resolution, declaration, requisition, demand or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, demand or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate of his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand or instrument is served; or if the building is unoccupied, and the place of abode of the person to be served is, after due inquiry, unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand or instrument, or a copy thereof, upon some conspicuous part of such building.

Power to cancel or vary notice.

285. It shall be lawful for the person sending such notice to cancel it, or to give a new notice to the same or to any other person in respect of the matter or for the enforcement of the obligation referred to in it: Provided always that nothing herein contained shall authorise the withdrawal or cancelling of notices given under the Lands Clauses Acts, unless and except in so far as allowed by such Acts.

Service of notice on Commissioners.

286. Any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk or by being sent through the post in a registered letter directed to the clerk, in which latter case service shall be deemed to be effected on the Commissioners on the day on which such letter would be delivered in the ordinary course of post.

XXXVII.—Borrowing and Raising of Money.

Power to borrow or raise money.

287. The Commissioners may borrow or raise for any of the purposes of this Act or of the Tramway Acts or for repayment of any moneys borrowed for such purposes or under any former Act or Acts which shall have fallen or shall fall due to the lenders thereof, such sum or sums, and at such time or times as the Commissioners shall deem necessary, and such sum or sums shall be so borrowed or raised upon the security of the rates or assessments or the moneys to

be raised from the rates or assessments authorised by this Act, in the aggregate, or separately, or upon some of them or upon or including the tolls, rents, rates, duties and others leviable by the Commissioners under this Act for or in respect of tramways, public markets, public slaughter houses, public baths and bathing places, or other concern or estate, or any one or more of them, and the bonds or other writs of security to be granted for the money to be borrowed or raised, shall specify the assessments, rates, rents or others out of and from which the money and interest thereon are and shall be payable: Provided always that no sum of money shall be borrowed or raised for any other purpose than the repaying of money previously borrowed or due, until an estimate of the amount required shall have been laid before the Commissioners or until the expiration of six weeks after public notice shall have been given by the Commissioners of the amount so to be borrowed and the purpose to which the same is to be applied, in some newspaper, published and commonly circulating within the burgh, and, provided further that the proposal to borrow shall be disposed of at the next meeting of the Commissioners, six weeks after such public notice, and that the sum borrowed or raised shall not exceed the amount so advertised without a further estimate and notice in manner above provided.

Incorporation of clauses of Police Act.

288. Subject to the provisions of the immediately preceding section, clauses 385 to 388, both inclusive, of the Police Act, are incorporated with and form part of this Act.

Application of money borrowed.

289. All money borrowed or raised by the Commissioners under this Act shall be applied to the purposes of the recited Acts so far as unrepealed, and this Act, and to no other purpose whatsoever: Provided always that no such money shall be applied to any purpose for which capital is not properly applicable.

Present bonds and securities by Commissioners not to be prejudiced.

290. Nothing herein contained shall prejudice or affect any bonds, receipts 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, assessments, funds and property upon or in respect of which the same was lent, be equally available as a charge and lien upon the corresponding assessments and others by this Act authorised, and have priority over all money borrowed under this Act.

Providing for special account applicable to building lots, &c.

291. Whereas the Commissioners have kept a special account applicable to the lands, houses and properties acquired by them for the reconstruction of the burgh, including borrowed money, to which account the purchase price, compensation and costs attendant upon the acquisition of the said lands, houses and properties, with

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all interest thereon, have been debited and all prices, feu duties and ground annuals or other capital or revenue from building lots sold or feued, and also the proceeds of all such feu duties and ground annuals when sold, have been credited; the said account shall be continued as aforesaid and shall be annually balanced and shall be finally balanced and closed within ten years from the passing of this Act; and any balance at the credit of the said account, at the final balance thereof, after paying the borrowed money, shall be applied by the Commissioners in reduction of their borrowed money for new and improved streets, and if any residue shall remain after discharging all such borrowed money, then in reduction of any money borrowed for the general purposes of this Act; and should any balance remain at the debit of the said account when the same is finally balanced as aforesaid, such balance shall be a charge and debt upon the annual assessments, firstly and thirdly specified in section thirty-two of this Act, and be dealt with as borrowed money on and upon the said assessments accordingly.

Separate accounts applicable to tramways, &c.

292. The Commissioners shall also keep separate accounts of all receipts, including borrowed money, and of all expenditure for or in respect of the tramways, and for and in relation to markets, and for and in relation to slaughter houses, and for and in relation to public baths and bathing places, and the said accounts shall be balanced annually.

Protection of lenders from inquiry.

293. 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 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.

Power of creating and issuing debenture stock.

294. The Commissioners may from time to time resolve that any portion of their debt then subsisting, whether borrowed under this Act or due under any former Act or Acts, may be converted into debenture stock of the Commissioners, to be called Dundee Police Debenture Stock of like amount, either by agreement with the holders, or by paying off the same respectively when due, and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off, and may also from time to time resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Commissioners shall have authority to raise by borrowing, and which shall not then have been raised, shall or may be raised by the creation and issue of debenture stock under this Act.

Holders of existing debts may by agreement take stock therefor.

295. The holder of any bond or other document of debt of the Commissioners in force at the commencement of this Act, may agree with the Commissioners to surrender and discharge the same, and to take in exchange debenture stock of equivalent value issued under this Act.

Powers of conversion to trustees, &c.

296. Any person who holds any such bond, or other document of debt, and who is one of the persons enabled by the Lands Clauses Consolidation (Scotland) Act, 1845, section seven, to sell land under that Act, may consent to the conversion of such bond or other document of debt into debenture stock, or to the payment of the moneys secured thereby before the time limited for the payment thereof, as if such person were the absolute owner, in his own right, of such bond or other document of debt.

Stock subject to same trusts, &c.

297. All stock issued under this Act in substitution for or on account of any such bond or document of debt, shall be subject and liable to the same trusts, powers, provisions and declarations, agreements, charges, liens and encumbrances, as immediately before the conversion or payment thereof affected such bond or other document of debt, and so as to give effect to and not to annul any testamentary or other disposition of or affecting the same, and every such disposition shall take effect with reference to a proportionate amount of the substituted stock.

Regulations applicable to stock.

298. The following provisions shall apply to debenture stock created and issued under the powers of this Act, that is to say:—

(1.) The stock shall be issued by the Commissioners in such amounts, in such manner, at such prices and such times, and subject to such conditions not being inconsistent with the provisions of this Act and being equally applicable to all issues of stock at all times, as the Commissioners at or before the creation thereof may from time to time determine, and any of the stock shall bear such fixed interest being the same for all issues of stock as the Commissioners, by resolution, shall fix;

(2.) The several holders of the stock shall be creditors of the Commissioners for the payment of the interest due thereon, and shall be deemed to hold by virtue of this Act a lien therefor on the rates or assessments authorised by this Act in the aggregate, or on some of them, or upon or including the tolls, rents, rates and duties leviable by the Commissioners under this Act for or in respect of tramways, markets, slaughter houses, public baths and bathing places, or otherwise, or any or some of them, or upon or also including the revenues of all landed or other property vested in or belonging to the Commis-

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sioners, and any other revenues which the Commissioners may possess, or which may be acquired by the Commissioners, or upon such of the afore-mentioned securities as may be declared by the Commissioners at or prior to the creation of the stock, or in the resolution creating it, and subject to the provisions of this Act the holders of the stock shall rank pari passu with the holders of the sums of money which the Commissioners may have in loan, or be entitled to borrow under this Act, and the interest thereon, and no holder of stock shall have any preference or priority over any other holder of stock by reason of the prior date of creation of his stock or otherwise;

(3.) The interest shall be payable, at the office of the treasurer, half-yearly on the fifteenth day of May and the eleventh day of November, unless either of such days shall fall on a Sunday or a day observed as a bank holiday, and in any such case on the following day, unless such following day be a Sunday, and then on the following Monday;

(4.) The Commissioners shall keep a book to be called the "Register of Holders of Dundee Police Debenture Stock"; and in such book shall be entered, from time to time, the names and addresses of the several persons and the names of the several corporations respectively entitled to stock, together with the amount of the stock to which such holders shall be respectively entitled, and the surnames and corporate names of such holders shall be placed in alphabetical order, and every holder (and if such holder be a corporation, the clerk or agent of such corporation) may at all convenient times peruse such books gratis, and may require a copy thereof or of any part thereof, and for every one hundred words so required to be copied, the Commissioners may demand a sum not exceeding one shilling;

(5.) The Commissioners shall, on demand, deliver to each holder of stock a certificate, under the hand of their treasurer and two of the Commissioners, stating the amount of stock held by him, and the certificate may be in the form in the second schedule to this Act annexed or to the like effect, and for such certificate the Commissioners may demand any sum not exceeding two shillings and sixpence;

(6.) The certificate of any stock shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the stock therein specified;

(7.) If the certificate of any stock be worn out or damaged, then, on its being produced to the Commissioners, they may order it to be cancelled, and thereupon they shall issue a

similar certificate to the person then entitled to the certificate so worn out or damaged, or if such certificate be lost or destroyed, then, on proof thereof to the satisfaction of the Commissioners, they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Commissioners in the register of stock, and for every such substituted certificate the Commissioners may demand any sum not exceeding two shillings and sixpence;

(8.) The stock shall be transmissible and transferable, as and shall in all other respects have the incidents of personal estate;

(9.) The Commissioners shall not be bound to pay the interest on any stock until the person entitled thereto shall have demanded a certificate thereof, and no such interest in arrear and not wrongfully withheld by the Commissioners shall bear interest;

(10.) Nothing in this Act contained shall affect any power or duty of the Commissioners to sell, lease or otherwise dispose of any land or property belonging to them, although the same or the revenues thereof may be charged as security for the stock; or shall affect any power or duty of the Commissioners to apply the moneys arising from any such sale, lease or disposition in discharge of such liabilities and securities as are a charge on the same in priority to the stock;

(11.) Subject as herein-before provided, all moneys received by the Commissioners on the sale of any land or property on which or on the revenues of which the stock is charged shall be applied in redemption of such stock;

(12.) When any land or other property is sold or otherwise disposed of by the Commissioners, the same shall in the hands of any person or body corporate to whom the same shall have been sold or disposed, and his or their heirs, successors and assignees, be absolutely freed from all claims, charges or obligations in respect of any stock granted or issued under this Act; and such person or body corporate shall not be bound to see to or enquire into the application by the Commissioners of the money arising from such sale or disposition, or be in any way responsible for the non-application or misapplication thereof;

(13.) The Commissioners may from time to time apply all or any moneys standing to the credit of any sinking fund which they are required to set aside in the purchase and redemption of stock, and may by agreement with any stockholder

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redeem or purchase any portion of the stock. When any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders. Whenever such portion is redeemed or purchased by the application or by means of any sinking fund, such redeemed or purchased portion shall be wholly extinguished;

(14.) After the conversion of any bonds or other documents of debt into stock, or after any money shall have been raised by the Commissioners by the issue of stock, it shall not be lawful for the Commissioners to issue bonds or any other securities for the amount so converted or raised or again to borrow the same, but the powers of borrowing by the Commissioners shall to that extent be extinguished.

Rules applicable to transfer of stock.

299. With respect to the transfer of debenture stock the following provisions shall have effect (that is to say) :—

(1.) Stock may be transferred in any amount divisible by ten pounds, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Third Schedule to this Act annexed or to the like effect;

(2.) The Commissioners shall keep a book to be called the "Register of Transfers of Dundee Police Debenture Stock," and every such deed of transfer when duly executed shall be delivered to and be kept by the Commissioners, and they shall enter a memorial of every such deed of transfer in such book, and shall endorse such entry on the deed of transfer (such endorsement to be signed by the treasurer), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such endorsement, and with or without such certificate, may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted, and such endorsement being signed by the treasurer shall be considered in every respect the same as a new certificate, and until such deed of transfer be so delivered to the Commissioners, the transferee shall not be entitled to receive any part of the interest on the stock transferred;

(3.) The Commissioners may close the register of transfers for any period not exceeding seven days before the fifteenth day of May and eleventh day of November yearly, and any transfer made during the time when that register is closed shall, as between the Commissioners and the transferee, but not otherwise, be deemed made after that time;

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(4.) If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or in consequence of the marriage of a female holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as by this Act provided, and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest on any part of the stock transmitted;

(5.) Every such declaration shall state the manner in which and the party to whom the stock is transmitted, and shall be made and signed by some credible person before a justice of the peace, and such declaration shall be left with the Commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers, unless good cause be shown to the contrary, and for every such entry the Commissioners may demand any sum not exceeding five shillings.

(6.) If the transmission be by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration duly produced in the commissary or sheriff court, and endorsed as required by the law of Scotland, or the testament testamentar or the testament dative shall, with the declaration, be produced to the Commissioners, who shall upon such production in any one of those cases make an entry of the declaration in the register of transfers, and for every such entry the Commissioners may demand any sum not exceeding five shillings;

(7.) Upon any sub-division of stock by transfer thereof or of any part thereof, the Commissioners may, upon the delivery up to them of the original certificate, grant to the transferees or persons entitled new certificates for the portions of stock to which they are respectively entitled, and for every such certificate the Commissioners may demand any sum not exceeding two shillings and sixpence;

(8.) The Commissioners shall not register any transfer except upon the production of the certificate relating to the stock to be transferred, or evidence satisfactory to the Commissioners that the same has been lost or destroyed.

Certificates of stock to bearer.

300. Instead of issuing certificates to nominal holders, or in place of any such certificates, the Commissioners may, subject to the provisions of this Act with respect to trustees, and to the conditions herein-after mentioned, issue debenture stock certificates to bearer,

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that is to say, certificates of title to the stock or any part thereof, with coupons annexed, to bearer, and entitling the bearers of the coupons to the interest on the stock.

Rules applicable to certificates of stock to bearer.

301. The following provisions shall apply to certificates of debenture stock to bearer:—

(1.) A stock certificate to bearer shall entitle the bearer to the stock therein described, and shall be transferable by delivery;

(2.) Where a stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed;

(3.) The coupons annexed to the certificate to bearer at the time of issue shall comprise the interest to be payable in respect of the stock therein described for not less than five years from the date of the certificate;

(4.) On the expiration of that period fresh coupons shall be issued for a further period of not less than five years each during the continuance in force of the stock certificate, but the Commissioners may, if they think fit, in lieu of issuing fresh coupons in respect of a stock certificate to bearer, give in exchange a fresh stock certificate to bearer, with coupons annexed;

(5.) The payment to the bearer of a coupon of the amount expressed therein, shall be a full discharge to the Commissioners of all liability in respect of that coupon and the interest represented thereby;

(6.) A trustee shall not apply for or hold a stock certificate to bearer or coupon, unless authorised to do so by the terms of his trust, and any contravention of this section by a trustee shall be deemed a breach of trust, but this provision shall not impose on the Commissioners any obligation to inquire whether a person taking or applying for a stock certificate to bearer or coupon is or is not a trustee, or subject the Commissioners to any liability in the event of their issuing a stock certificate to bearer or coupon to a trustee, or invalidate any stock certificate to bearer or coupon so issued;

(7.) If a stock certificate to bearer or coupon be lost or destroyed, the Commissioners shall issue a new stock certificate or coupon on receiving an indemnity to their satisfaction;

(8.) Stock described in a stock certificate to bearer, shall be charged on the same securities, and save in so far as such stock certificate is a negotiable instrument, and save as relates to the mode of transfer and payment of interest thereon, shall be subject to the same incidents and be entitled to the same rights and privileges in all respects as if it

had continued entered in the register as stock transferable therein;

(9.) On the issue of a stock certificate to bearer, the Commissioners may demand any sum not exceeding two shillings and sixpence on every one hundred pounds of stock included in the certificate, and a proportionate amount for any less sum of stock;

(10.) No fee shall be charged on the issue of a stock certificate to bearer in exchange for a like certificate;

(11.) The bearer of a stock certificate to bearer may on delivery of his certificate, and of all unpaid coupons belonging thereto, to the Commissioners, and on compliance with any regulations made under this Act, require the Commissioners to enter him on the register as a holder of the stock described in such stock certificate, and thereupon that stock shall be re-entered in the register, and shall become transferable therein, and the interest thereon shall be payable as if no such stock certificate to bearer had been issued in respect of that stock;

(12.) On the re-entry by the Commissioners of the stock included in a stock certificate to bearer, a fee not exceeding five shillings shall be payable to the Commissioners;

(13.) The Commissioners may from time to time issue any forms required for carrying into effect the provisions of this section, and may from time to time make reasonable regulations and alter, vary or repeal any such regulations relating to the following matters:—

(*a.*) The time for which coupons are to be given;

(*b.*) The mode in which the Commissioners are to act in issuing stock certificates to bearer, or entering in the register the holders of stock certificates to bearer or their nominees;

(*c.*) The mode of proving the title of or identifying any person applying for a stock certificate to bearer;

(*d.*) The mode of proof of the loss or destruction of a stock certificate to bearer or coupon;

(*e.*) Any other matter necessary to carry this section into effect: Provided that no such regulation shall be inconsistent with this Act, and all such regulations for the time being in force shall be duly observed.

Provision for expenses on stock.

302. The expenses from time to time incurred by the Commissioners in payment of composition for stamp duty in respect of stock, shall be deemed to be expenses incurred by the Commissioners for the several purposes for which the stock, or, as the case may be, the

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bonds, or other documents of debt converted into stock is, or shall have been issued, and such expenses may be charged as capital expenses.

Notice of trusts not to be received.

303. No notice of any trust, express implied or constructive, shall be received by the Commissioners or by any registrar or officer of the Commissioners in relation to any stock whether issued to bearer or otherwise.

Stock issued at premium.

304. When any stock is issued at a premium, such premium shall be carried to a separate account, and be applied to the purposes to which the sinking fund is applicable.

Interest on stock recovered by action.

305. If the interest on any stock being payable be not paid upon demand thereof in writing, made to the Commissioners by the holders thereof, such holders may sue for and recover the same, with full costs, by ordinary action in any court of competent jurisdiction.

If interest in arrear for two months judicial factor may be applied for.

306. If within two months after the interest on any stock or part thereof has become payable, and after demand thereof in writing, it be not paid, the holder thereof without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction, may require the appointment of a judicial factor by an application to be made as in this Act provided.

Application for judicial factor and his powers.

307. Every such application shall be made to either division of the Court of Session and such division (herein-after called the Court) may if it think fit, appoint a judicial factor on such terms and conditions, and with such powers as the Court may think necessary, and such judicial factor shall have the power of assessing and raising and recovering the rates, assessments, tolls, duties and others that may be liable to the payment of the interest on the stock, as the Commissioners themselves or any officer of theirs might have, and shall apply all moneys received by him after payment of expenses and costs, under the direction of the Court, for the purposes of and in conformity with this Act.

Discharge of judicial factor &c.

308. The Court may at any time discharge such judicial factor, and shall have full jurisdiction over him and over the applicants and all persons interested in his acts.

Authentication of certificates of stock.

309. If the certificate of any stock bear the signature of the treasurer and two of the Commissioners, it shall not be necessary for any person or body to enquire whether the moneys mentioned in the certificate are within the borrowing or other powers of the Commissioners.

Prior holders of debt not to be prejudiced.

310. Nothing in this Act contained shall in any way prejudice or affect the rights remedies and priorities of the holders of bonds or other documents of debt of the Commissioners created or issued

before the first creation or issue of stock under this Act, nor be deemed to give to the Commissioners the right to convert any such bonds or other documents of debt existing at the commencement of this Act into stock, or otherwise to disturb or interfere with the same, without the previous consent in writing of the respective holders; nor shall anything in this Act contained be deemed to authorise the Commissioners to pass any resolution for the conversion of any such bonds or other documents into stock, unless the consent in writing of the respective holders has previously been obtained, or unless it be declared in such resolution that such consent shall be obtained prior to such conversion.

Re-borrowing or re-issuing of stock.

311. If the Commissioners pay off any debts or securities or purchase or redeem any stock otherwise than by the operation of the sinking fund by this Act authorised, they may in any manner authorised by this Act, re-borrow or raise the amount so paid off, and so from time to time.

Interest and sinking fund how to be paid on certain borrowed money.

312. The interest and contributions to the sinking fund in respect of all money borrowed or raised, or to be borrowed or raised, for or in respect of tramways, markets, slaughter houses, baths and bathing places, or other separate or distinct undertaking, shall be paid by the Commissioners out of the revenues of the said concerns respectively, and if at any time the revenues of any of the said concerns prove insufficient to meet the whole of the interest and sinking fund, then the deficiency or deficiencies shall be made good out of the assessment for general purposes.

Interest and sinking fund how to be paid on certain other borrowed money.

313. The interest and contributions to the sinking fund in respect of all moneys borrowed or raised, or to be borrowed or raised, in respect of new and improved streets, or lands houses and property for the reconstitution of the burgh, shall be paid by the Commissioners out of and from the revenues of such lands houses and other property, or the feu duties and ground annuals created or to be created on the sale or conveyance of the same or other revenues arising therefrom, and out of and from the assessment authorised to be levied therefor by this Act, and if at any time the same shall prove insufficient to meet the whole of the interest and sinking fund, then the deficiency or deficiencies shall be made good out of the said assessment for general purposes.

Joint holders of stock.

314. If two or more persons are registered as joint holders of any stock, any one of such persons may give effectual receipts for any interest on such stock, unless notice is given to the contrary to the Commissioners by any other joint holder of such stock.

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Interest warrants on stock by post. 39 & 40 Vict. c. 81.

315. The Commissioners may from time to time make arrangements for payment of interest on debenture stock by sending warrants through the post, and every warrant so sent shall be deemed a cheque within the meaning assigned to that term in the Crossed Cheques Act, 1876.

Mode of obtaining interest warrants by post.

316. Where the holder of any debenture stock desires to have his interest warrants sent to him by post, he shall make a request for that purpose to the Commissioners in writing, signed by him, in a form approved by the Commissioners, and shall give to the Commissioners an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

Protection of Commissioners.

317. The posting by the Commissioners or their treasurer or clerk, of a letter containing an interest warrant, addressed to the holder of debenture stock, at his request under this Act, at the address given by him to the Commissioners, shall, as respects the liability of the Commissioners and their officers, be equivalent to the delivery of the warrant to the said holder of the debenture stock himself.

Registers evidence of title, &c.

318. The registers of the debenture stock and of the transfers of debenture stock kept under the provisions of this Act, shall be primâ facie evidence of all matters therein entered under the provisions of this Act, and of the title of persons entered therein as owners of any debenture stock.

Commissioners may arrange with bank for attending to debenture stock matters.

319. The Commissioners may, from time to time, enter into such arrangements with any bank or banking company as they think proper, for carrying into effect the provisions of this Act with reference to the creation and transfer of debenture stock and the management thereof, and the keeping of the registers and any other matters, and for the proper remuneration of the bank with reference thereto.

Power of Commissioners to make regulations as to debenture stock matters.

320. The Commissioners may from time to time make, alter and rescind with reference to the transfer of debenture stock, or otherwise in relation to such stock, reasonable regulations not inconsistent with the provisions of this Act. A printed copy of all such regulations shall be entered in the registers, and any such regulations for the time being in force shall be duly observed.

Repayment of money borrowed, other than that now due, by instalments or sinking fund in sixty years.

321. The Commissioners shall, out of the assessments, rates and other revenues, under this Act, with regard to all moneys to be borrowed or raised under this Act, for any other purpose than the repayment of money borrowed or due previous to the passing of this Act, either pay off the respective moneys borrowed or raised by annual or other instalments or otherwise within sixty years from the

borrowing or raising of such money, or else appropriate out of the said assessments, rates and revenues as a sinking fund every year, and until the respective moneys so borrowed or raised are fully paid off, a sum not less than one-sixtieth part of the respective moneys so borrowed or raised, and from time to time apply the same respectively in reduction and repayment of the moneys so borrowed or raised; and it shall be lawful for the Commissioners, by agreement with the respective lenders to repay the said moneys borrowed or raised respectively by equal 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 or raised within the said period of sixty 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.

21 & 22 Vict. c. 98.

322. The Commissioners shall, out of the assessments, rates and other revenues under this Act with regard to all moneys borrowed or due previous to the passing of this Act, or to be borrowed or raised under this Act for the repayment of moneys borrowed or due previous to the passing of this Act, either pay off the said respective moneys by annual or other instalments or otherwise within seventy years from the original borrowing of such moneys, or else appropriate out of the said assessments, rates and revenues as a sinking fund every year and until the respective moneys are fully paid off a sum not less than one-seventieth part of the respective moneys, and from time to time apply the same respectively in reduction and repayment of the moneys; and it shall be lawful for the Commissioners, by agreement with the respective lenders, to repay the said moneys by equal 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 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.

Repayment of money borrowed, and now due, by instalments or sinking fund in seventy years.

323. The Commissioners shall include in and as part of the said assessments and rates annually or otherwise as the same are laid on,

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such sums as shall be necessary for making the payments or producing the sinking funds respectively authorised and required by the two immediately preceding sections of this Act, together with the annual interests on the money borrowed or raised from time to time by the Commissioners.

XXXVIII.—Saving Clauses and Appeal.

Saving as to new streets the plans of which already approved.

324. Nothing contained in this Act shall impose upon the owners of new streets, the plans of which were submitted to and approved of by the Commissioners under the Improvement Act, any greater obligations in regard to the paving and flagging of such streets than they were under previous to the passing of this Act.

Jurisdiction of dean of guild, &c.

325. 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.

Provision as to Tramways Acts and this Act, and also as to Public Health Acts.

326. Nothing herein contained shall prejudice or affect the first Tramway Act, or the second Tramway Act, other than the repealed branches and section thereof before mentioned (being section four and branches III., IV. and V.); and the purposes and provisions of the said Acts (meaning also by "Acts," any Act or portion of any Act incorporated with the said Acts,) so far as unrepealed shall be deemed to be purposes and provisions of this Act, and wherever the Tramway Acts or the Public Health Acts and this Act contain provisions for effecting the same or a similar object, but in different modes, the Commissioners may proceed under the Tramway Acts, or either of them, or the Public Health 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 or others of the said Acts: Provided that in all cases where any of the provisions of this Act are contrary to or inconsistent with the said Tramway Acts, or either of them, or the Public Health Acts, or any of them, the provisions of this Act

shall supersede, or, as the case may be, control the provisions of the Tramway Acts and Public Health Acts, but the provisions of the Tramway Acts and Public Health 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.

Saving rights of harbour trustees.

327. Nothing contained in this Act shall alter, prejudice, diminish or affect the rights, privileges, powers, authorities and jurisdictions whatsoever of the trustees of the harbour of Dundee, under the Dundee Harbour Consolidation Act, 1875, or the Dundee Harbour and Tay Ferries Act, 1873, or under any clause or clauses of any previous Act or Acts relating to the harbour of Dundee, as reserved unrepealed by the said first-mentioned Act, or be construed or interpreted to vest in, or transfer to, or create in favour of the Commissioners as regards the harbour of Dundee, or the trustees of the said harbour, any thing or any right or power which previous to the passing of this Act did not belong to, or was not vested in, or exerciseable by, the existing Commissioners.

36 & 37 Vict. c. l.

Providing for arbitration between harbour trustees and Commissioners.

328. Whereas differences and disputes exist between the trustees of the harbour of Dundee and the Commissioners regarding manure within the harbour, the maintenance of the existing common sewers through the same, assessments in respect of the harbour property or part thereof, and the watching, paving, cleansing and lighting of the harbour or part thereof, all such disputes and differences shall, failing agreement, be submitted to and settled by Alexander Asher, advocate, Edinburgh, whom failing, John Trayner, advocate, Edinburgh, whom failing, such advocate practising at the Scotch Bar as shall be named by the dean of faculty of advocates for the time being as sole arbiter, on the basis of the rights and position of parties as existing previous to the passing of this Act, and the award of such arbiter shall be final, and the measure of the rights and obligations of both parties under this Act, and shall be published in the Edinburgh Gazette and recorded in the books of council and session in Scotland.

Appeal.

329. Any person liable to pay or to contribute towards the expense of any work ordered or required by the Commissioners under this Act, and any person aggrieved by any order or resolution or deliverance or act of the Commissioners made under any of the provisions contained in section thirty-seven or in parts eleven, twelve, thirteen, fourteen, eighteen or thirty-three of this Act may, unless otherwise in this Act before specially provided for, 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

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complained of, or within fourteen days after the commission of the act 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 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 the said court shall think fit: Provided that all appeals to the sheriff in this Act before specially provided for shall also be made, lodged, dealt with and disposed of in manner and as specified in this section: Provided also that if the 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.

330. Nothing contained in this Act 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 (which consent the Board of Trade may give), neither shall anything in this Act contained extend, to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors.

Saving rights under Crown Lands Act.

29 & 30 Vict. c. 62.

331. 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 in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866.

Saving for Acts relating to animals, dairies, cowsheds, and milk shops.

332. Except as otherwise expressly provided by this Act, nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act, 1878, or of any order, license, or Act of Her Majesty's Privy Council, made, granted or done or to be made, granted or done thereunder, or of any order, regulation, license, or act of a local authority made granted or done, or to be made, granted or done under any such order of the Privy Council, or exempt the slaughter houses, knackers' yards, or other places used for the slaughtering of horses; or the dairies, cowsheds, or milk shops, to which this Act relates, or any of

them, or any building or thing whatsoever, or any body or person from the provisions of any general Act relating to animals, or dairies, or milk, already passed, or to be passed, in this or any future session of Parliament.

Saving rights of magistrates and town council of Dundee.

333. Subject to the powers and provisions of this Act, and except as by this Act otherwise provided, 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 the said burgh, or any of them.

Copies of Act to be kept and sold.

334. 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 the 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 two shillings.

Costs of Act.

335. 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 to be raised under and for the general purposes of this Act.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

TABLE OF RATES AND DUES

Leviable by the Commissioners of Police for the Burgh of Dundee, at and for the Slaughter Houses.

Each cattle beast	slaughtered in	rented	slaughter-house	-	-	1*s.*	0*d.*
„ „	„	unrented	„	-	-	1*s.*	9*d.*
„ calf	„	rented	„	-	-	0*s.*	2*d.*
„ „	„	unrented	„	-	-	0*s.*	4*d.*
„ sheep or lamb	„	rented	„	-	-	0*s.*	3*d.*
„ „	„	unrented	„	-	-	0*s.*	5*d.*
„ pig	-	-	-	-	-	1*s.*	0*d.*

If gas supplied by the Commissioners is used during killing, 2*d.* extra to be paid for each cattle beast, and 1*d.* extra for each sheep, lamb, calf, or pig. But tenants of rented slaughter-houses shall have option of putting in meters, and paying for gas consumed at current rates.

Rent of slaughter-houses each,	if tenant a single person	-	£15	per annum.
„ „	if two persons	- -	£20	„
„ „	if three persons	- -	£25	„
„ „	if four persons	- -	£30	„

Note.—No more than four tenants shall be allowed.

Country or foreign carcasses, or part thereof, brought to slaughter-house	- -	each 2*s.*	0*d.*
Examining „ „	if suspected -	„ 5*s.*	0*d.*
„ carcasses of suspected cattle, after slaughter	-	„ 5*s.*	0*d.*
Searching tallow, per cwt.	- - -	- 0*s.*	5*d.*
Country or foreign hides brought to slaughter-house	- -	each 0*s.*	3*d.*
Cleaning tripe and feet of each cattle beast	- -	- 1*s.*	0*d.*
„ feet of each calf, sheep, or lamb	- -	- 0*s.*	1½*d.*
„ feet of each pig	- - - -	- 0*s.*	1*d.*
Each cattle beast stored in general lairs	-	- per night 0*s.*	6*d.*
„ calf or pig „ „	- - -	„ 0*s.*	3*d.*
„ sheep or lamb „ „	- - -	„ 0*s.*	1*d.*

Unspecified animals or work.—Such reasonable rate or rates as the Commissioners may from time to time fix, or, in case of difference, as shall be settled by the sheriff. Licensed slaughtermen killing—

Each cattle beast - - -	1*s.* 6*d.*
„ calf - - -	0*s.* 6*d.*
„ pig - - - -	1*s.* 0*d.*
„ sheep or lamb - -	0*s.* 3*d.*

Note.—The manure from the lairs and the garbage from the slaughter-houses, and the blood, guts, and other offals of any animal slaughtered within the slaughter-houses, and the refuse of any tallow searched on the premises, shall be the property of the Commissioners.

TABLE OF TOLLS OR DUES

Leviable by the Commissioners of Police for the Burgh of Dundee, at and for the Markets.

(1.) Cattle.

Cattle beast - - - - -	0*s.* 6*d.* each.
Calf - - - - - - -	0*s.* 4*d.* „
Sheep or lamb - - - - -	0*s.* 1*d.* „
Pig - - - - -	0*s.* 4*d.* „
Horse - - - - -	1*s.* 0*d.* „
Vehicle for sale entering market - -	0*s.* 6*d.* „
Load of hay „ - - - -	0*s.* 6*d.* „
„ turnips „ - - - -	0*s.* 6*d.* „
Set of harness, agricultural implement, and such like article -	0*s.* 6*d.* „
Feed of hay - - - - -	0*s.* 6*d.* „
Ox, cow, or horse stored in market other than during market hours—	
for every twelve hours or part thereof - - -	0*s.* 6*d.* „
Calf or pig „ „ - - -	0*s.* 3*d.* „
Sheep or lamb „ „ - - -	0*s.* 1*d.* „
Weighing loads on steelyard - - - -	0*s.* 1*d.* „
For each auction sale per hour, or part thereof, by any auctioneer who has not a rented mart - - - -	5*s.* 0*d.* „

(2.) Dead Meat.

Carcasses of ox, cow, or part thereof - - -	1*s.* 0*d.* each.
„ sheep or lamb - - - - -	0*s.* 3*d.* „
„ pig, - - - - -	0*s.* 4*d.* „
„ calf, - - - - -	0*s.* 3*d.* „
Weighing carcass, or part thereof - - -	0*s.* 1*d.* „

THE SECOND SCHEDULE.

Form of Certificate of Debenture Stock.

DUNDEE POLICE DEBENTURE STOCK.

Certificate No. Amount £
Registered No.

This is to certify that

of is registered in the books of the Dundee Police Commissioners as the proprietor of £ Dundee Police debenture stock created by virtue of the Dundee Police and Improvement Consolidation Act, 1882, bearing interest at the rate of £ per centum per annum, payable half-yearly on the 15th day of May and the 11th day of November in each year, the first payment to be made on the day of next.

Given under the hands of the treasurer and two of the Commissioners on behalf of the Commissioners this day of .

Note.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

THE THIRD SCHEDULE.

Form of Transfer of Dundee Police Debenture Stock.

I of , in consideration of the sum of paid to me by of do hereby transfer to (herein-after called the transferee) the sum of £ "Dundee Police debenture stock," with all interest due and to become due thereon; to hold unto the transferee his executors administrators and assigns, subject to the several conditions on which I hold the same at the time of the execution hereof; and I the transferee do hereby agree to take the said debenture stock subject to the same conditions.

As witness our hands this day of in the year of our Lord 18

THE FOURTH SCHEDULE.

Certificate of Infectious Disease, &c.

Under the Dundee Police and Improvement Consolidation Act, 1882.

To the Commissioners of Police of the Burgh of Dundee.

Pursuant to the above-mentioned Act, I hereby certify and declare that, in my opinion, the under-mentioned person is suffering from a disease within the terms of the above-mentioned Act.

Dated the day of 18

(Signed)

Name of person suffering from the disease -
Situation of the house, building or room wherein such person is - - -
Name of occupier or other person having the charge, management, or control of such house, building or room - - -
Nature of disease - - -

Note.—This certificate must (under a penalty of forty shillings in case of neglect) be forthwith delivered or sent to the medical officer of the Commissioners at his office.

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Printers to the Queen's most Excellent Majesty. 1882.