ANNO DECIMO

VICTORIÆ REGINÆ.

****

Cap. xxxii.

An Act to alter and amend an Act, intituled *An Act for providing in or near the Burgh of* Cupar *more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the County of* Fife ; *and for the Custody of the Records of the said County,* and to authorize the Commissioners acting under the Authority of that Act to provide a Court House at *Dunfermline* for the Accommodation of the Courts of the Sheriff and Justices of the Peace in the Western District of the said County.

[8th *June* 1847.]

WHEREAS an Act was passed in the Fifth and Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for providing in or near the Burgh of* Cupar *more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of* 5 & 6 W. 4. c. 60.

Supply of the County of Fife; *and for the Custody of the Records of the said County:* And whereas the Commissioners appointed by the said Act shortly after the passing thereof purchased and acquired the House called the *Tontine* Inn, and the Stable and Offices thereto belonging, situated at *Cupar*, and altered the same, and the County Court House adjoining thereto, and adapted them to the Purposes directed by the said Act, and such altered Buildings are now used for such Purposes: And whereas there is no suitable Accommodation for holding the Courts and Meetings of the Sheriff and of the Justices of the Peace of the Western District of the said County, such Courts and Meetings being at present held by Sufferance of the municipal Authorities in Apartments in the Town House of the Burgh of *Dunfermline*, which are altogether inadequate and unsuitable for the Purpose: And whereas the Population of the Western District of the said County is now very considerable, and the same and the judicial Business thereof are daily increasing, and it is therefore expedient that proper Accommodation should be provided for holding the Courts and Meetings of the Sheriff and Justices of the Peace, and for the Accommodation of the Officers of the said Courts of the said Western District; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may 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, That the said Act, and all the Powers and Provisions thereof, (excepting in so far as the same are already fulfiled, or are hereby expressly altered,) shall continue in full Force, and, in so far as applicable, shall be applied to this Act, and shall be as good, valid, and effectual for carrying this Act into execution, as if the whole Clauses thereof had been herein repeated and re-enacted.

Former Act incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds, Instruments, and Proceedings, it shall be sufficient to use the Expression "The *Dunfermline and Cupar* Court Houses Act, 1847."

Commissioners appointed.

III. And be it enacted, That the Commissioners named and chosen in manner directed by the said recited Act shall be and they are hereby nominated and appointed Commissioners for erecting and providing in the Western District of the said County the Buildings and Accommodation necessary and proper for holding the Courts of the said Sheriff and Justices of the Peace of the said Western District, and for transacting the public Business, and for the keeping and preserving the Records of the said Courts, together with suitable Offices and Accommodation for the several Clerks, Officers, and Servants therewith connected, and also for repairing, managing, and regulating such Court House, Offices, and Accommodation, when erected and completed, and for making all necessary Contracts and Agreements for and concerning the same, and for executing all the Powers by the said recited Act and this Act committed to them.

Powers of Commissioners.

IV. And for providing such Buildings and Accommodation as aforesaid for the said Western District, be it enacted, That it shall be lawful

lawful for the said Commissioners to contract and agree for the Purchase of any House or Building in or near the Burgh of *Dunfermline*, and the Site thereof, and to alter and add to such House and Buildings so as to adapt and render the same sufficient for the Purposes aforesaid, or, if the Commissioners shall judge it more advisable, to purchase and acquire a Site, and to build, erect, and form thereon a Court House, of such Materials as they shall judge fit, with all necessary and suitable Offices, Accesses, and Accommodations for the Purposes aforesaid, in such other Situation as they shall think proper in or near the said Burgh of *Dunfermline*, and thereafter to maintain and keep in repair such Court House, Buildings, Offices, and Accommodation as they shall provide for the Purposes aforesaid, to purchase suitable Furniture therefor, to heat, light, and supply the same with Water, and to enter into all Contracts and Agreements necessary for these Ends or any of them, and to appoint and pay the Expences of any Servant or Servants necessary for the Charge and Keeping of such Court House, Buildings, Offices, and Accommodation, and generally to execute and effect all the Purposes of this Act.

Plan of Court House to be lodged with Sheriff Clerk.

V. Provided always, and be it enacted, That at least One Month previous to proceeding to construct any such Court House, Buildings, Offices, or Accommodation, either by altering existing Buildings or by erecting other Buildings, the said Commissioners shall deposit a Plan thereof, authenticated by the Signatures of a Quorum of their Number, together with an Estimate of the Expence, with the Sheriff Clerk of the said County of *Fife*.

8 & 9 Vict. c. 19. applied in Part to this Act.

VI. And in order the more effectually to enable the said Commissioners to acquire such Buildings and Site thereof, or other Site, be it enacted, That so much of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," as relates to the Purchase of Lands by Agreement, to Application of Compensation Money to Conveyances, and to Entry on Lands, shall be incorporated with and form Part of this Act, and this Act shall be construed as if the several Clauses and Provisions of the said Act in relation to the above-mentioned Matters were fully set forth in this Act.

Commissioners may sell or let Part of Buildings.

VII. And be it enacted, That the said Commissioners may sell or let, for such Price or Rent as can be obtained for the same, any Part of the Buildings already erected or to be erected at *Cupar*, or which may be erected in the Western District of the said County under the Authority of this Act, as may not be found necessary for the Purposes of the said recited Act, or of this Act, but so as that such selling or letting shall be in no way inconsistent with the Object and Intention of this Act or of the said recited Act.

Rent may be taken, and Application thereof.

VIII. And be it enacted, That the Commissioners may exact and receive from any public Officer to whom any Office or Apartment may be assigned in the said Buildings at *Cupar*, or in the said Buildings to be provided at *Dunfermline* under the Authority of this Act, such Rent as may be contracted and agreed upon therefor, and also a Share corresponding to the Accommodation given to such public Officer of the

the annual Expence of heating, lighting, supplying with Water, and keeping the said Buildings; and such Rent shall be held as Part of the Funds of the Commissioners, and be applied towards the Maintenance and Repair of the said Court Houses, Offices, Buildings, and Accommodation: Provided always, that nothing herein contained shall be held to vest in the several Clerks and other Officers and Servants of any of the said Courts, or employed in the public Business of the said County, any Right to have Accommodation provided for them in any of the said Buildings at *Cupar* or *Dunfermline*.

Assessment for building Court House at Dunfermline.

IX. And be it enacted, That it shall be lawful for the Commissioners of Supply for the said County of *Fife*, at their first or any subsequent Meeting after the passing of this Act, to assess or cause to be assessed, by not less than Three yearly Instalments, a Sum not exceeding Four thousand five hundred Pounds, to be applied in acquiring and constructing a Court House, Offices, Buildings, and Accommodation in the Western District of the said County of *Fife*, and furnishing the same for the Purposes aforesaid, upon all Lands, Teinds, and Feu Duties of every Description, and other Heritages contained in the Valuation Books of the said Shire of *Fife*, which Assessment shall be levied proportionally, either according to the respective valued Rents of the said Lands, Teinds, Feu Duties, and other Heritages, or upon the real annual Value of all Lands and other Property in the said County rendered liable to Assessment for the Expences of Prisons and Prison Discipline by an Act passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, as the said Commissioners shall direct and appoint at such Meeting; and the Collector to be appointed to levy the said Assessment shall account for and pay over the Money arising from such Assessment, under Deduction of his Commission, to the said Commissioners or their Treasurer for the Time being.

2 & 3 Vict. c. 42.

Annual Assessment to be upon valued Rents, or upon real Value of Lands.

X. And be it enacted, That the said Commissioners of Supply, at their annual General Meeting on the Thirtieth Day of *April* in each Year after the passing of this Act, shall be and are hereby authorized and required to impose and levy the Assessment, not exceeding One hundred and fifty Pounds yearly, authorized by the said recited Act, either according to the respective valued Rents of the Lands, Teinds, Feu Duties, and other Heritages contained in the Valuation Books of the said County, or upon the real annual Value of all Lands and other Property in the said County rendered liable to Assessment for the Expences of Prisons and Prison Discipline by the said Act passed in the Second and Third Year of the Reign of Her present Majesty, as they shall think fit.

Annual Assessment after Completion of Dunfermline Court House.

XI. And be it enacted, That the said Commissioners of Supply, at their said General Annual Meeting on the Thirtieth Day of *April* in each Year after the said Court House, Offices, and Buildings to be erected in and for the Western District of the said County have been declared by the said Commissioners to be completed, shall be and are hereby authorized and required to increase the said annual Assessment to any Sum, not exceeding Three hundred Pounds in all yearly, for the Purpose of paying the Feu Duty, and for maintaining and keeping the said

said Court Houses, Offices, Buildings, and Accommodation at *Cupar* and in the Western District of the said County respectively in repair, and paying the Expences of Collection, the Clerk and Treasurer, and the Servant or Servants in charge of the same, which Assessment shall be raised, levied, accounted for, and paid over to the Commissioners in such and the like Manner as the Assessment on the said County first hereby imposed is authorized and directed to be raised, levied, accounted for, and paid over: Provided always, that the said several Court Houses, Offices, Buildings, and Accommodation shall not be subject to any County Rates, Burgh or Parochial Taxes whatsoever, from all which the said Court Houses, Offices, and Buildings are hereby declared to be exempted.

Recovery of Assessment.

XII. And be it enacted, That such Assessments shall be recovered by the said Commissioners of Supply, or by their Collector, in the same Manner and by such summary Process as the Cess or Land Tax is usually levied and recovered: Provided always, that when the Sums payable under such Assessments shall not exceed the Sum of Eight Pounds Six Shillings and Eight-pence Sterling, the same may be recovered at the Instance of the said Collector, who is hereby authorized and empowered to sue for and recover the same according to the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriffs Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland; and such Collector shall account for and pay over the Money arising from such Assessments, under Deduction of his Commission, to the Commissioners acting under this and the said first-recited Act or their Treasurer for the Time being.

7 W. 4. & 1 Vict. c. 41.

Commissioners may borrow Money.

XIII. And be it enacted, That it shall be lawful for the Commissioners to borrow and take up at Interest, upon the Security of the Assessment of Four thousand five hundred Pounds hereby authorized to be levied, such Sum or Sums of Money as they shall judge requisite for defraying the Expence of purchasing the necessary Premises in the Western District of the said County, and making the same available for a Court House and Offices for the Purposes aforesaid, and procuring Plans and Estimates thereof, and furnishing the same, together with every other Expence attending the applying for and passing of this Act, and carrying the same into execution; provided always, that the whole Amount of the Money so to be borrowed shall not exceed the Sum of Three thousand Pounds; and it shall be lawful for the said Commissioners to assign or make over, by Mortgage or Assignment duly stamped, wherein the Consideration for the same shall be truly stated, the whole or any Part of the Assessment hereby authorized to be imposed and levied for the Construction of a Court House, Offices, Buildings, and Accommodation in the Western District of the said County, to any Person or Persons from whom the Money aforesaid, or any Part thereof, shall be borrowed, as a Security for Payment thereof and the Interest arising thereon at a Rate not exceeding Five Pounds *per Centum per Annum;* and such Mortgages or Assignments in Security for Money to be borrowed as aforesaid shall be entered in a Book or Books to be kept by the said Commissioners or their Clerk

for that Purpose, which Book or Books may be seen and perused by any Person or Persons in any way interested therein without Fee or Reward; and the Mortgages or Assignments in Security to be granted by the Commissioners for the Purposes aforesaid shall be transferable by Endorsement duly stamped and duly subscribed by the Parties transferring in the Presence of One or more subscribing Witness or Witnesses, which Mortgages or Assignments so to be granted by the said Commissioners shall be made and executed by their Clerk in their Name on their Behalf, he being especially authorized so to do by a General Meeting of Commissioners: Provided always, that the Commissioners or their Clerk, or such Person as they may appoint to receive the Money to be borrowed as aforesaid, shall not be personally subject to pay the same by reason of their authorizing the Signature of or signing such Mortgages or Assignments as before described.

Security to be taken from Officers.

XIV. And be it enacted, That before any Person to be intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer appointed by the Commissioners, shall enter upon such Office, the Commissioners shall take Security from him for the faithful Execution thereof.

Auditor to be appointed.

XV. And be it enacted, That the Sheriff of the County of *Fife* shall, some Time during the Month of *February* in the Year One thousand eight hundred and forty-eight, and some Time during the Month of *February* in every Year thereafter, on Application made to him by the Clerk of the Commissioners, appoint an Auditor (being a Person well skilled in Accounts, and not one of the Commissioners, nor holding Office under them,) to audit and docquet the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become vacant by Death or from other Causes, the said Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

Auditor to examine Accounts, and to report.

XVI. And be it enacted, That it shall be the Duty of such Auditor once in every Year to audit the Accounts of the Commissioners, and for such Purpose the Commissioners shall deliver to the said Auditor the Balance Sheet of their Accounts, with the proper Vouchers in support of the same, on or before the Fifteenth Day of *March* in each Year, and the said Auditor may also examine the Accounts and Account Books and Vouchers of the said Commissioners at any Time previous to the Thirtieth Day of *March* in each Year, and may either make a special Report on the said Accounts, or simply confirm the same; and the said Commissioners shall pay to such Auditor for his Trouble in making such Audit and Report or Confirmation a Sum not exceeding Five Pounds.

Commissioners to transmit annual Account to the Sheriff Clerk.

XVII. And be it enacted, That the Commissioners shall, on or before the Thirtieth Day of *April* in each Year, cause a Copy of the Balance Sheet and Statement made up annually as aforesaid by the Commissioners, duly audited and certified by One of the Commissioners authorized to do so, and by the Auditor appointed as aforesaid, to be transmitted free of Expence to the Sheriff Clerk of the County of *Fife*, which Account shall be open to the Inspection of the Rate-payers

at all reasonable Hours on the Payment of One Shilling for every such Inspection; and if the Commissioners shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Offence the Sum of Ten Pounds, to be levied by summary Process at the Instance of any One or more of the Rate-payers, besides being obliged still to transmit such Account.

Interpretation of Act.

XVIII. And be it enacted, That in the said recited Act and in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Masculine Gender only shall include and be held to apply to Females of the same Class, Kind, or Character:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Words "Lands" or "Heritages" or "Heritable Property" shall include all Lands, Tenements, Leasehold Property, and Heritable Property of every Description, and of whatever Tenure:

The Word "Commissioners" shall mean the Commissioners named or authorized to put the said recited Act and this Act in force.

Public Act.

XIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.