CHAPTER clxi.

An Act for extending the municipal and police boundaries of the city of Edinburgh, including the royal burgh thereof, and for amendment of the Edinburgh Municipal and Police Act, 1879, and application thereof to the districts annexed, and for other purposes. [24th July 1882.] A.D. 1882.

WHEREAS the municipality and police of the city of Edinburgh, and the roads and streets of the same, and other matters connected therewith, are governed and administered under the Edinburgh Municipal and Police Act, 1879, herein-after called "the recited Act": 42 & 43 Vict. c. cxxxii.

And whereas under Acts recited in the recited Act, the municipal boundaries of the city and royal burgh have been extended so as to be co-extensive with the parliamentary boundary of the city, while the police boundaries were by the recited Act specially described, and provision was made for the whole being included under the description of the "burgh":

And whereas, from the increase of population in and around the city and burgh, it is expedient that the boundaries of the same should be extended, and that all franchises, rights, privileges and immunities of the said city and burgh and royalty thereof, and the powers and jurisdictions of the Lord Provost and magistrates, and of the magistrates and council, and of the police, burgh, and dean of guild courts thereof, and other jurisdictions should be extended over the lands and territory herein-after described, and the inhabitants of the same, and that the provisions of the recited Act should be in some respects amended and applied to the city and burgh as so extended:

And whereas, with a view to such objects, it will be necessary that the portions of the county of Edinburgh so to be added to the city, burgh and royalty should be separated for the purposes of this Act from the said county, and that all matters of administration

A.D. 1882.

within the portions of the county so to be added to the city, burgh and royalty, including the repair, maintenance and management of roads and streets therein, should be devolved upon the Lord Provost, magistrates and council to be administered along with and as part of the burgh, and that due provision should be made for such administration:

But the objects before mentioned cannot be effected without the aid and authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Edinburgh Municipal and Police Extension Act, 1882, and where this and the recited Act are to be referred to in conjunction, they may be cited as the Edinburgh Municipal and Police Acts, 1879 and 1882.

Commencement of Act.

2. This Act shall come into operation on and from the fifteenth day of May, one thousand eight hundred and eighty-three, hereinafter called the commencement of this Act: Provided always that for the purpose of the division of the burgh into wards, and in so far as regards the application of the amendments of the recited Act to the existing burgh, this Act shall come into operation from the passing hereof.

Interpretation of terms.

3. In this Act the following words and expressions shall have the several meanings by this section assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:

The expression "the existing burgh" means the city and royal burgh of Edinburgh, and the burgh as defined in the recited Act;

The expression "the burgh" means and shall include the existing burgh and the extension thereof as defined in this Act;

The expression "the districts annexed" means and comprehends so much of the burgh as lies outside the existing burgh;

and the words and expressions construed in the recited Act shall, if and when used in this Act and when not inconsistent with the above constructions, respectively have the meanings attached to them in the recited Act.

Burgh extended.

4. The municipal and police boundaries, including the boundaries of the royal burgh of Edinburgh, shall be and are hereby extended

to, and shall include the whole territory, lands, and heritages locally situated and comprehended within the following limits (that is to say):

From the point on the south side of the road leading from Edinburgh by Comely Bank to Queensferry, where that road is at present intersected by the parliamentary and municipal boundary of the city westwards along the south side of the said road to the west side of the point where the same is crossed by the road from Granton by Crew to the Queensferry Road; thence in a straight line by the present Dean Toll, to a point on the north side of the road leading from Edinburgh to Glasgow by Coltbridge, 217 yards, or thereby, eastwards of the centre of the road leading by Murrayfield from Ravelston Dykes to the said Edinburgh and Glasgow Road; thence in a straight line southwards to the point of junction between the two branches joining the Edinburgh Suburban and South Side Junction Railway with the Edinburgh and Glasgow section of the North British Railway near Gorgie; thence south-eastwards along the east side of the said railway to the cross-road from Morningside to Colinton Road, near Myreside Cottage; thence southwards along that road and the western boundary of the lands of Plewlands to the south-western extremity of the said lands; thence eastwards along the south boundary of the said lands to a point on the old road from Edinburgh to Carlops 165 yards, or thereby, north from the Greenbank Road; thence eastwards and north-eastwards along the stone fence for a distance of 823 yards, or thereby, to the point where the said fence meets the fence skirting or bounding the base of the Blackford Hill, 388 yards, or thereby, north-east from Braid House; thence in a north-easterly, easterly, and south-easterly direction along the last-mentioned fence which separates the arable from the hilly ground to a point 340 yards or thereby south-eastwards from Blackford House; thence north-eastwards in a straight line for a distance of 339 yards, or thereby, to the corner of the farm road leading from Liberton West Mains to Blackford Farm, 24 yards or thereby west from Liberton West Mains Cottages; thence eastwards along the south side of the said road to where it meets the Old Liberton Road; thence north-eastwards in a straight line to Mayfield Toll on the Carlisle Road; thence along the south side of the road leading from Mayfield Toll to Cameron Bridge Toll; thence in a south-easterly direction along the Old Dalkeith Road for 45 yards or thereby; thence in a north-

A.D. 1882.

easterly and easterly direction along the road leading from the Old Dalkeith Road to Niddry by Peffermill to the point where the said road crosses the Braid Burn; thence northwards and north-eastwards along the course of and including the Braid Burn, to the bridge over the same on the road from Cairntows Toll to Duddingston, thence north-eastwards along the west side of that road, and a straight line in continuation thereof to Duddingston Loch; thence eastwards, northwards, and westwards along the margin of that loch to the south-eastern boundary of the Queen's Park; thence northwards along that boundary to the boundary of the property called Parson's Green, 312 yards or thereby south-westwards of the house called Willowbrae; thence eastwards along the southern boundary of the said property of Parsons Green to the road leading from Jocks Lodge to Duddingston at the north side of the said house called Willowbrae; thence north-westwards along that road to the London Road at Jocks Lodge Toll; thence westwards along that road to the existing police boundary of Edinburgh at the junction of the old and new roads at Meadowbank; thence by a line through the grounds now or formerly belonging or reputed to belong to the Orphan Hospital, Sir Graham Graham Montgomery, Baronet, and the Earl of Moray, to the Lochend Road, and along the centre of the said roadway to the point where the parliamentary and municipal boundary of Leith intersects; thence in a straight line south-westwards through Lochend Loch to the point at which the feeder enters the western side of the said loch; thence in a straight line to the centre of the street of Leith Walk in line with the centre of Pilrig Street; thence along the centre of Pilrig Street and the Bonnington Road to the point at which the latter meets the road from Leith to Queensferry, thence along the road from Leith to Queensferry to the north-western extremity of the parliamentary and municipal boundary of the city; thence south-westwards along that boundary to the point first described.

Provided always that the description of the said boundaries shall be subject to the rules of construction laid down in the Public General Act, 2 and 3 Will. IV. cap. 65, sec. 5.

Deposit of map of burgh.

5. An ordnance survey map or plan, certified and signed by the Lord Provost and town clerk, showing the existing municipal and parliamentary boundary, and also the limits of the burgh, city, and royalty as fixed by this Act, shall, within two weeks after the passing hereof, be deposited with the town clerk of the city, and with the sheriff clerk of the county of Edinburgh, at their offices

respectively, and shall be open at all reasonable times to the inspection of any ratepayer without charge.

Districts annexed disjoined from county of Edinburgh.

6. On the districts annexed being included within the burgh as before provided, such districts shall be, and the same are hereby, for the purposes of this Act disjoined from the county of Edinburgh.

Extension and application of provisions of recited Act, and certain rights to burgh.

7. The provisions of the recited Act, as amended by this Act, and except in so far as inconsistent herewith or varied hereby, shall be incorporated herewith and apply to the burgh in the same way and manner, and to all intents and purposes, as they apply to the existing burgh; and all rights, powers, privileges, immunities, and obligations at present enjoyed, possessed by or incumbent on the magistrates and council, the magistrates, the judge of police, or the inhabitants of the existing burgh shall extend and apply to the burgh and the inhabitants thereof; and the provisions of all public general statutes already passed which apply to the existing burgh shall apply to the burgh.

Powers of local authorities to cease in districts annexed.

8. Subject to the provisions of this Act, all jurisdictions, rights, powers and authorities heretofore exercised or exerciseable by any local, road, or other authority within or over the districts annexed or any part or parts thereof shall cease and determine from and after the commencement of this Act.

Assessments on burgh.

9. Every rate, toll, or assessment (except poors rates and teinds or tithes) authorised to be collected and levied by any local, road, or other authority having jurisdiction over the districts annexed or any part or parts thereof, but which shall not have been actually imposed previously to the commencement of this Act, shall on the commencement thereof cease and determine within the districts annexed, and the burgh assessments leviable under the recited Act shall thenceforth be leviable on the burgh in the same way and manner as the same are leviable on the existing burgh.

Recovery of arrears of assessments, &c. within districts annexed.

10. Every rate, toll, or assessment which shall have been actually imposed by any local, road, or other authority, who had jurisdiction within the districts annexed or any part thereof before the commencement of this Act, shall continue to be due and payable and may be collected and levied by the persons who respectively imposed the same and by the ways and means and under the same restrictions and regulations as if this Act had not been passed, and shall be received and applied by such persons respectively to and for the purposes for which the same were authorised to be levied.

Partial deduction from burgh assessments.

11. Until the districts annexed are included within the limits of compulsory supply of the Edinburgh and District Water Trust, the owners and occupiers of lands and heritages within the districts

A.D. 1882.

annexed shall be entitled to a deduction from the burgh assessments payable by them under the recited Act and this Act, of a sum equal to twopence per pound on the amount of the rentals in respect of which such burgh assessments are imposed.

Act not to affect election of members to serve in Parliament.

12. Nothing in this Act contained shall affect the county of Edinburgh or the parliamentary burgh of Edinburgh, or the limits of the same, so far as regards the election of members to serve in Parliament for the said county and city respectively, or the preparation of the registers of voters for the purposes of such elections, excepting as regards the city with reference to the re-arrangement of wards as herein-after provided.

Parochial arrangements not to be affected; tithes reserved.

13. The lands and heritages within the districts annexed shall remain parts and portions of the parishes within which they now lie respectively and shall not in so far as regards the settlement, relief or management of the poor, the erection and maintenance of district lunatic asylums, the payment of poors rates or any burdens for purposes other than those for which the said lands and heritages will be assessed under the provisions of the recited Act or this Act, which now affect, or which may hereafter affect, the said parishes respectively, or other parochial arrangements, be affected by any of the provisions of this Act, and the teinds or tithes held or payable in respect of the said lands and heritages shall be saved and reserved to the true owners thereof.

Tenures and records reserved.

14. Nothing in this Act contained shall alter to any legal effect whatsoever the holdings or tenures of any lands and heritages, or records wherein the rights thereof, or any deed or writing affecting the same, may be registered.

Thirlage not to be extended.

15. The territory within the districts annexed and the lands and heritages and inhabitants thereof shall not by reason of this Act be subjected to any thirlage to which such territory, lands, and heritages or inhabitants were not previously subject.

Land tax, how to be raised.

16. The land tax payable by the city shall continue to be assessed and paid as heretofore, and the proportions thereof to be paid by the several districts in the city and the burgh of Leith respectively shall continue to be ascertained and fixed by the assessors for the said city and burgh respectively, appointed under the Act for the valuation of lands and heritages in Scotland; and the magistrates and council of Edinburgh shall, in reference to the said land tax, be and remain in place of the former magistrates of Canongate and the former commissioners of the southern districts: Provided always that no person or property shall be subjected by this Act to any

portion of the land tax payable by the city which was not or could not be subjected thereto previous to the commencement of this Act.

Continuance in office of magistrates and council.

17. The magistrates and council, as at present constituted, shall continue to consist of the same number of members as at present, and shall continue in office, subject to the provisions of the statutes regulating the election of councillors, and the order of their retirement shall not be affected.

Division into wards.

18. As soon as conveniently may be, after the passing of this Act, the Lord Provost, the sheriff (excluding his substitutes), and a person to be appointed by one of Her Majesty's Principal Secretaries of State, or any two of them, shall divide the burgh into thirteen wards, bearing the same name and number as the wards into which the existing burgh is divided, and alter existing wards, or such of them as they may consider expedient, to the same effect and in the way and subject to the procedure provided by section 16 of the Municipal Elections Amendment (Scotland) Act, 1868; and section 21 of the recited Act shall be and the same is hereby repealed.

31 & 32 Vict. c. 108.

Identity of wards for parliamentary and municipal elections within city.

19. The wards of the burgh, for the purposes of parliamentary elections, shall continue to be identical with the wards to be formed for municipal elections, in so far as such wards are within the parliamentary boundaries of the city.

Future election of councillors.

20. On the first Tuesday in November, one thousand eight hundred and eighty-three and the first Tuesday in November in every year thereafter, the qualified electors in the wards as rearranged shall proceed in the usual manner to return members to the town council in lieu of those who retire by rotation and otherwise, from the wards of the same numbers and names.

Burgh assessor to make up valuation roll of districts annexed, and as to access by county assessor.

21. The assessor for the time being of the existing burgh, acting under the Public General Act, 17 and 18 Vict. cap. 91, intituled "An Act for the valuation of lands and heritages in Scotland," and Acts amending that Act, shall, after the commencement of this Act, perform all the duties imposed on such assessor by those Acts within the burgh, and the provisions as to appeals and complaints against the assessor's valuations contained in such Acts, and all other matters affecting such valuations, and the completion and certification of the valuation roll, shall apply to the valuation of the burgh; and the assessor and collector for the county of Edinburgh shall have access, free of charge, to the valuation roll of the burgh, for the purpose of making up and completing the list of parliamentary voters in the county for the districts annexed, and levying assessments for lunacy or other purposes; and the valuation roll

A.D. 1882.

within the annexed districts so made up by the burgh assessor shall be the valuation roll for the purposes of county and parochial assessments.

Public-houses and Licensing Acts. 25 & 26 Vict. c. 35. 39 & 40 Vict. c. 26. 40 & 41 Vict. c. 3.

22. All applications for certificates under the Public General Acts passed in the ninth year of the reign of King George IV. cap. 58, and in the sixteenth and seventeenth years of the reign of Her present Majesty, cap. 67, the Public Houses Acts Amendment (Scotland) Act, 1862, the Publicans Certificates (Scotland) Act, 1876, and the Publicans Certificates (Scotland) Act, 1876, Amendment Act, 1877, or any Acts amending the same in reference to premises within the burgh, shall be made to and be disposed of by the magistrates, who shall exercise within the burgh all the powers and perform all the duties conferred or imposed by those Acts or any of them, as to granting such certificates, and all appeals and confirmations of deliverances of the magistrates shall be made to and be disposed of according to the provisions of the said Acts; and for the purpose of such licensing the justices of the peace of the county of the city of Edinburgh shall have jurisdiction over the burgh.

Provision as to subsisting licenses in districts annexed.

23. All certificates of license before the commencement of this Act granted for the county of Edinburgh within the districts annexed by the justices of the peace for the county of Edinburgh and then in force shall, unless the same shall be revoked or shall previously expire, subsist and continue until the fifteenth day of May, one thousand eight hundred and eighty-four; and with reference to such certificates all prosecutions for offences against the Public Houses and Licensing Acts or any of them, or for any breach of the regulations of such certificates, shall be proceeded with in the same way as if such certificates had been originally granted within the existing burgh, and all applications for renewal or the transfer of such certificates shall after the commencement of this Act be disposed of by the magistrates.

Justices of the peace for limits of 11 & 12 Vict. c. cxiii. and of burgh.

24. Her Majesty and her royal successors may, from time to time as heretofore, nominate and appoint special justices of the peace for the county of the city of Edinburgh, and the limits of the Edinburgh Police Act, 1848, and also of the burgh.

Sessions of the peace.

25. The justices of the peace who are or may be so appointed shall hold quarter special and petty sessions on the same days and in the same manner as justices of the peace of shires, counties and other districts in Scotland.

Saving jurisdiction of sheriff and

26. Except as by this Act otherwise specially provided, nothing in this Act contained shall alter, diminish, or affect the authority

and jurisdiction of the sheriff or justices of the peace of the county of Edinburgh. A.D. 1882.

justices of peace.

27. Nothing in this Act contained shall affect or alter the powers, duties, jurisdictions, rights and obligations of any school board having, or which may have schools or other buildings within the districts annexed, or their rights of property, or of levying assessments under the Education (Scotland) Act, 1872, and any Acts amending the same; but nothing herein contained shall prevent the same being dealt with under the powers of the Education (Scotland) Act, 1878.

Act not to affect school boards.

35 & 36 Vict. c. 62.

41 & 42 Vict. c. 78.

28. The roads, streets, foot-pavements, and footpaths within the districts annexed shall, on the separation of such districts from the county, be managed, maintained and repaired by the magistrates and council along with, and in the same way and manner as the roads, streets, foot-pavements and footpaths within the existing burgh; and the county road trustees shall be freed and relieved of the repair and maintenance of all such roads, streets, foot-pavements and footpaths within the districts annexed in all time coming.

Roads, &c. in districts annexed.

29. Nothing herein contained shall affect the liability of the lands and heritages within the respective districts of roads as such now exist and as are comprehended within the districts annexed for the share of the road debt of the county of Edinburgh which would, under the Roads and Bridges (Scotland) Act, 1878, attach to them had this Act not been passed, but such share of liability of owners shall form a charge upon the burgh assessments under the head applicable to the repair and maintenance of streets, courts, foot-pavements, and footpaths.

Provision for road debt within the districts annexed.

41 & 42 Vict. c. 51.

30. Every toll-house or other building or property used in connexion with the collection of tolls and the repair and maintenance of the roads, streets, foot-pavements and footpaths now belonging to the county road trustees within the districts annexed, shall by virtue of this Act be vested in the magistrates and council, who shall dispose of the same and apply the prices realised therefor in the manner provided in the Roads and Bridges (Scotland) Act, 1878, namely, in the first place in payment of the road debt of the county road districts within which such toll-houses, buildings, or property respectively are situate, and failing such purposes to the purposes of the recited Act and this Act. Provided always that this section in so far as regards the Slateford toll-house erected by the governors of George Watson's Hospital under an agreement between the said governors and the trustees of the united districts of Calder, Slateford, and Corstorphine Roads for the erection and

Vesting and sale of toll-houses, and disposal of proceeds.

A.D. 1882.

disposal of such toll-house shall remain subject to the terms and conditions of such agreement.

As to agricultural or pasture lands.

31. With respect to any lands within the districts annexed, used solely for agricultural or pasture purposes, together with any farmhouses, farm buildings, or farm steadings, occupied in connexion therewith, the provisions of the recited Act, or this Act, as to the accumulation of manure, the working and manuring of the land, the keeping of dogs and poultry, and the discharge of firearms, shall not come into operation until such lands, farmhouses, farm buildings, or farm steadings, shall have ceased to be of such character; and the magistrates and council may at any time apply to the Board of Supervision, to have it declared that such lands, farmhouses, farm buildings, or farm steadings, or any of them, or any portion thereof, by reason of the altered condition of the same, or of the neighbourhood, have ceased to be of an agricultural or pastoral character, and therefore ought to fall under the said provisions of the recited Act, and this Act, which the said Board of Supervision, after hearing the objections, if any, of the parties affected thereby, is hereby empowered to declare, and the powers and jurisdiction of the Dean of Guild Court shall not extend to farmhouses, farm buildings, or farm steadings actually existing at the time of the commencement of this Act, until they cease to be of an agricultural or pastoral character as herein-before provided: Provided always that nothing in this section contained shall affect the application to such lands, farmhouses, farm buildings, or farm steadings, of the other provisions of the recited Act and this Act, or of the Public Health (Scotland) Act, 1867, or Acts amending the same, or any other Public General Act applicable to the same.

30 & 31 Vict. c. 101.

Saving rights in sewers, drains, roads, foot-pavements, and footpaths.

32. Nothing in this Act or in the recited Act contained with respect to the vesting of roads, foot-pavements, footpaths, sewers or drains within the districts annexed in the magistrates and council shall prevent any superiors, owners, or other persons by whom or by whose predecessors the same shall have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the said parties respectively.

Naming streets on estates of Braid, Craigmillar, and Plewlands.

33. In naming streets under the powers contained in the recited Act, regard shall be had to the wishes of the respective owners of the estates of Braid, Craigmillar, and Plewlands, and names already given to streets on ground feued or laid out for feuing shall not be altered unless found to be unsuitable.

For protection of the Liberton Waterworks Company.

34. Nothing in this or in the recited Act contained shall be held to interfere with any existing power of the Liberton Waterworks Company (but in so far as within the estate of Craigmillar with consent of the proprietor of that estate for the time being) to maintain and extend their existing water pipes or to access for inspecting repairing and relaying such existing and extended pipes, the said company being held in construing this and the recited Act to be a company privileged to lay pipes but subject always to the restrictions and regulations by the recited Act imposed on companies so privileged.

As to Edinburgh Street Tramways Company.

35. And whereas certain of the lines or portions of lines of the Edinburgh Street Tramways Company are or may be situated within the districts annexed, or one or other of them, and will so be included within the burgh, the said lines or portions of lines of tramway shall be held as if the same had been originally constructed within the burgh under the provisions of the Edinburgh Street Tramways Act, 1871, and subsequent Acts of the Edinburgh Street Tramways Company, and the magistrates and council shall be the local and road authority in respect of such lines or portions of lines of tramway so included; and all enactments in the said several Acts shall apply to the lines or portions of lines of tramway in the districts annexed, or any of them, as if the same had been the subject of the several enactments and agreements in regard to tramways within the existing burgh contained in the said Acts. Nothing in this Act contained shall be held to affect any tramway or portions of tramway situated within the burghs of Leith or Portobello.

34 & 35 Vict. c. lxxxix.

Application of 37 & 38 Vict. c. lxxxv. and other Acts.

36. The provisions of the Edinburgh Markets and Customs Act, 1874, and of the Acts therein recited, as to customs, markets, and slaughter-houses, shall apply to the burgh in the same way and manner as they now apply to the existing burgh.

Saving for Acts relating to animals. 41 & 42 Vict. c. 74.

37. Nothing in or done under this Act or the Edinburgh Markets and Customs Act, 1874, or the Acts therein recited, or any of them, 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 markets and slaughter-houses to which this Act or the Edinburgh Markets and Customs Act, 1874, or any of the Acts therein recited relates, or any building or thing whatso-

A.D. 1882.

ever, or any body or person, from the provisions of any general Act relating to animals, already passed or to be passed in this or any future session of Parliament.

Extension of jurisdiction of Dean of Guild Court.

38. The Dean of Guild Court as at present constituted shall, subject to the provisions of this Act, possess and exercise within the burgh all the rights, powers, privileges, functions, and jurisdictions which are possessed and exercised by it within the existing burgh.

Interim appointment of members of Dean of Guild Court.

39. In cases of vacancy by death, resignation, or incapacity of any member of the Dean of Guild Court, other than the dean of guild, in the course of the year betwixt the annual elections of members of such court, the magistrates and council may appoint a person to fill ad interim such vacancy.

Saving rights of Crown.

40. Nothing in this or in the recited Act contained shall imply any power on the part of the magistrates and council to levy the burgh assessments in respect of the Queen's Park, Arthur's Seat, the Palace of Holyrood or other Crown property within the burgh either as regards owner or occupier, and the care and maintenance of all roads, foot-pavements or footpaths within the aforesaid Crown lands shall remain with Her Majesty and her royal successors, and shall not be exercised by the magistrates and council, and the jurisdiction and powers of the Dean of Guild Court shall not extend to the Palace of Holyrood House or other buildings within the precincts of the Queen's Park.

Amendment of recited Act.

41. The recited Act shall be and the same is hereby amended as follows:

(Assaults on constables.)

(1) In section 57, in cases of assaults on constables, the judge of police may impose imprisonment for any period not exceeding sixty days as an alternative to the pecuniary penalty thereby provided.

(Gas in common stairs.)

(2) In section 95, in addition to the obligation on every owner of any common stair, passage, or court to provide the necessary lamps, brackets and other means of lighting and providing the necessary supply of gas, he shall be liable to a penalty not exceeding forty shillings for not providing such supply of gas: Provided always that the owner so providing a supply of gas shall be entitled to relief for the amount expended by him in providing such supply against the occupier of the common stair, passage, or court, or of the occupiers, where more than one, according to the amount of rent payable by each occupier respectively.

A.D. 1882.

(3) In section 98, in addition to the penalty imposed for throwing or casting from any window or other opening or place any water, soil, dirt, filth or any offensive matter or thing, every person who shall throw or place upon any street, court, or common stair, any such water, soil, dirt, filth, or any offensive matter or thing, or discharge upon any street or court by means of any soil or foul water pipe, or accumulate within any inclosure, area, house or building, garret, cellar, apartment, or common stair, any foul water, soil, dirt, filth, or any offensive matter or thing, shall be liable to a like penalty of not exceeding forty shillings. (Deposit of, or accumulation of, offensive matter or thing.)

(4) In section 101, every person who shall form any middenstead or other receptacle for horse or cow dung or other refuse without the consent of the magistrates and council shall be liable to a penalty not exceeding forty shillings. (Middensteads.)

(5) Section 108 is hereby repealed, and in lieu thereof it is hereby enacted that:

(*a*) The occupiers of every house, flat, or storey, having entrance by a common stair, shall cause the stair and landing immediately below the flat or storey possessed by them to be swept every lawful day, and washed at least twice a week, and all areas connected therewith to be swept every lawful day. If any flat or storey of the tenement be unoccupied, the occupiers of the flats or storeys above shall cause the stairs and landings below such empty flat or storey to be swept and washed downwards to the next house which shall be occupied; and any passage, or continuation of a passage, to any area, back green, or any ground used in common shall be swept and washed by the occupiers of the several houses in such tenement in weekly rotation; and all areas and common passages leading to cellars shall be cleansed weekly by the occupiers of the cellars in the same, or by parties having a right to use such areas or passages, or who shall use such areas or passages. In cases where the common stair enters from or off a street above, the occupiers of every house, flat, or storey shall sweep every lawful day, and wash twice a week, the passage and stair from the street or flat immediately above them downwards to the house, flat, or storey possessed by them, and also cleanse any area or any passage leading to any ground or back green connected therewith; and if any flat or storey of the tenement be unoccupied, the occupiers of the flats (Cleansing of common stairs.)

A.D. 1882.

or houses occupied shall sweep and wash the stair and passages upwards to the street, and clean the area, if there be one, or to the next house that shall be occupied; and owners or persons having charge of houses or buildings shall clean out unoccupied cellars and apartments.

(Cleansing of common passages.)

(*b*) The occupiers of every house or building having entrance from a common passage shall in weekly rotation cause such passage and steps to the street to be swept every lawful day, and washed at least twice a week: Provided always that where there is no house or other occupied building having entrance from such passage, the duty of sweeping and washing the passage and steps to the street shall devolve upon the occupiers of the several flats above in weekly rotation.

Every person failing in any of the above matters shall be liable to a penalty not exceeding five shillings.

(Proof of obstruction, &c.)

(6) In section 246 the commission of the offences therein enumerated may be proved by other evidence than that of any resident or passenger obstructed, annoyed or endangered.

(Sale of coals.)

(7) In section 255 the penalty not exceeding forty shillings thereby imposed on every coal dealer in whose possession any parcel or bag deficient in weight is found shall attach to every coal dealer who shall sell or expose for sale from carts coals otherwise than in parcels or bags legibly marked with the true weight thereof.

(Incorporation and application of certain clauses of 25 & 26 Vict. c. 101.)

(8) Section 263 is hereby repealed, and in lieu thereof it is enacted that: In regard to brokers and pawnbrokers, clauses 311 to 316 both inclusive, 319 to 324 both inclusive, and 326 of the General Police Act are hereby incorporated: Provided that in the sense of this Act the words "from and after the adoption of this Act" in such clauses shall mean from and after the commencement of this Act; the words "magistrates," "magistrate," or "judge," shall mean the judge of police; the word "clerk," the clerk of the police court; and the words "superintendent of police," the chief constable.

(As to brokers.)

(9.) Section 264 shall be read as if the words "of the burgh court" were omitted therefrom.

(Goods, &c. found.)

(10) The provisions of section 268, as to disposal of goods, articles, or money found shall be subject to the following amendment: That if the owner of the same do not prove his ownership, and the finder cannot within six months and after notice be found, the judge of police may order such goods or articles to be sold, and the proceeds thereof, or if the subject

be money, such money to be applied to the purposes of the recited Act and this Act.

(11) Section 269 shall be read as if the word "shall" were inserted before the words "grant warrant," and the provisions thereof shall be subject to the following amendment: That it shall not be necessary before such goods, articles, or money can be so sold or disposed of, that any apprehension shall have taken place, or that any formal charge before the judge of police shall have been made against any person for having stolen or unlawfully obtained the same. (Unclaimed stolen property.)

(12) Section 317 shall be read as if the proviso thereto were omitted therefrom, and the following inserted in its place: Provided always that all complaints arising out of any breach of the provisions contained in sections 299 to 307 inclusive, or any breach of the byelaws, rules, and regulations made by the magistrates in virtue of the recited Act or this Act, shall proceed at the instance of the procurator fiscal in the burgh court, before the magistrates. (Jurisdiction of burgh court.)

(13) Section 331 shall be read as if the words "and who shall be "detained in custody" were inserted after the words "every person taken into custody," and as if the words "statutory holiday" were omitted therefrom, and shall be subject to the following modification: That with regard to the power of remand by the judge of police, such power may be exercised by the judge of police from time to time as the circumstances of the case may seem to require, for any period not exceeding eight days at one time or twenty-four days in the whole. (As to remand of persons in custody.)

(14.) Section 360 shall be read as if the words "statutory holiday" were omitted therefrom. (As to holidays.)

42. All charges and expenses attending the preparation, obtaining, and passing of this Act, and incidental thereto, shall be paid out of the common good and burgh assessments, or one or other of them. Expenses of Act.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.