ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. xxxii.

An Act to extend the Municipal Boundaries of the City of *Edinburgh*, to transfer the Powers of the Commissioners of Police to the Magistrates and Council, and for other Purposes relating to the Municipality of the said City. [23d *June* 1856.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth (Public General), Chapter Sixty-five, "To amend 2 & 3 W. 4.
"the Representation of the People in *Scotland*," and the Limits and c. 65. (Pub.)
Boundaries for the Purposes of the said Act of the City of *Edinburgh*, and of the several other Cities, Burghs, and Towns entitled to return or to contribute to return Members to Parliament, were specified and described in the Schedule (M.) thereunto annexed: And whereas another Act was passed in the Third and Fourth Year of the said Reign (Public General), Chapter Seventy-six, "To alter and amend 3 & 4 W. 4.
"the Laws for the Election of the Magistrates and Councils of the c. 76. (Pub.)
"Royal Burghs in *Scotland*," which Act was explained, altered, and amended by the following Public General Acts; *videlicet*, an Act passed in the Fourth and Fifth Year of the said Reign, Chapter 4 & 5 W. 4.
Eighty-seven, and Two Acts of the Reign of Her present Majesty, c. 87.

15 & 16 Vict. c. 32. 16 & 17 Vict. c. 26. one of them passed in the Fifteenth and Sixteenth Year of the said Reign, Chapter Thirty-two, and the other passed in the Sixteenth Year of the said Reign, Chapter Twenty-six: And whereas the Royalty of the City of *Edinburgh* has been at different Times extended over certain Lands adjoining the said City by virtue of the following Public Acts of the Reign of King *George* the Third; *videlicet*, the 7 G. 3. c. 27. Act of the Seventh Year of the said Reign, Chapter Twenty-seven, 25 G. 3. c. 28. the Act of the Twenty-fifth Year of the said Reign, Chapter Twenty- 26 G. 3. c. 113. eight, the Act of the Twenty-sixth Year of the said Reign, Chapter 49 G. 3. c. xxi. One hundred and thirteen, and by the Local Acts of the Forty-ninth Year of the said Reign, Chapter Twenty-one, and of the Fifty-fourth 54 G. 3. c. clxx. Year of the said Reign, Chapter One hundred and seventy: And whereas Commissioners for the Eight Southern Districts of the City of *Edinburgh* were appointed, and certain Regulations with regard to the Land Tax payable by the said City and the adjoining Districts were made by virtue of the Acts after mentioned; *videlicet*, the Public 11 G. 3. c. 36. Act of the Eleventh Year of the Reign of King *George* the Third, 25 G. 3. c. 28. Chapter Thirty-six; the aforesaid Public Act of the Twenty-fifth Year of the said Reign, Chapter Twenty-eight; and the Public 1 & 2 Vict. c. 55. General Act of the First and Second Year of the Reign of Her present Majesty, Chapter Fifty-five: And whereas a System of Police has been established and is maintained in the City of *Edinburgh* and 11 & 12 Vict. c. cxiii. adjoining Districts, by virtue of the Local Acts of the Eleventh and Twelfth Year of the Reign of Her present Majesty, Chapter One 17 & 18 Vict. c. cxviii. hundred and thirteen, and of the Seventeenth and Eighteenth Year of the said Reign, Chapter One hundred and eighteen: And whereas 11 & 12 Vict. c. cxxiii. a Local Act was passed in the Eleventh and Twelfth Year of the Reign of Her present Majesty, Chapter One hundred and twenty-three, "To provide for the Municipal and Police Government of the "Burgh of *Leith*, and for other Purposes relating thereto:" And whereas the Powers conferred on the Magistrates and Council of the said City, under the Acts with respect to Prisons and Prison Discipline in *Scotland*, the Acts to provide for the better Registration of Births, Deaths, and Marriages in *Scotland*, and the Act for the Valuation of Lands and Heritages in *Scotland*, extend over and are exercised by them within the Parliamentary Franchise Limits and Boundaries of the said City prescribed by the Act first before recited: And whereas it is expedient that the Municipal Boundaries of the said City should be enlarged so as to be co-extensive with the said Parliamentary Franchise Boundaries thereof; that the Magistrates and Council should be increased in Number, and the Offices of the subordinate Magistrates and Commissioners within the said extended Boundaries be abolished; that the Powers of the Commissioners of Police of the said City and adjoining Districts should be transferred to and vested in the Magistrates and Council, and Provision made as to the Portion of the Police Territory situated within the Municipal Boundaries of *Leith*;

Leith; and that the Acts before recited should be amended, and further Provision made in these and in various other respects; but as these Purposes 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:

Short Title.

I. This Act may be cited for all Purposes as "The *Edinburgh* Municipality Extension Act, 1856."

Interpretation of Terms.

II. The following Words and Expressions in this Act 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,)

The Word "City" shall mean the City of *Edinburgh* and the Territory within the Limits of this Act:

The Expressions "Magistrates and Councillors" and "Magistrates and Council" shall mean the Magistrates and Councillors of the City of *Edinburgh* elected by virtue of this Act:

The Word "Magistrates" shall mean the Magistrates of the City of *Edinburgh* elected by virtue of this Act, and shall include the Lord Provost and Bailies:

The Word "Sheriff" shall mean the Sheriff of the County of *Edinburgh*, and shall include the Sheriff Substitutes:

The Words "City Clerks" shall mean the Clerks of the City of *Edinburgh*, or any one of them:

The Words "Wards" and "Ward" shall include Polling Districts, under the Act first before recited, and the several Acts amending or explaining the same:

The Expressions "the Limits of this Act" and "extended Bounds" shall be held to mean and to comprehend the whole Territory within the Limits and Boundaries to which the City of *Edinburgh* is extended by this Act:

The Word "Subjects" used in reference to the Parliamentary and Municipal Franchise shall mean the Houses, Warehouses, Counting-houses, Shops, or other Buildings and Lands in respect of which such Franchise may be exercised.

Extension of Municipal Boundaries and Jurisdictions.

III. From and after the passing of this Act, the Municipal Limits and Boundaries of the City and Royal Burgh of *Edinburgh* shall be the same as the Limits and Boundaries thereof specified and described in the Act first before recited; and the Magistrates and Council and Magistrates of the City shall possess the same Rights, Powers, and Jurisdictions of every kind over the whole Territory of the City as so extended,

extended, and over the Inhabitants thereof, as they now possess within the Royalty or present Limits of the City, any Charter, Law, or Usage to the contrary notwithstanding; and the subordinate and separate Magistracies and Jurisdictions of the Regality of *Canongate*, and of the Baronies of *Calton* and *Portsburgh*, shall from and after the First Election and Induction into Office of the Magistrates and Councillors under this Act cease and determine: Provided always, that the Magistrates who may be in Office at the passing of this Act shall not be entitled to exercise their Jurisdictions beyond the present Limits thereof: Provided also, that the Jurisdiction of the Dean of Guild of the said City and his Court shall not extend beyond the present Limits thereof, or the Limits within which the same may be exercised by the Operation of any of the Acts extending the Royalty before recited; provided further, that if there shall be any Actions or Processes in dependence before the Courts of such subordinate Jurisdictions, these shall be adjudged and disposed of by the Magistrates to be elected under this Act, to whom all such Actions or Processes shall be by Authority of this Act transferred.

Exception of Dean of Guild's Jurisdiction.

Jurisdiction of Sheriff and Justices of the County reserved.

IV. The Sheriff and the Justices of the Peace of the County of *Edinburgh* shall continue to hold all and every Jurisdiction of whatever Kind or Nature, civil as well as criminal, which any of them has had or is anyways entitled to use and exercise, in the same Way and Manner as if this Act had not been passed, excepting in so far as the Exercise of such Jurisdiction may be inconsistent or at variance with the express Provisions of this Act.

Sessions of the Peace.

V. The Justices of the Peace appointed in Terms of the *Edinburgh* Police Act, 1848, for the District of the City of *Edinburgh* and Limits of the said Act, 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*.

As to Public House Certificates.

VI. All Applications for Certificates, under the Public General Acts passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Fifty-eight, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-seven, in reference to Premises within the extended Bounds, shall be made to and disposed of by the Magistrates to be elected under this Act, who shall exercise within these Bounds, as they now exercise within the present Royalty, all the Powers conferred upon Magistrates of Burghs by the said recited Acts; and all Appeals from their Judgments shall be made to and disposed of by the Quarter Sessions or adjourned Quarter Sessions of the Justices of the Peace for the District of the City and Limits of the Police Acts: Provided always, that during the Life of *Robert Davidson* the present Clerk of the Peace for the County

County of *Edinburgh*, or his holding the said Office, the Fees received upon Applications for Certificates by Parties whose Premises are situated within the extended Bounds but beyond the present Royalty, and upon Appeals taken to the Quarter Sessions against the Disposal of such Applications, shall be paid over to the said Clerk.

Prosecutions for Breaches of the Terms of Certificates, &c.

VII. Any Person who shall within the Limits of the *Edinburgh* Police Act, 1848, and the *Edinburgh* Police Amendment Act, 1854, as altered by this Act, commit any Offence against the Provisions of the foresaid Acts passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Fifty-eight, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-seven, or any Breach of the Regulations of the Certificates granted by virtue thereof, may be prosecuted before the Judge officiating in the Police Court established under the Acts first mentioned, at the instance of the Superintendent or other Officer of Police; and every such Offence or Breach shall be proceeded with, tried, and determined, and all Penalties incurred shall be recovered and applied by the said Judge, in the Manner and subject to the Conditions provided in the said second-mentioned Acts in reference to Cases authorized to be tried before the Bailie in the Court of any Royal Burgh: Provided always, that no Fees shall be chargeable by any Clerks or other Officers employed in the Police Court in such Cases.

Weights and Measures.

VIII. The Provisions of the Public General Acts of the Fifth Year of King *George* the Fourth, Chapter Seventy-four; the Sixth Year of the said Reign, Chapter Twelve; the Fifth and Sixth Year of King *William* the Fourth, Chapter Sixty-three; and the Sixteenth Year of Her present Majesty, Chapter Twenty-nine, relative to Weights and Measures, shall within the Limits of this Act be enforced exclusively by the Magistrates to be elected under this Act, and by the Inspectors appointed or to be appointed by them in Terms of the said Acts and this Act.

Provisions of this Act to be operative, although inconsistent with Provisions of certain recited Acts.

IX. And whereas the Provisions herein-after contained with regard to the Division of the City into Wards for the Exercise of the Parliamentary Franchise and also of the Municipal Franchise, the Formation of new Registers of Electors within the City and in the several Wards, the Substitution of Wards for Parishes in the said Registers and in Claims to be enrolled as Voters, the Division of the Lists of Claimants into Wards, and the Publication of such Lists at the Church Doors, are in some respects inconsistent with the Provisions contained in the Act first before recited, and the several Acts amending or explaining the same: Be it enacted, That the foresaid Provisions of this Act shall be operative and receive effect in so far as regards the said

said City, anything in the said recited and other Acts to the contrary notwithstanding.

Division into Wards.

X. 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 City into Thirteen Wards, for the Exercise of the Parliamentary Franchise, and also of the Municipal Franchise, each Ward being numbered and having a distinctive Name; and in making the said Division Seven of the said Wards shall be situated to the North and Six of the said Wards to the South of a Line commencing at a Point on the *London Road* where the said Road is intersected by the Parliamentary Boundary of the City, thence Westward along the Centre of the said Road and of the *Regent Road*, *Waterloo Place*, and *Prince's Street* to the *Lothian Road*, thence along the Centre of the last-mentioned Road to *Saint Cuthbert's Lane*, thence along the Centre of the said Lane to *Morrison Street*, thence along the Centre of the said Street to the Road leading to *Coltbridge*, and thence Westward along the Centre of the said Road to the Point where it is intersected by the Parliamentary Boundary of the City; and regard shall be had to its being the Purport and Meaning of this Act, that the Number of Houses, Shops, Warehouses, or other Premises in each proposed Ward, valued at Ten Pounds or upwards in the Roll made up in virtue of the Act for the Valuation of Lands and Heritages in *Scotland*, shall, as nearly as may be practicable, be the same; and the Parties aforesaid shall cause the proposed Division to be delineated upon a Plan, which shall be open to the Inspection of all Persons concerned for the Space of Fourteen Days, and Notice shall be given previously to the First of the said Fourteen Days by Advertisement in Two of the *Edinburgh* Newspapers where the said Plan is to be seen, and upon a Day after the Expiry of the said Fourteen Days, to be specified in the said Advertisement, the Parties aforesaid shall hear all concerned for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and shall be reported to One of Her Majesty's said Principal Secretaries of State; and on the same being approved of by One of such Principal Secretaries, the said Division shall receive effect and be published at least once in the *Edinburgh Gazette*, and in One of the *Edinburgh* Newspapers: Provided always, that nothing herein contained shall limit the Powers vested in the Sheriff under the Public General Act passed in the Fifth and Sixth Year of the Reign of King *William* the Fourth, Chapter Seventy-eight, Section Three.

New Register of Electors to be formed.

XI. Immediately after the Publication of the said Division and the Completion of the First Registration of Electors subsequent to the passing

passing of this Act, the City Clerks shall form a new Register of the Electors within the City, into which they shall transfer the Names of all those then standing on the Parliamentary Register, inserting opposite to the Name of each Elector the Number of the Ward in which he falls to be placed, but without its being necessary to specify the Parish within which the Subjects lie on which the Elector is enrolled, and shall certify each Entry by their Initials, and each Page by their Signature, as directed in making up the original Register, which new Register shall thereafter be continued, added to, and amended from Year to Year, under the Authority of the Sheriff, and in the Manner directed by the said first-recited Act and this Act.

New Ward Registers to be formed and printed annually.

XII. From the Register to be formed of new and continued, added to, and amended from Year to Year as aforesaid, the City Clerks shall form Registers of the Electors in the several Wards, which shall be made up and certified in the Manner required by the Act first before recited as varied by this Act; and the City Clerks shall cause these Registers to be printed annually, and shall deliver Copies of the Register of any Ward to any registered Elector of the City who may apply for the same, on Payment of One Shilling for each Copy; and further, the Expense of forming the new Register and the new Ward Registers, and of printing the last-mentioned Registers annually, after deducting any Sums received for Copies sold, shall be defrayed from the Municipal Revenues of the City.

As to Election of a Member of Parliament before new Registers completed.

XIII. In the event of an Election of a Member or Members to serve in Parliament occurring during the Interval between the passing of this Act and the Completion of the Registers to be formed as aforesaid, such Election shall be conducted in all respects as if this Act had not been passed.

Wards to be substituted for Parishes in Claims to be enrolled as Electors.

XIV. In order to facilitate the Formation of the Register of Electors in future, it shall not be necessary in Claims to be enrolled as Electors to specify the Parish within which the Subjects lie in respect of which the Claimants seek to be enrolled, and in lieu of such Specification the Number of the Ward within which such Subjects lie may be set forth, and the Schedules to be issued by the City Clerks to Parties claiming to be enrolled shall be altered accordingly.

List of Claimants, how to be published.

XV. The Lists of Claimants, divided according to Parishes, directed to be published on or before the Twenty-sixth Day of *July* yearly shall be discontinued; and Lists of the Claimants, divided according to their several Wards, shall be substituted for the same; and the Lists last mentioned shall be affixed on or before the said Date yearly to or near the Door of the Church of *Saint Giles* within the said City only.

XVI. From

After passing of this Act Right of electing Town Council to belong to Persons herein named.

XVI. From and after the passing of this Act the Right of electing the Town Council shall be in and belong to all such Persons, and to such only, (except as herein-after excepted,) as are or shall be qualified to vote in the Election of Members of Parliament for the City by virtue of the Act first before recited, and as are duly registered as such Voters in the Registers by the said Act and this Act appointed to be kept: Provided always, that all such Electors who may be qualified as herein-before provided shall have resided for Six Calendar Months next previous to the last Day of *June* in this and all future Years within the Limits of this Act, or within Seven Statute Miles of some Part thereof; and that no Person shall be entitled to vote who has been in the Receipt of Parochial Relief, or who has been a Pensioner of any Corporation within Twelve Months of any annual Election, or who may be Town Clerk of the said City at the Time of such Election, or at making up the List or Roll of Electors with a view to such Election; provided also, that the Election of the Councillors, Magistrates, and other Office Bearers shall in all respects be conducted in the Manner directed by the Public General Act passed in the Third and Fourth Year of the Reign of King *William* the Fourth, and other Acts before recited, and that the several Provisions and Enactments of the said Acts, so far as these are applicable to the City, shall be equally valid and effectual for carrying this Act into Execution as if they were herein specially enacted: Provided further, that it shall be sufficient that the Notices of the annual Elections shall be affixed to or near the Door of the Church of *Saint Giles* within the said City, and that they be also inserted at least once in One of the *Edinburgh* Newspapers, and that the Appointment by the Lord Provost or Senior Magistrate immediately before any annual Election of legal Substitutes to preside at the Polling Places, and of Persons to officiate as Poll Clerks in the several Wards, shall be valid notwithstanding the going out of Office of the Lord Provost or Senior Magistrate after the making of such Appointment.

Provisions of certain former Acts to apply to this Act.

Number and Description of Magistrates and Councillors.

XVII. At the First Election of Councillors and Magistrates for the said City to take place in Terms of this Act, the Number of Persons to be elected Councillors shall be Thirty-nine, and the Number of such Councillors to be elected Magistrates shall be Seven, of whom One shall be Lord Provost and Six shall be Bailies; and the Dean of Guild and the Convener of the Trades elected to these Offices respectively in manner mentioned in the Act second before recited shall in virtue of their Elections and while they hold their Offices be constituent Members of Council, making Forty-one Members in whole, whereof a Majority shall constitute a Quorum: Provided always, that where in any Act of Parliament the Four Bailies (being the present Number of Bailies) are appointed as Trustees or Members

of

of any governing Body under such Act, the Four Senior of the Six Bailies to be elected under this Act shall be held to be the Four Bailies appointed as aforesaid.

Election of Councillors.

XVIII. On the First *Tuesday* of *November* after the passing of this Act, being the Day appointed for the annual Election of Councillors, the Electors shall proceed to elect from among the Persons qualified to be Councillors the whole Number of Councillors hereby appointed to be elected; and such Election and all succeeding annual Elections shall be conducted in all respects in the Manner directed by the recited Acts, so far as these are applicable to the City.

Councillors for Wards.

XIX. At the First Election to be made under this Act the Electors of each Ward shall choose the Number of Three Councillors, and at each succeeding annual Election the Number of One Councillor, in room of the Councillor who shall have retired as having been longest in Office: Provided always, that at the Election to be made in the Year One thousand eight hundred and fifty-seven, the Councillor in each Ward so to retire shall be the Councillor who had the smallest Number of Votes at the Election in this present Year, and that at the Election to be made in the succeeding Year One thousand eight hundred and fifty-eight the Councillor in each Ward so to retire shall be the Councillor who had the next smallest Number of Votes at the Election in this present Year, the Magistrates and Council determining where the Votes in any Ward shall have been equal who shall be the Person to retire; provided also, that the Lord Provost and Treasurer shall always remain in Office for the Period of Three Years.

The Lord Provost or Senior Magistrate to preside at the First Election.

XX. The Lord Provost for the Time, or in his Absence the Senior Magistrate present, shall preside at the First Meeting of the Council elected under this Act, until the Election and Induction into Office of the Lord Provost then to be chosen, but no longer; and such Lord Provost or Senior Magistrate shall have no deliberative Vote at such Meeting, unless he shall have been previously elected a Councillor under this Act, but shall in case of Equality of Votes have a Casting Vote.

Existing Magistrates, Councillors, &c. to go out of Office.

XXI. On the Completion of the First Election of Councillors, Magistrates, and Office Bearers under the Provisions of this Act, and on their Induction into Office, but not sooner, the Magistrates, Councillors, and Office Bearers previously in Office in the City, in the Regality of *Canongate*, and in the Baronies of *Calton* and *Portsburgh*, shall go out of Office, and their whole Powers, Duties, and Functions shall cease and determine.

Magistrates elected under this Act to

XXII. The Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall in all respects stand, in

administer the Affairs of the City.

in relation to the Administration of the Affairs and Property of the City as extended, and of Property under the Care and Management of the Magistrates and Council, in the same Situation in which the Magistrates and Council and Office Bearers shall stand previous to such Election in regard to the City within its present Limits; and the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall have the same Rights and Powers of Administration of the Property and Affairs of the City, and of making all usual and necessary Appointments, as at the Time of Election shall have lawfully belonged to and been exercised by their Predecessors in Office in regard to the City within its present Limits, anything in the Set, Usage, or Customs of the City to the contrary notwithstanding.

Magistrates and Councillors not to be appointed to Offices, &c.

XXIII. It shall not be lawful to employ any Magistrate or Councillor, or the Partner in Business of any Magistrate or Councillor, to furnish Goods ordered by the Magistrates and Council or to execute any of the public Work under their Superintendence; and further, it shall not be lawful to appoint any Magistrate or Councillor to any Office of Emolument in the Gift of the Magistrates and Council until the Expiration of Twelve Months after he shall have ceased to be a Member of Council.

Trusts in Behalf of City to be vested in Magistrates and Council.

XXIV. All Mortifications, Endowments, Trusts, however constituted, charitable Bequests, or other Grants held or administered by the Magistrates and Council, or by the Magistrates or Office Bearers of the City, or of the Regality of *Canongate*, or of the Barony of *Calton*, or of the Barony of *Portsburgh*, by themselves, (but subject to the Liabilities to which the same are legally subject,) shall be vested in, held, and administered by the Magistrates and Council or by the Magistrates or Office Bearers to be elected under this Act, or by so many of their Number, to be chosen by them for that Purpose, as are appointed by the Deeds under which such Mortifications, Endowments, Trusts, Bequests, or other Grants are constituted, for the Purposes, and with the Rights, Powers, and Authority, and subject to all the Conditions and Provisions under and upon which the same were conveyed, granted, or settled by the Granters or Makers of such Mortifications, Endowments, Trusts, Bequests, or other Grants: Provided always, that nothing herein contained shall affect the Rights or Powers conferred on any private Individual or Individuals nominated and appointed by any Trust Deed or other Conveyance, whereby any Mortification, Endowment, Trust, Bequest, or other Grant is constituted; and that the Extension of the Boundaries of the City shall not confer on any Person within the Territory added to the City by such Extension, other than the Councillors or Magistrates thereof, any Right to be an *ex-officio* Trustee, Guardian, Governor, or other Manager

Nothing to affect Rights conferred on private Persons, &c.

of

of or under any Mortification, Endowment, Trust, Bequest, or other Grant, of which any Description of Persons within the City were thereby declared to be *ex-officio* Trustees, Guardians, Governors, or other Managers; saving always and reserving to all and every Person or Persons, or Class or Community of Persons, Bodies Politic, Corporate, and Collegiate, all and every Right of Property or personal Privilege or Immunity within the City, excepting as the same may be affected by the Provisions of this Act, which they respectively had or enjoyed before the passing of this Act.

Vesting the Property of the City and other Burghs in the Council elected under this Act.

XXV. The Common Good and Property, heritable and moveable, and Means, Revenues, and Income of every Description, leviable within or belonging to the City of *Edinburgh*, to the Regality of *Canongate*, and to the Baronies of *Calton* and *Portsburgh*, or to which such City, Regality, or Baronies are respectively entitled, or which are held or administered by any Person for or in Behalf of the Community of such City, Regality, or Baronies for the public Ends or Purposes thereof, including the Duties and Casualties pertaining to the Rights of Superiority transferred to the Magistrates and Council by virtue of this Act (but subject to the Liabilities to which such whole Property is legally subject), shall, excepting as herein-after mentioned, be and the same are hereby vested in the Magistrates and Council to be elected under the Provisions of this Act, with full Power, Right, and Authority to levy, adjudge, sue for, and recover the same for the Benefit of the City.

Rights of Superiority transferred to Council.

XXVI. All Rights of Superiority belonging to any Magistracy which is hereby abolished shall by Authority of this Act, without any formal Deed or Act of Conveyance or Process of Law or Registration in regard thereto, be transferred to and vested in the Magistrates and Council: Provided always, that nothing herein contained shall affect the Rights of Superiority possessed by any other Body or Person.

Rights to levy the One per Cent. Tax to cease.

XXVII. The Right to levy the Tax of One Pound *per Centum* of the valued Rent of their Houses and Possessions, payable yearly in aid of the Common Good and Patrimony of the Burgh by the Inhabitants of the ancient Royalty of the City and the Inhabitants of the New Town in the extended Royalty, in virtue of the Public Act of the Twenty-fifth Year of the Reign of King *George* the Third, Chapter Twenty-eight, and other Acts before recited, shall cease and determine.

Acts extending the Royalty reserved.

XXVIII. Nothing in this Act shall limit or prevent the Operation of the several Acts before recited, in virtue of which the Royalty of the City was extended over certain Lands adjoining the said City specified and described in the said Acts, excepting in so far as the same may be inconsistent with the Provisions of this Act.

XXIX. The

Parochial Arrangements not to be affected.

XXIX. The Lands within the said extended Bounds shall remain Parts and Portions of the Parishes within which they now lie respectively, *quoad omnia*, and shall not in so far as regards the Settlement, Relief, or Management of the Poor, the Payment of public or parochial Burdens, 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 shall be saved and reserved to the true Owners thereof.

Teinds, &c. reserved.

Annuity Tax for Ministers not to be extended.

XXX. The Annuity Tax levied within the present Royalty for behoof of the Ministers of the City, and the similar Tax levied within the Parish of *Canongate* for behoof of the Ministers thereof, shall not by reason of this Act extend to any Person who is not or who may not now be made liable in Payment of the same.

Tenures and Records preserved.

XXXI. Nothing herein contained shall alter to any legal Effect whatsoever the Holdings or Tenure of any Lands or Heritages, or the Records wherein the Rights thereof, or any Deed or Writing affecting the same, may be registered.

Thirlage not to extend to Territory not previously subject.

XXXII. The Territory within the extended Bounds, 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.

Qualification of County Road Trustees not to be affected.

XXXIII. Nothing in this Act contained shall be construed to disqualify as a Trustee under the Act of the Fifth and Sixth Year of the Reign of King *William* the Fourth, for more effectually making, repairing, and maintaining the Turnpike Roads in the County of *Edinburgh*, any Person in possession of the Qualification prescribed by the said Act, although the Lands in respect of which he may be so qualified may be situated within the Limits of this Act.

Certain Payments to Burgh of Canongate and to Magistrates of Portsburgh to cease.

XXXIV. The Sum of Sixty Pounds *per Annum*, which the Commissioners of Police are by the *Edinburgh* Police Act, 1848, before recited, required to pay to the Treasurer of the Burgh of *Canongate* for behoof of that Burgh, and the Sum of Thirty Pounds *per Annum* which by the foresaid Act the said Commissioners are also required to pay to each of the resident Magistrates of *Portsburgh*, for defraying the Expense of their Offices, shall form no Part of the Revenues vested in the Magistrates and Council under the Provisions of this Act, and shall not, after the First *Tuesday* of *November* next, be payable to any Party, but Payment thereof shall cease and determine.

Water Gate Customs to cease.

XXXV. The Duties and Customs denominated the Water Gate Customs, heretofore levied by the Magistrates of *Canongate* at the Water

Water Gate at the Foot of the *Canongate*, and also at the Point where the *London Road* joins the *Eastern Road* to *Leith*, in virtue of the Powers contained in an Act of the Parliament of *Scotland*, dated the Twenty-first Day of *July* One thousand five hundred and ninety-three, intituled *An Act for mending of the Calsay of the* Cannowgait *and outwith the Water Yett*, which Act was declared to be perpetual by an Act of the Privy Council of *Scotland*, dated in the Year One thousand six hundred and three, and in the Local Act of the Fifty-fourth Year of the Reign of King *George* the Third before recited, shall cease and determine from and after the Term of *Whitsunday* One thousand eight hundred and fifty-seven, when the current Lease of the said Duties and Customs will expire.

Council Chamber of Canongate to be maintained.

XXXVI. Notwithstanding the Abolition of the Magistracy of *Canongate*, the Magistrates and Council shall maintain the Council Chamber of *Canongate*, and Appendages of the same, for the Advantage of the Inhabitants of that District, and for such other public Purposes as the Magistrates and Council may deem expedient.

Office of Clerk of Canongate.

XXXVII. Notwithstanding the Provisions of this Act, the Office of Clerk of the Burgh of *Canongate* shall subsist in the Person of *William Fraser* junior, the present Holder of the same, who shall be entitled as Clerk aforesaid to prepare the Renewals of the Investitures of the Vassals within the said Burgh holding of the present Magistrates and Council under their Rights of Superiority, or who may hold of the Magistrates and Council by the Operation of this Act; and after the Death of the said *William Fraser* junior, or on his ceasing to act, the Renewals of the said Investitures shall be prepared and the Chartulary be kept by the City Clerks: And whereas the said *William Fraser* junior will be deprived of a Portion of the Emoluments of his Office by the Operation of this Act: Be it enacted, That the Magistrates and Council shall pay to him the Sum of Thirty Pounds *per Annum* during his Life or holding the said Office, commencing on the First *Tuesday* of *November* Eighteen hundred and fifty-seven, for the Year preceding.

Stipend of Ministers of Canongate.

XXXVIII. The Magistrates and Council shall, immediately after their Acceptance of and Induction into Office, and from Time to Time thereafter as may be requisite, nominate and elect Two of their own Number to perform the Duties incumbent on the resident Bailies of the *Canongate* in virtue of an Act of the Parliament of *Scotland*, dated Fifth *October* One thousand six hundred and sixty-three, and intituled *Act concerning the Stipend of the Ministers of the* Cannowgate; and the Persons so to be appointed shall in all respects come in the Place of and shall discharge all the Duties and Functions per-

formed by the said Bailies of *Canongate* in relation to or by virtue of the said Act.

Offices, &c. of Commissioners of Southern Districts to cease.

XXXIX. From and after the passing of this Act so much of the recited Acts as relates to the Election of Commissioners by the Eight Districts to the South of the City, and to their Powers, Functions, and Offices, shall be and the same is hereby repealed; and the Powers, Functions, and Offices of the said Commissioners elected in virtue of the said Acts, whether under the said Acts or under any other Acts of Parliament, shall thereupon cease and determine: Provided always, that any Balances of Money received on account of Land Tax which may remain in the Hands of the said Commissioners, or of the Commissioners of any particular District, shall be forthwith paid over to the proper Officer in the Department of Inland Revenue, to be applied by him in aid of the Land Tax payable by the said Districts or District.

Land Tax how to be raised.

XL. 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 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*, in place of the Stentmasters appointed under the recited Acts; and the Magistrates and Council of *Edinburgh* shall, in reference to the said Land Tax, come in place of the Magistrates of *Canongate* and the Commissioners of the Southern Districts: Provided always, that no Person shall be subjected by virtue of this Act in any Portion of the Land Tax payable by the City who was not or could not be subjected thereto previously to the passing of this Act.

The Portion of the Police Territory of Edinburgh lying within the Burgh of Leith disjoined from the Edinburgh Police Territory.

XLI. From and after the Eleventh Day of *November* next after the passing of this Act so much of the Territory at present comprised within the Bounds of Police of the City as lies beyond the Boundary of the City as described in the Act first recited, and is situated within the Boundary of the Burgh of *Leith* described in the said Act, shall be and the same is hereby disjoined from the Police Territory of the said City: Provided always, that with the Exception of the Territory so disjoined the Limits of the Police of the said City shall remain as these are fixed by the "*Edinburgh* Police Act, 1848," and by the "*Edinburgh* Police Amendment Act, 1854," and that the whole Provisions, Powers, and Authorities of the said Acts, excepting in so far as altered by this Act, shall apply to and may be exercised within the said restricted Limits; provided also, that the Assessments leviable under the Two Acts last recited for the Year from *Whit-*

sunday

sunday Eighteen hundred and fifty-six to *Whitsunday* Eighteen hundred and fifty-seven shall, in so far as the Portion hereby disjoined from the Police Territory of the City is concerned, be leviable and levied by the Magistrates and Council, and that it shall and may be lawful to the Magistrates and Council to recover the said Assessments from the Territory so disjoined in the Manner directed by the said Acts, and as if this Act had not been passed.

Territory disjoined from the Edinburgh Police annexed to that of Leith.

XLII. The Territory situated within the Burgh of *Leith*, hereby disjoined from the Police Territory of the City, shall from and after the Eleventh Day of *November* next after the passing of this Act be annexed to and form Part of the "Old Bounds" described in the "*Leith* Municipal and Police Act, 1848;" and the whole Rights, Powers, Authorities, Jurisdiction, and Provisions conferred by and contained in the said "*Leith* Municipal and Police Act, 1848," shall apply to and extend over the Territory hereby disjoined and annexed as aforesaid, in the same Manner and as fully in all respects as if the same had originally formed Part of the said "Old Bounds;" and the said "Old Bounds" shall accordingly extend over and comprehend the Grounds, Streets, Lanes, Roads, and whole other Places locally situated and comprehended within the following Limits, being the Territory disjoined and annexed as aforesaid; *videlicet*, commencing at the Point on the *Lochend Road* at which the same is intersected by the Boundary of the Burgh of *Leith*, as defined in the Act first herein-before recited, thence along the North-east Boundary of the Grounds belonging to the *Trinity Hospital* to *Leith*, thence along *Duke Street* and the *New Road* to the Western Boundary of Mr. *Kirk*'s Property at the Foot of *Leith Walk*, thence by a Line to the Water-run which crosses the *Bonnington Road* at *Swanfield*, and along that Water-run to the *Water of Leith*, thence following the Course of the *Water of Leith* upwards to *Bonnington Bridge*, thence along the Boundary Line of the Burgh of *Leith* to the Point on the *Lochend Road* first mentioned; and the Assessments authorized by the said "*Leith* Municipal and Police Act, 1848," to be levied within the said "Old Bounds" shall extend to and be leviable within the Territory hereby disjoined and annexed as aforesaid, and the Monies arising therefrom, together with the Lamps, Lamp Posts and Irons, Fire Plugs, and public Privies, Urinals, or Conveniences at present erected in the said Territory, and also all the Dust, Dung, Ashes, and Fulzie, and other Materials (excepting always Stable and Byre Dung), and all and singular other Matters and Things acquired, purchased, or made for Police Purposes within the Territory disjoined and annexed as aforesaid, shall from and after the said Eleventh Day of *November* be and the same are hereby vested in the Commissioners for the Police Purposes of the said "*Leith* Municipal and Police Act, 1848," and shall be applied by them in like Manner as the Assessments

ments and other Property vested in them by the said last-mentioned Act: Provided always, that Lands situated within the said Territory used solely for Agricultural Purposes, including Nursery Grounds and Market Gardens, shall not be liable to Assessment for ordinary Police Purposes, such as watching, lighting, paving, and cleansing, under the said "*Leith* Municipal and Police Act, 1848," so long as they shall continue to be used solely for Agricultural Purposes, or as Nursery Grounds or Market Gardens: Provided also, that the Magistrates and Council of the City shall be bound and they are hereby required to pay to the Commissioners of the *Leith* Police One Half of the Assessments for watching, lighting, and cleaning authorized to be levied by the Magistrates and Council for the Year from *Whitsunday* Eighteen hundred and fifty-six to *Whitsunday* Eighteen hundred and fifty-seven, in so far as regards the Territory disjoined and annexed as aforesaid, after Deduction of the Expenses attending the Collection, and of any Portion thereof which may be ascertained to be irrecoverable, and that quarterly, from and after the Term of *Martinmas* Eighteen hundred and fifty-six.

Provisions as to Election of Commissioners of Police, &c. repealed.

XLIII. From and after the First Election and Induction into Office of the Magistrates and Councillors under this Act, the several Provisions and Enactments of the "*Edinburgh* Police Act, 1848," before recited with regard to the Division of the Police Bounds into Wards, the Election or Appointment of the general and resident Commissioners of Police for the respective Wards, and of certain *ex-officio* Persons conjoined with the General Commissioners and appointed by the said recited Act, the Citation of the Commissioners to attend Meetings, the Quorum of the Commissioners, the holding of Meetings of the Commissioners; the taking of Conveyances of heritable Property in favour of the Clerk of the Commissioners, the Party to represent the Commissioners in any Action or Suit, and generally with regard to the Constitution or Appointment of the Body consisting of the General Commissioners for the respective Wards and of the foresaid *ex-officio* Persons, and to their Clerk, being from Section Six to Section Twenty-eight inclusive, Section Thirty-three, and Section Forty-two of the said Act, and Schedules (A.) and (B.) thereunto annexed, shall be and the same are hereby repealed.

Transfer of Powers of Police Commissioners.

XLIV. From and after the said First Election and Induction into Office of the Magistrates and Councillors under this Act, the whole Powers and Authority of every kind at present vested in the said General Commissioners of Police, conferred on them by the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Police Amendment Act, 1854," and by any Act with either of the said Acts incorporated, or by any other Act of Parliament, and standing unrepealed, shall be and

and the same are hereby transferred to and vested in the Magistrates and Council, who shall thenceforward, as Part of the ordinary Business of such Town Council, and according to the Rules by which the Conduct of such Business is regulated, exercise the whole Powers and Authority foresaid, and perform the whole Duties and Obligations, and fulfil all Contracts incumbent on the said Commissioners: Provided always, that in construing the said recited Acts, or any other Act in which the Commissioners of Police are referred to, the Expression "the Commissioners" or other similar Expression, shall be read as if the Expression "the Magistrates and Council" had been inserted instead thereof; and where the Word "Undertaker" in any Act incorporated with the said Acts is held by the said Acts to mean or include the Commissioners of Police, the said Word shall instead mean or include the Magistrates and Council; and the Word "Promoters" or "Commissioners" in any such incorporated Act shall also mean the said Magistrates and Council: Provided also, that in the Forms of Notices and Documents contained in any Schedule to the said "*Edinburgh* Police Act, 1848," annexed, and unrepealed, in which the Title of the Commissioners of Police is introduced, the Title of the Lord Provost, Magistrates, and Council shall be introduced instead, and Reference may be made to this Act in addition to the said other Police Acts: Provided further, that all Minutes and Entries in the Council Records or other Minute Books of the Magistrates and Council, or of any Committees appointed by them under the Powers herein-after contained, shall, when duly signed, come in place of the Books of Proceedings of the Commissioners directed by the "*Edinburgh* Police Act, 1848," to be kept.

Property of Police Commissioners vested in Magistrates and Council.

XLV. The whole Lands, Houses, Assessments, Claims, Demands, Rights, Properties, and Effects of every kind, heritable or moveable, belonging to or vested in the Commissioners of Police, or in any other Person on their Behalf, under and in virtue of the Acts before recited, in relation to the Police of the City of *Edinburgh* and adjoining Districts (but subject to any Liabilities to which the same are legally liable), shall from and after the said First Election and Induction into Office of the Magistrates and Councillors under this Act become vested in and shall belong to the Magistrates and Council for the Purposes of the said Acts, as fully and effectually to all Intents and Purposes as if the same had been formally and particularly conveyed to and vested in them, with full Power, Right, and Authority to the Magistrates and Council to levy, adjudge, sue for, and recover the same.

Deeds granted and Debts contracted under

XLVI. All Bonds, Assignments, Leases, Grants, Conveyances, or other Deeds or Securities made or granted to or by any Person under

former Police Acts confirmed and secured.

under the Authority of the said recited *Edinburgh* Police Acts shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been made or granted under the Authority of this Act; and all Debts contracted, and all lawful Contracts entered into by virtue of the said recited Acts, shall remain valid and binding upon the Magistrates and Council as fully as if the same had been contracted and entered into under the Authority of this Act.

Former Rates may be collected, and Debts and Penalties recovered.

XLVII. Every Rate and Assessment which shall have been authorized to be collected and levied by virtue of the *Edinburgh* Police Acts above recited, or either of them, previously to the First Election and Induction into Office of the Magistrates and Councillors under this Act, and remaining unpaid, together with all Arrears of the same, shall continue to be due and payable, and shall and may be collected and levied by such Ways and Means, and under such Restrictions and Regulations, as by the said Acts are directed, and shall be received and applied by the Magistrates and Council to and for the Purposes of the said Acts; and all Debts and Penalties incurred and due under the said Acts from any Person shall and may be demanded and recovered from such Person, and applied by the Magistrates and Council for the Purposes aforesaid.

Committees may be appointed to carry Purposes of Police Acts into execution.

XLVIII. The Magistrates and Council shall have Power to form Committees of their Number for carrying into execution the various Purposes of the said recited *Edinburgh* Police Acts, other than the Power to fix the Number and Pay of the Watching Force and of the other Officers and Servants of Police and the Power to lay on Assessments for general or special Purposes, and to delegate to such Committees the Powers competent to the Magistrates and Council as in place of the Commissioners under the said Acts with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener, who shall preside at such Committee, or in his Absence the Preses to be elected by the Committee for the Time, shall be entitled to a Casting Vote in case of Equality; and the Committees so to be formed shall report their Proceedings at each Ordinary Meeting of the Magistrates and Council: Provided always, that in nominating the several Committees, Care shall be taken that in one or other of such Committees each Ward shall be represented.

Officers under Commissioners of Police to continue.

XLIX. Notwithstanding the Transfer of the Powers of the Commissioners of Police to the Magistrates and Council, the several Officers appointed under and who may at the Time of such Transfer be employed by the said Commissioners shall respectively continue to exercise their Offices under the Magistrates and Council as in place of the said Commissioners until they shall respectively be displaced

or

or removed by them in virtue of the Powers conferred by the Police Acts before recited, or be incapable of executing their Offices: Provided, that nothing in this Act contained shall repeal or alter the Provisions as to the Appointment and Removal of the Superintendent of Police contained in the Seventy-second Section of "The *Edinburgh* Police Act, 1848."

Police Accounts, how to be kept.

L. The several Accounts of the pecuniary Transactions of the Magistrates and Council as in place of the Commissioners of Police shall be kept distinct from those of the Affairs of the Corporation of the City, and be laid open to Inspection and published, in the same Manner, at the same Time, and under the same Penalties as the Accounts of the Municipal Revenues of the City are now by Law required to be kept, laid open to Inspection, and published.

Conveyances of Heritable Property for Purposes of Police, how to be taken.

LI. The Dispositions and Conveyances of all Heritable Property to be acquired for the Purposes of the said recited *Edinburgh* Police Acts shall be conceived and taken in favour of the Magistrates and Council, and registered in the Register of Sasines for the Burgh or County respectively in which the Property conveyed shall be situated, which Dispositions and Conveyances the Keepers of the said Registers are hereby authorized and required to register; and on their being so registered, the said Dispositions and Conveyances shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if they had been followed by Sasine recorded according to the Law of *Scotland*.

Councillors to be deemed Constables, and to have a general Superintendence of their respective Wards for Police Purposes, &c.

LII. The Councillors of the several Wards shall have, exercise, and possess within the Limits of this Act all the Powers which by the Law of *Scotland* belong to the Office of Constable, and shall be Head Constables in and have a general Superintendence of their respective Wards, for enforcing the Provisions of the Police Acts and the Regulations made in virtue thereof, and for promoting and enforcing all Measures necessary for the Peace, Order, and Security of the Inhabitants therein; and the Magistrates and Council shall have Power, from Time to Time as may appear to them necessary, to appoint, remove, and re-appoint Two Electors residing or carrying on Business in each Ward respectively, who shall in their several Wards perform the Duties heretofore discharged by the resident Commissioners of Police, under the Authority of the said recited *Edinburgh* Police Acts, and shall likewise have, exercise, and possess within the Limits of this Act all the Powers which by the Law of *Scotland* belong to the Office of Constable, and in the Absence of all the Councillors shall be Head Constables in their respective Wards.

As to Duties of Judges in Police Court.

LIII. From and after the First Election and Induction into Office of the Magistrates under this Act, all Offences, Matters, and Things falling

falling under the Provisions of the *Edinburgh* Police Act, 1848, and of the *Edinburgh* Police Amendment Act, 1854, to be judged of in the Police Court, shall be judged of in the said Court by the Magistrates or any one of them: Provided always, that nothing herein contained shall affect the Powers conferred on the Sheriff of the County of *Edinburgh* or his Substitutes by the Eightieth Section of the First of the said Acts; provided also, that the Lord Provost and the Sheriff, and in the event of Difference between them Her Majesty's Advocate, shall from Time to Time arrange the Order in which the Magistrates and the Sheriff or his Substitutes shall officiate as Judges in the said Court: Provided further, that Offences committed or Matters arising within the Territory disjoined from the Bounds of the Police of the City and annexed to the Police of the Burgh of *Leith* as aforesaid shall be judged of in the Police Court of that Burgh.

Compensation to Officers, &c.

LIV. The Magistrates and Council shall take into Consideration the Claims of the Officers and Servants of the City of *Edinburgh*, and of the Commissioners of Police, or of others who may be deprived of their Offices by the Operation of this Act, and grant such Compensations, Superannuations, or Allowances as to them shall appear reasonable, the Charge whereof shall be defrayed by the Magistrates and Council from any Sources or out of any Revenues under their Control, as in each Case may be deemed proper.

Certain Provisions of 9 & 10 Vict. c. cccIxv. repealed.

LV. And whereas under the Provisions of this Act certain Vacancies will be created in the City of *Edinburgh* Paving Board, appointed and acting under an Act passed in the Ninth and Tenth Year of the Reign of Her present Majesty, Chapter Three hundred and sixty-five, intituled *An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of* Edinburgh, *and the Assessments payable in respect thereof, and for other Purposes relating thereto* (herein-after called the "*Edinburgh* Paving Act"), and it is expedient that Provision should be made for supplying such Vacancies: Be it enacted, That the said "*Edinburgh* Paving Act," in so far as it provides for the Convener of the Southern Districts, the Senior Bailie of *Portsburgh*, the Two Bailies of *Canongate*, all for the Time being, and Seven Members of the Town Council of the City of *Edinburgh* to be annually elected by the Town Council, and Three Persons to be annually elected by the Commissioners of the Southern Districts, being Trustees of the Middle District of Roads in the County of *Edinburgh* and Members of the City of *Edinburgh* Paving Board, shall be and is hereby repealed: Provided, that the Persons who, in virtue of holding the said Offices or of being elected by the Town Council or the Commissioners of the Southern Districts, shall at the passing of this

Certain Persons who are Trustees of the Middle

Act

Act be Trustees of the said Middle District, shall continue in Office until the Second *Monday* of *December* next after the passing of this Act. District continued.

LVI. From and after the Second *Monday* of *December* next after the passing of this Act the Junior Bailie of the City of *Edinburgh* for the Time being shall be a Trustee of the said Middle District, and a Member of the said Paving Board. Junior Bailie to be a Member of Paving Board.

LVII. From and after the passing of this Act the Electors qualified to vote in the Election of Councillors for the City of *Edinburgh* shall elect Thirteen Persons, to be Trustees of the said Middle District and Members of the said Paving Board, as follows; that is to say, the Electors in each of the Thirteen Wards into which the City by this Act is appointed to be divided shall respectively, upon the First *Tuesday* of *November* next after the passing of this Act, and upon the First *Tuesday* of *November* in every succeeding Year, elect from and among such of the Persons contained in the Registers of Electors as reside or carry on Business within the Limits of this Act, whether Councillors or not, One Person, who shall be a Trustee of the said Middle District, and who shall enter on Office on the Second *Monday* of *December* in the Year of his Election, and shall continue in Office until the Second *Monday* of *December* in the Year next after his Election; and such Election shall be conducted by the legal Substitutes appointed to officiate and preside at the Polling Places in the several Wards in the Election of Councillors, and at the same Time with that Election, and the Votes shall be entered by the Persons appointed to officiate as Poll Clerks, in separate Columns, in the same Poll Books in which the Votes for Councillors in the several Wards are appointed to be entered, and in all other respects such Election shall be proceeded in, and the Poll shall be cast up as nearly as may be in the same Manner, as is or may be provided and directed with respect to the Election of Councillors, and the Expense, if any, of such Election of Trustees shall be included in the Expense of the Election of Councillors, and paid from the same Sources; and the City Clerks shall, within Ten Days after the said First *Tuesday* of *November* yearly, transmit to the Clerk of the said Paving Board a certified List of the Thirteen Persons so elected for the said Wards, and the Clerk of the said Board shall send by Post to each of the Persons named in the said List an Intimation to him to attend at the Meeting of the said Board appointed by the said "*Edinburgh* Paving Act" to be held on the Second *Monday* of *December* yearly; and if by reason of any Neglect, or other Cause whatsoever, there shall be any Default in the Election of any of the said Persons, or if there shall be any Declinature of Office by any of them, it shall, notwithstanding, Election of Thirteen Members of Paving Board.

standing, be competent to the other Trustees of the said Middle District to carry the said Act and other Acts relative to the said Middle District into execution; and in the event of any such Default or Declinature, or of any of the said Thirteen Persons dying or resigning in the Course of the Year of Office, the other Trustees of the said Middle District shall supply the Vacancy or Vacancies so created, by electing from and among the foresaid Persons contained in the said Registers One Person to be a Trustee of the said Middle District in the Place of each of the said Thirteen Persons through the Default in whose Election, or through whose Declinature, Death, or Resignation, a Vacancy is created; and the Person so elected shall continue in Office until the Expiration of the Period during which the Person whose Place he is elected to fill would have continued in Office.

Paving Board as constituted under this Act to execute existing Acts.

LVIII. From and after the Second *Monday* of *December* next after the passing of this Act, the Trustees of the said Middle District, now called the City of *Edinburgh* Paving Board, whose Offices remain unaffected by this Act, namely, the Lord Provost of the City of *Edinburgh*, the Sheriff of the County of *Edinburgh*, the Dean of Guild of the said City, the Convener of the Trades of the said City, all for the Time being, Two Conveners of County Districts of Turnpike Roads in the said County to be elected annually by the Conveners of the several County Districts, One Person to be annually elected by each of the following Public Bodies, the Merchants Company of *Edinburgh*, the Faculty of Advocates, the Society of Writers to the Signet, and the Society of Solicitors in the Supreme Courts, Three Persons possessed of sufficient Heritable Property in the Parish of *Saint Cuthbert's* to enable them to act as Trustees in any Parish of the said County other than those within the said Middle District, to be annually elected by the Justices of the Peace of the said County, all as provided by the said *Edinburgh* Paving Act; and the Trustees appointed by this Act, namely, the Junior Bailie of the said City for the Time being, and Thirteen Persons to be elected in Manner herein-before provided by the Electors in the Thirteen Wards into which the said City by this Act is appointed to be divided, shall be and are hereby appointed Trustees for carrying into execution the said *Edinburgh* Paving Act, and also another Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, Chapter One hundred and thirty-four, intituled *An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of* Edinburgh, *and for other Purposes*, and all other Acts of Parliament having relation in any Manner of way to the said Middle District, and that in and under the whole Clauses and Provisions of the said Acts, excepting in so far as herein-before expressly repealed, and shall be as heretofore

heretofore called "The City of *Edinburgh* Paving Board," and shall be to all Intents and Purposes a Continuation of and identical with the said Board existing at the passing of this Act.

Vesting Property and Powers in Paving Board.

LIX. From and after the Second *Monday* of *December* next after the passing of this Act the whole Powers and Authority of every kind at present vested in the said Paving Board by the said *Edinburgh* Paving Act and the Acts last recited and referred to shall be and the same are hereby transferred to and vested in the said Trustees hereby appointed, who shall thenceforward exercise all such Powers and Authority aforesaid, and perform the whole Duties and Obligations, and fulfil all Contracts incumbent on the said Paving Board; and the whole Lands, Houses, Assessments, Claims, Demands, Rights, Properties, and Effects of every kind, heritable or moveable, belonging to or vested in the said Paving Board, or in any Person on their Behalf, under or in virtue of the said Acts, or otherwise, shall become vested in and shall belong to the said Trustees for the Purposes of the said Acts, as fully and effectually to all Intents and Purposes as if the same had been formally and particularly conveyed to and vested in them, with full Power, Right, and Authority to the said Trustees to levy, adjudge, sue for, and recover the same, in manner provided in the said Acts; and all Bonds, Assignments, Leases, Grants, Conveyances, or other Deeds or Securities made or granted under the Authority of the said Acts, shall remain good and valid, and shall have the same Effect as if made or granted to, by, or on behalf of the said Trustees; and all Debts contracted and all Contracts entered into by virtue of the said Acts shall remain valid and be binding upon the said Trustees; and all Rates and Assessments authorized to be collected and levied by virtue of the said Acts, or any of them, together with all Arrears of the same, as well as all Debts and Penalties incurred or due under the said Acts, shall continue to be due and payable, and shall and may be collected and recovered by the said Trustees, by such Ways and Means, and under such Regulations, as by the said Acts are directed, and shall be received and applied by the said Trustees to and for the Purposes of the said Acts; and the Clerk, Collector, Treasurer, Inspector, Surveyors, and other Officers appointed or employed under the said Acts shall continue to hold and exercise their respective Offices and Employments until they shall be displaced or removed by the said Trustees, or shall resign or become incapable of executing their respective Offices; and the said Clerk, Collector, Treasurer, Inspector, Surveyors, and other Officers shall have the same Powers as are conferred on them by the said Acts, and be subject to the like Rules, Regulations, Pains, and Penalties as are therein provided with respect to them.

LX. Notwith-

Former Acts of Paving Board to remain valid.

LX. Notwithstanding the Repeal of certain Provisions of the said "*Edinburgh* Paving Act," and except only as by this Act expressly provided, everything before the Commencement of this Act done or suffered under the said Act shall be as valid as if none of the Provisions of the said Act were repealed; and the Repeal of the said Provisions and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Act were not to any Extent repealed and this Act were not passed, would be incident to or consequent on any and every Thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the said Board, as continued by this Act, shall to all Intents and Purposes represent the Board under the said Paving Act: Provided always, that the Generality of this Enactment shall not be confined or restricted by any Provisions in this Act contained.

Expenses of Act.

LXI. The Charges and Expenses attending the obtaining and passing of this Act, and incidental thereto, shall be paid out of the Municipal Revenues of the City.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.