CAP. XCV.

An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland*.

[13th *August* 1860.]

10 G. 3. c. 51.

'WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail*, by which Act it was, *inter alia*, provided that every Proprietor of an entailed Estate who should lay out Money in inclosing, planting, or draining, or in erecting Farmhouses and Offices or Outbuildings for the same, for the Improvement of his Lands and Heritages, should be a Creditor to the succeeding Heirs of Entail for Three Fourth Parts of the Money laid out in making the said Improvements; and the said Act contains various Provisions for determining the Amount and regulating the Recovery of the aforesaid Proportion of the Sums expended upon such Improvements: And whereas the Provisions of the said Act have been in certain respects amended by Two Acts, the one passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the

11 & 12 Vict. c. 36.

Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Entail in* Scotland, and the other passed in the Session of Parliament holden in the Sixteenth

16 & 17 Vict. c. 94.

and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in* Scotland: And whereas the Second and Third recited Acts contain various Enactments providing that Monies or Balances of Monies derived from the Sale of Portions of entailed Estates, or of Rights or Interests in or concerning such Estates, or in respect of permanent Damage done thereto, and Monies or Balances of Monies invested or held in trust for the Purpose of purchasing Lands to be entailed, may, under the Authority of the Court of Session, be applied, *inter alia*, in permanently improving such entailed Estates or Lands, or in Repayment of Money already expended in such Improvements: And whereas it is expedient to facilitate the Erection of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland*: And whereas Doubts are entertained how far the Erection of such Cottages is within the Provisions of the said Act of the Tenth Year of His Majesty King *George* the Third:' Be it therefore declared and 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:

Provisions as to Improvements of entailed Estates to include Erection of Cottages.

I. All the Provisions of the recited Acts which relate or apply to Improvements of entailed Estates shall be held and construed as including and applying to the Erection of Cottages for the Labourers, Farm Servants, and Artisans upon such Estates, in the same Manner in all respects as if the Erection of such Cottages had been specified in the Ninth Section of the first-recited Act among the other Improvements therein mentioned.

Erection of Cottages to be held as permanent Improvements contemplated by 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94.

II. The Erection of Cottages for the Labourers, Farm Servants, and Artisans upon entailed Estates, or upon Lands towards the Improvement of which such Monies or Balances of Monies as aforesaid are applicable under the Powers of the Second and Third recited Acts, shall be held to be one of the permanent Improvements of such Estates or Lands contemplated by the Second and Third recited Acts; and all the Provisions of those Acts which relate to permanent Improvements of such Estates or Lands shall be held and construed as including and applying to the Erection of such Cottages.

Court or Sheriff to be satisfied that entailed Estates will be permanently benefited, and

III. Provided always, that nothing in this Act contained shall authorize the Creation of any Charge upon entailed Estates, or against succeeding Heirs of Entail, in respect of the Erection of Cottages, or shall authorize the Application towards the Erection of Cottages of any Monies in which succeeding Heirs of Entail are interested, unless the Court before which

which Proceedings in pursuance of the recited Acts, or any of them, shall be satisfied that the said Estates or the succeeding Heirs of Entail will be permanently benefited to the Extent of the Charge so created or Monies so applied, and that the Cottages in respect of which such Charge is created, or towards the Erection of which such Monies are applied, have been completed in a proper and substantial Manner. that Cottages have been substantially erected.

CAP. XCVI.

An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in *Scotland* to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force. [13th *August* 1860.]

'WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, Chapter Thirty-three, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas it is expedient to amend certain Provisions contained in the said Act, and to extend the same in manner herein provided:' 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: 13 & 14 Vict. c. 33.

I. The Householders of any Burgh, Town, or populous Place, as defined in the said recited Act, may adopt the Provisions of the said Act relating to any Matter or Thing thereby provided for and authorized to be adopted, or to any One or more of the said Matters or Things, although they do not adopt the Provisions relating to the Establishment and Maintenance of a Police Force within such Burgh, Town, or populous Place, in the Manner required by the said Act. Householders may adopt certain Provisions of recited Act without those for Establishment of Police, &c.

II. The said recited Act shall be held to extend and apply to Two or more contiguous Burghs, Towns, or populous Places as defined in the said Act; and it shall be lawful for such contiguous Burghs, Towns, or populous Places to unite in adopting the Provisions of the said Act, either in whole or in part, as authorized by this Act; and such Burghs, Towns, or populous Places shall, when so uniting, be held to form One Burgh, Town, or populous Place for the Purposes of the said Act and this Act. Two or more contiguous Burghs, &c. may adopt Provisions of recited Act.

III. It shall be lawful for the Commissioners for any such Burgh, Town, or populous Place to make up their yearly Accounts under the said Act for the Period extending from the Term of *Whitsunday* in One Year to the Term of *Whitsunday* ensuing in the next Year, and to lay such Accounts before the Statutory Meeting of Commissioners in the Month of *August* in each Year, and such Commissioners may, if they see fit, nominate One Auditor only, in place of Two. Annual Accounts may be made up for the Year ending at Whitsunday, and One Auditor to be sufficient.

IV. It shall be lawful for the Commissioners, if they shall find it necessary in any Year to make Disbursements for the Purposes of the recited Act beyond the Amount recovered of Assessments actually made and applicable to the Expenditure of such Year, to borrow Money on the Security of such Part of the Assessments as shall be due and unpaid, but not to an Amount greater than One Half of such Part; and when any Money has been so borrowed it shall not be competent thereafter to borrow on the Security of any other Assessments leviable under the said Act until the Money so borrowed shall have been paid off; but nothing herein contained shall affect the Three hundred and fortieth Section of the said Act. Commissioners may borrow on Security of Assessments due and unpaid.

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