CHAPTER xix.

An Act to confer further powers on the Lord Provost, magistrates and council of the city and royal burgh of Glasgow; and for other purposes. [19th May 1882.]

A.D. 1882.

WHEREAS it is expedient that the Lord Provost, magistrates and council of the city and royal burgh of Glasgow, acting under the Glasgow Police Acts, 1866, 1872, 1873, 1875 and 1877, the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877, the Glasgow Municipal Act, 1878, and the Glasgow Municipal Act, 1879, (in this Act called "the Police Commissioners"), should be authorised to make and maintain a widening of the street or road called Rutherglen Loan:

29 & 30 Vict. c. cclxxiii. 35 & 36 Vict. c. xli. 36 & 37 Vict. c. xxxviii. 38 & 39 Vict. c. liii. 40 & 41 Vict. c. clxvii. 40 & 41 Vict. c. cxxviii. 41 & 42 Vict. c. c. 42 & 43 Vict. c. cxxiii.

And whereas it is expedient that the Police Commissioners should be authorised from time to time to alter or change the name of the said street or road called Rutherglen Loan, and of any other public or private street or court within the city and royal burgh of Glasgow:

And whereas the Police Commissioners are authorised to provide and maintain, and have provided and maintained police courts, police offices and other places necessary for the purposes of the Glasgow Police Act, 1866, and additional buildings and accommodation are required therefor:

And whereas the Police Commissioners are also authorised under the Glasgow Police Act, 1866, to provide and have provided for the use and accommodation of the inhabitants, public baths, wash-houses, and drying grounds, and further considerable additions are required therefor and for cleansing and sanitary purposes of the Police Commissioners:

And whereas it is expedient that the Police Commissioners should be authorised to borrow further sums of money for carrying into effect the purposes of this Act:

And whereas it is expedient that the Corporation should be empowered to carry out the provisions herein-after contained with reference to the Gorbals burying ground:

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And whereas it is expedient that the Corporation should be empowered to make byelaws with reference to the markets known as the Bazaar, the Old Clothes Market, and the Bird and Dog Market, in the city and royal burgh of Glasgow:

And whereas the Corporation have paid to the Incorporation of Gardeners in the city of Glasgow in respect of the abolition of certain dues or petty customs, and of the right of holding a plant market in the city, which the said Incorporation of Gardeners levied and held, the sum of one thousand pounds, and such payment was for the benefit of the inhabitants of the city, and it is expedient that the said payment should be validated and confirmed:

40 & 41 Vict. c. 53.

And whereas under the Prisons (Scotland) Act, 1877, Her Majesty's Government claim payment from the Corporation of a sum of money in respect of the alleged deficiency of the cell accommodation in the prison of Glasgow (in this Act called the prison payment), and it is expedient that the Corporation be empowered to levy rates and to borrow money for the purposes of such payment:

And whereas a plan and section, describing the line and levels of the said widening of Rutherglen Loan, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees, or reputed lessees, and of the occupiers of the lands to be taken for the purposes thereof, have been deposited with the principal sheriff clerk of the county of Lanark, and that plan, section, and book of reference are in this Act herein-after referred to as the deposited plan, section, and book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the Glasgow Corporation and Police Act, 1882, and the Glasgow Police Acts, 1866, 1872, 1873, 1875 and 1877, and the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877, the Glasgow Municipal Act, 1878, the Glasgow Municipal Act, 1879, and this Act may be cited together as the Glasgow Police Acts, 1866, 1872, 1873, 1875, 1877, 1878, 1879 and 1882.

Incorporation of Acts.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, are

(except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1882.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expressions, "the promoters of the undertaking," "the commissioners," and "the company," shall mean the Police Commissioners; the expression "the sheriff" when used in this Act, shall mean the sheriff of the county of Lanark, or any one of his substitutes;

"The Act of 1866" means the Glasgow Police Act 1866;

"The Act of 1872" means the Glasgow Police Act 1872;

"The Act of 1873" means the Glasgow Police Act, 1873;

"The Act of 1875" means the Glasgow Police Act, 1875;

"The Act of 1877" means the Glasgow Police Act, 1877;

"The Act of 1878" means the Glasgow Municipal Act 1878;

"The Police Acts" means the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877, the General Police and Improvement (Scotland) Act 1862, Order Confirmation (Glasgow) Act, 1877, the Glasgow Municipal Act 1878 and the Glasgow Municipal Act, 1879;

"The Corporation" means the Lord Provost, magistrates, and council of the city and royal burgh of Glasgow;

"The Police Commissioners" means the magistrates and council of the city and royal burgh of Glasgow acting in execution of the Police Acts;

The words "the city" shall mean and include the city and royal burgh of Glasgow as described and defined in the Act of 1878;

"Lands and heritages" means lands and heritages within the city, and has the meaning assigned to that expression by the Valuation of Lands (Scotland) Act, 1854, and any Acts amending the same; 17 & 18 Vict. c. 91.

"The widening" means the widening of the street or road called Rutherglen Loan by this Act authorised;

Other words and expressions have the same meanings as in the Police Acts.

Incorporation of provisions of 10 & 11 Vict. c. 16.

4. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages executed or to be executed by the commissioners are incorporated with and form part of this Act: Provided that the expression "the commissioners" shall mean the Police Commissioners, and the register of such mortgages and the transfer thereof shall be kept by the clerk or by the registrar appointed under the Act of 1866.

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Construction of Act.

5. The Police Acts as each is respectively amended by any subsequent Act and by this Act, shall be read as one Act with this Act.

Power to construct works.

6. Subject to the provisions of this Act the Police Commissioners may make and maintain, in the line and according to the levels shown on the deposited plan and section, the widening of Rutherglen Loan herein-after described, and may enter upon, take and use such of the lands delineated on the deposited plan, and described in the deposited book of reference, as may be required for that purpose. The works authorised by this Act are:

A widening (in this Act called the widening) of the street or road called Rutherglen Loan, in the parish of Gorbals and city of Glasgow, commencing at or near the north end of the westward boundary wall of the Gorbals burying ground, and terminating on the eastward boundary wall of the said burying ground.

Omission or mis-statement in plans, &c., may be corrected.

7. If there be any omission, mis-statement, or wrong description of any lands, or the buildings thereon, or of the owners, lessees, or occupiers of any lands or buildings thereon, shown on the deposited plan, or specified in the deposited book of reference, the Police Commissioners, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, may apply to the sheriff for the correction thereof, and if it appears to the sheriff that such omission, mis-statement, or wrong description arose from accident or mistake he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described.

Certificates to be deposited.

8. The certificate of the sheriff shall be deposited with the sheriff clerk of the county of Lanark, and a duplicate thereof with the session clerk of the parish in which the lands in question lie, and the certificate and duplicate respectively shall be kept by the sheriff clerk, or session clerk respectively with the other documents to which it relates, and thereupon the deposited plan and book of reference shall be deemed to be corrected in accordance with the certificate, and the Police Commissioners may purchase, take and use for the purposes of this Act any lands or buildings in accordance with such certificate as if such omission, mis-statement, or wrong description had not been made.

Limitation of time for compulsory purchase.

9. The powers of the Police Commissioners for the compulsory purchase of lands and houses for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross roads, &c., temporarily.

10. For the purposes of and during the making of the widening, the Police Commissioners from time to time may cross, divert, alter, or stop up temporarily, any tramways, streets, roads, approaches, ways, watercourses, drains, sewers, and gas, water, or other pipes, in any of the lands shown on the deposited plan and specified in the deposited book of reference, and which they are by this Act authorised to enter upon, take, or use respectively, which they from time to time find it expedient for any of those purposes so to interfere with.

As to removal and relaying of water pipes.

11. If any existing street is widened, altered, or diverted under the authority of this Act the mains and pipes in such street belonging to the commissioners of the Glasgow Corporation Waterworks shall, if necessary, be removed and relaid by the Police Commissioners in the widened, altered, or diverted line of such street, and in such position as the engineer of the said water commissioners for the time being shall determine; and the expense of removing and relaying such mains and pipes, and reasonable compensation for damage done to such mains or pipes in the lifting, removing, or relaying thereof, shall be paid by the Police Commissioners to the said water commissioners, and in case of difference between the said water commissioners and the Police Commissioners with respect to the necessity of removing such mains and pipes, or to the amount of such compensation, the same shall be fixed and determined by a neutral engineer to be mutually agreed on by the parties, or, failing agreement, to be named by the sheriff on the application of the said water commissioners or of the Police Commissioners.

As to removal and relaying of gas pipes.

12. If any existing street is widened, altered, or diverted, under the authority of this Act, the gas mains and pipes in such street, belonging to the Corporation, shall if necessary, be removed and relaid by the Corporation, in the widened, altered, or diverted line of such streets, and in such position as the engineer of the Corporation shall determine, and the expense of removing or relaying such mains and pipes, and reasonable compensation for damage done to such mains and pipes in the lifting, removing or relaying thereof, shall be paid by the Police Commissioners to the Corporation, and in case of difference between the Corporation and the Police Commissioners with respect to the necessity of removing such mains and pipes, or to the amount of such compensation the same shall be fixed and determined by a neutral engineer to be mutually agreed on by the parties, or failing agreement to be named by the sheriff on the application of either the Corporation or of the Police Commissioners.

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Lateral deviations.

13. In making the widening by this Act authorised, the Police Commissioners may deviate from the line thereof shown on the deposited plan to any extent within the limits of deviation shown thereon: Provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is provided for in cases of unintentional errors in the book of reference.

Vertical deviations.

14. In making the widening by this Act authorised the Police Commissioners may deviate from the levels thereof as referred to the datum line shown on the deposited section, but not to any extent exceeding three feet.

Power to make minor works connected with widening of Rutherglen Loan.

15. Subject to the provisions of this Act, and in accordance with the deposited plan, or within the limits thereon defined, the Police Commissioners, in connexion with the widening by this Act authorised, and for the purposes thereof, may make junctions and communications with any existing street which may be intersected or interfered with by, or be contiguous to, the widening, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any part of any street, or court, or of any stream, drain, sewer, watercourse, void ground or other property within the limits of lateral deviation defined on the deposited plan, the Police Commissioners first providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Power to alter names of Rutherglen Loan and other streets.

16. Notwithstanding anything to the contrary contained in section 296 of the Glasgow Police Act, 1866, the Police Commissioners may, from time to time, alter the name of the said street or road called Rutherglen Loan, and also, from time to time, alter the name of any public or private street or court within the city and royal burgh of Glasgow, as defined by the Glasgow Municipal Act, 1878.

As to removal of remains in Gorbals burying ground.

17. Before constructing the widening of the street or road called Rutherglen Loan, the Police Commissioners shall cause the remains of any person interred in that portion of the Gorbals burying ground, which it may be necessary to remove in constructing the widening, to be removed under the superintendence of the medical officer of health of the city of Glasgow, and re-interred in some public cemetery or burial ground in or near Glasgow, wherein burials may lawfully take place, and shall cause any monuments, tablets and tombstones in the said portion of the said burying ground to be removed to and fixed or re-erected in

the public cemetery or burial ground in which the re-interment takes place: Provided that the legal representatives, or, failing such legal representatives, the relations of any person whose remains are interred in the said portion of the said burying ground may, if they so prefer (at the cost of the Police Commissioners, such cost not to exceed ten pounds in the case of each grave, irrespective of the number of persons interred therein), and under such superintendence as aforesaid, remove the remains of such person to any burial ground wherein burials may lawfully take place, and remove the monument, tablet or tombstone, erected to the memory of such person to any place they may think fit.

Special assessment to supply deficiency in police assessment.

18. The Police Commissioners may and they are hereby authorised and required, in the event of there being any deficiency of "the police assessment" authorised to be imposed and levied under the Act of 1866 or the Act of 1877, or of the rents and profits of the other property belonging to the Police Commissioners which may be mortgaged for that purpose, to meet the interest of moneys borrowed under the Police Acts or this Act, and as security for the moneys authorised to be borrowed under the Police Acts and of this Act, and paying off the moneys borrowed under said Acts, to assess and levy a special assessment not exceeding one penny in the pound, and such assessment shall be deemed to be a special assessment under section 41 of the Act of 1866, and shall be imposed and recovered as if the interest on moneys borrowed under the Act of 1873 and the Act of 1877 and this Act had been one of the objects for which special assessments are authorised to be imposed and recovered under that section.

Power to Police Commissioners to borrow.

19. In addition to the sums which the Police Commissioners are authorised to borrow by the Police Acts, the Police Commissioners may, from time to time, borrow or continue on loan any sums not exceeding the further amount of one hundred and twenty thousand pounds, on the security of the police assessment leviable in virtue of the Police Acts, and on the security of the special assessment by the Act of 1866 and the Act of 1877 and this Act authorised, and as an additional security for the said sum of one hundred and twenty thousand pounds, the Police Commissioners may make and grant mortgages and assignments of the rents or profits issuing or arising out of or from any lands, houses, and property from time to time in the possession of or belonging to them in security of the money so borrowed and interest, and sections 62 and 63 of the Act of 1866 shall apply to money so to be borrowed as if it had been authorised to be raised under the Act of 1866.

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Application of moneys.

20. The sums raised or borrowed by the Police Commissioners under the authority of this Act shall be applied in carrying out the purposes of this Act to which capital is properly applicable.

Saving existing annuities and securities.

21. Nothing in this Act contained shall prejudice any bonds, annuities, debentures, mortgages, or assignations in security granted by the Police Commissioners under the authority of the Police Acts, or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuities, debentures, mortgages, and assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

As to paying off money borrowed.

22. The Police Commissioners shall after the expiration of three years from the passing of this Act annually set apart out of the police assessment a sum or sums equal to not less than two pounds ten shillings per centum on the amount borrowed under the authority of this Act and the Police Commissioners shall, from time to time, apply the sum or sums so set apart as a sinking fund in paying off the principal sum so borrowed, and to the extent of the sums so paid off the borrowing powers of the Police Commissioners shall be extinguished.

Form and service of notices, &c.

23. Any notice, order, resolution, declaration, requisition, demand, or other proceeding made or given pursuant to this Act by the Police Commissioners, may be either in print or in writing, or partly in print and partly in writing, and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, or other proceeding is required to be given to or served upon the owner or occupier of or other person interested in any property to address the same to such owner or occupier or other person, without further name or description and any such notice, order, resolution, declaration, requisition, demand, or other proceeding, may be served upon any owner, occupier or other person either personally or by sending the same prepaid through the post addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of an occupier, to any inmate of the building in respect whereof the same is given or served, or if the building is unoccupied, and the place of abode of the occupier to be served is unknown after due inquiry, it shall be sufficient to affix the same or a copy thereof upon some conspicuous part of such building.

Provision as to Gorbals burying ground.

24. In so far as the Gorbals burying ground is not required for the widening of Rutherglen Loan by this Act authorised, and remains a burial ground the Corporation, acting under the

Glasgow Public Parks Act, 1878, may maintain and repair the paths and walks in the said burial ground, and in the event of any of the tombstones, stones, railings, gratings, or others in the before-mentioned part of the said burial ground being allowed to get into a condition or state of disrepair which, in the judgment of the Corporation, shall not be consistent with decent order or a proper sanitary condition, the Corporation may give intimation to the lairholder, if alive, or in the event of his or her being dead, to any known representative, by transmitting to him or her a notice through the post, provided his or her address can be ascertained, and in the event of their not being able to find out or trace such lairholder, or his or her representative, or of his or her address being unknown to them, the Corporation may give intimation to such lairholder, or his or her representative, by advertisement in any two newspapers published in Glasgow, once a week, for three weeks consecutively, and such intimation, whether by notice through the post office, or by advertisement, shall set forth that the said tombstones, stones, railings, gratings, or others are in such condition and that the parties interested therein are requested to restore and repair the same within three months, and in the event of the said tombstones, stones, railings, gratings, or others not being restored and put into proper repair within three months from the date of such intimation, which in the one case shall be the date of the notice, and in the other the date of the first insertion of such advertisement, the Corporation may take down and remove such of the said tombstones, stones, railings, gratings, or others, as shall not have been so restored and repaired, preserving in some suitable part of the burial ground all such tombstones and stones as have legible inscriptions thereon when so taken down and removed, and take such steps as they may think advisable to maintain the said burial ground in decent order and in a proper sanitary condition: Provided always that, except for the purposes of carrying this section into effect, nothing herein contained shall prejudice or affect the legal rights of any person in relation to the said Gorbals burying ground.

Byelaws as to the Bazaar and other markets. 10 & 11 Vict. c. 14.

25. In addition to the purposes for which byelaws may be made under the provisions of the Markets and Fairs Clauses Act, 1847, it shall be lawful for the Corporation from time to time to make such byelaws as they shall think fit for all or any of the following purposes with respect to the markets of the Corporation known as the Bazaar, the Old Clothes Market, and the Bird and Dog Market (that is to say):—

(1) For providing for the due order, management and regulation of the said Bazaar and markets, or any of them, and

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for directing the time and manner of occupying the same, and for regulating the conduct of the persons resorting thereto or carrying on business or employed therein;

(2) For providing for the lighting and cleansing of the said Bazaar and markets or any of them;

(3) For regulating the conduct of the officers and servants of the Corporation, and for the providing for the due management of the affairs of the Corporation with reference to the said Bazaar and markets or any of them;

and all the provisions and enactments of the said Markets and Fairs Clauses Act 1847 with respect to the byelaws to be made by the undertakers shall in so far as the same are not inconsistent with or varied by this Act extend and be applicable to the byelaws to be made for all or any of the purposes in connexion with the Bazaar the Old Clothes Market and the Bird and Dog Market in the same manner, and as fully in all respects as if such purposes had been included in the said Markets and Fairs Clauses Act, 1847, or as if the said provisions or enactments had been repeated and re-enacted in this Act.

Complaints for breach of byelaws to be tried in police courts.

26. All complaints of breach of the byelaws to be made under the authority of this Act, or of offences committed against the same, may be raised and prosecuted at the instance of the procurator fiscal of police of the city, or any party aggrieved or interested, and tried before any one or more of the magistrates of Glasgow sitting in any of the police courts of the city, or before the police magistrate of the said city appointed and acting under the provisions of the Act thirty-eight and thirty-nine Victoria, chapter eighty-one, and such magistrates or magistrate shall in all such cases have the same powers of enforcing the penalties imposed by the said byelaws, and awarding punishments against offenders, defaulters and others, as is conferred on them or him by the Police Acts, and for the summary trial of offences under the same; and the mode of procedure in such cases shall be the same as in cases brought and prosecuted under the Police Acts, and such magistrates or magistrate are and is hereby authorised and required to take cognisance and dispose of the same accordingly.

Officers of police &c. may cite offenders.

27. It shall be lawful for the officers of police of the city and for the officers or servants of the Corporation connected with the said Bazaar and markets to cite parties charged with breaches of or offences against such byelaws to appear before the magistrates of the city or any of them, or before the police magistrate, to answer to such charge and to summon witnesses to give evidence in respect thereto.

Transient offenders.

28. Such officers of police, officers or servants, if in uniform or provided with a warrant, and all persons called by them to their assistance, may seize and detain any person who shall be found in the act of committing any breach of or offence against such byelaws, and convey him, without undue delay, before any one or more of the magistrates of the city sitting in any of the police courts thereof, or before the police magistrate of the said city, without any other warrant or authority than this Act.

Power to levy assessments for prison payment.

29. For the purposes of this Act, with respect to the prison payment, the Corporation may assess and levy as from Whitsunday one thousand eight hundred and eighty-two upon and from all lands and heritages situated within the city (except as hereinafter provided) an annual assessment not exceeding one penny per pound on the rental or annual value of such lands and heritages: Provided always, that such assessment shall not be levied upon or in respect of any lands and heritages of a rental or annual value of four pounds or under nor upon or in respect of any lands and heritages which are wholly exempted from payment of police assessments in the city: Provided also, that any land used as arable, meadow or pasture ground only, or as woodlands, market gardens or nursery-grounds, and any land covered with water, or used only as a canal or towing-path for the same, or as a railway or tramway constructed under the powers of any Act of Parliament for public conveyance, and any gas or water pipes shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

Mode of levying assessment.

30. The assessment by this Act authorised to be levied for the prison payment shall be payable by the occupier of the lands and heritages assessed, and such occupier shall be entitled to deduct one half of such assessment from the rent payable by him to the owner, but one half of such assessments may be levied by the Corporation directly from the owner of the lands and heritages assessed.

Assessment to be recovered in same manner as police assessments.

31. The said assessment shall be levied and recovered in the same way as the police assessments for the city are levied and recovered, and shall be collected by the collectors of such police assessments, or by a collector appointed for that purpose, and such collectors shall keep a separate and distinct account of the assessments received by them respectively under the authority of this Act, and shall pay over the amount of the said assessments, when collected, to the Corporation, or their chamberlain, or to any treasurer to be appointed by them for that purpose.

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Power to Corporation to borrow.

32. For the purposes of this Act, with respect to the prison payment, the Corporation may borrow on mortgage any sums not exceeding in the whole forty-five thousand pounds, and may make and grant mortgages and assignations of the assessments to be levied by them under the provisions of this Act in security of the payment of the money so borrowed and interest thereon.

Provisions as to future borrowing.

33. If the Corporation, after the date of the passing of this Act, pay off, otherwise than by means of the sinking fund by this Act provided, any of the moneys borrowed by them under this Act for the purposes of the prison payment, it shall be lawful for them again to borrow the amount so paid off from time to time, and they may make and grant mortgages and assignations therefor, and so from time to time as they shall think proper.

Power to borrow on cash credit.

34. The Corporation may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in their name or in that of their chamberlain, according to the usage of bankers in Scotland, to the extent of the sum which they are authorised to borrow as aforesaid, or any part thereof, and to make and grant mortgages and assignations of the said assessment to be levied under the provisions of this Act for the prison payment in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with the interest thereon: Provided that the whole sum due and owing by the Corporation on such cash account, and for money borrowed by them on mortgages or assignations, shall not, when taken together, exceed the sum of forty-five thousand pounds.

Application of money borrowed.

35. The sums to be borrowed by the Corporation under the authority of this Act for the prison payment shall be applied in paying the sum claimed by Her Majesty's Government under the Prisons (Scotland) Act, 1877, in respect of the alleged deficiency of the cell accommodation in the prison of Glasgow, and the expense of obtaining this Act and carrying the same into effect, with respect to the prison payment.

Separate accounts to be kept.

36. The Corporation shall keep a separate and distinct account of all sums received and payments made under the authority of this Act in respect of the prison payment.

Auditor to be appointed.

37. The Corporation shall annually appoint an auditor (being a person well skilled in accounts, and not being one of themselves or holding office under them) to audit the accounts to be kept in virtue of this Act, in respect of the prison payment, and in case the office of such auditor shall, before such accounts have been

audited by him, become vacant by death, or from any other cause, the Corporation shall from time to time appoint an auditor to supply such vacancy. A.D. 1882.

Accounts to be audited.

38. It shall be the duty of such auditor annually to audit the said accounts, and for such purpose the Corporation shall deliver to him their accounts and books, and the proper vouchers in support of the same, and the auditor shall examine such accounts and vouchers, and may either make a special report on such accounts, or simply authenticate the same, and such report or authentication shall be read to the Corporation at any meeting to be held by them in the month of July or August in each year, and the Corporation shall pay to such auditor for his trouble such sum as they may think reasonable.

Application of assessments.

Surplus of assessments, &c., to be set apart as a sinking fund.

39. The assessment levied under the authority of this Act for the prison payment shall be applied in paying the interest of the sums which may be borrowed under the authority of this Act, and the other sums expended or to be expended by the Corporation as herein-before provided with respect to the prison payment; and the balance or surplus of such assessment which may remain in any one year, after defraying and paying the charges of such year, shall be set apart and accumulated to the extent of at least one per centum per annum on the amount of the sum borrowed and owing at the time on the security of the assessment by this Act authorised to be levied for the prison payment as a sinking fund, for the purpose of paying off and discharging the principal sums borrowed under the authority of this Act, and the other sums expended or to be expended as aforesaid in respect of the prison payment; and such sinking fund shall be from time to time applied in the payment of the said sums respectively, and to no other purpose whatsoever.

Provision applicable to sinking fund.

40. The following provision shall apply to the sinking fund herein-before directed to be established (that is to say), whenever the Corporation shall before the prescribed period have paid off out of the sinking fund any of the moneys to which the same is applicable, they shall thenceforward in each year, until the whole of such moneys shall have been paid off, pay into the sinking fund, in addition to the sum required to be set apart as aforesaid, a sum equal to the annual interest of the moneys so paid off, and whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then remaining due by the Corporation, the Corporation may, instead of setting apart the said yearly income, apply the same in payment of

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the interest upon the principal moneys so remaining due and may during such period discontinue the payment to the sinking fund of the yearly sum herein-before required to be set apart.

Confirming payment to Gardeners Incorporation.

41. The payment by the Corporation of the sum of one thousand pounds to the Incorporation of Gardeners in the city of Glasgow in respect of the abolition of certain dues or petty customs, and of the right of holding a plant market in the city, which the said Incorporation of Gardeners levied and held, is hereby validated and confirmed, and the Corporation shall be freed and discharged from all liability to the said Incorporation in respect of such abolition and right.

Expenses of Act.

42. The costs, charges, and expenses, preliminary to, and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid equally, one half by the Corporation, and one half by the Police Commissioners.

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