CHAPTER clxxx.

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An Act to confer further powers on the Corporation Board of Police and Water Trust of Greenock and for various other purposes. [27th July 1893.]

WHEREAS the burgh of Greenock in the county of Renfrew is under the government for municipal purposes of the provost magistrates and council thereof (in this Act called "the Corporation") and whereas by the Greenock Police Act 1877 (in this Act called "the Act of 1877") a body corporate under the name and style of the Board of Police of Greenock was constituted the Police and Sanitary Authority of the burgh and by the Greenock Burgh Extension Act 1882 it was enacted that the Board of Police should consist of the Corporation:

And whereas under the Public Health (Scotland) Act 1867 the Board of Police are the local authority for carrying out the provisions of that Act with respect to ships having on board persons affected with a dangerous or infectious disorder and in carrying out those provisions the Board of Police incur considerable expense from which expenditure the inhabitants of other burghs and districts on the Firth of Clyde derive benefit equally with the inhabitants of the burgh of Greenock and it is expedient that the powers of the Board of Police for the purposes aforesaid should be extended and that the expenses incurred by them in carrying out the provisions of the said Act of 1867 as extended by this Act should be contributed to by the local authorities of the said burghs and places in the manner in this Act provided:

And whereas by the Greenock Street Tramways Act 1871 the Board of Police as then existing was authorised to construct and work street tramways in the burgh of Greenock and the said tramways so far as constructed are now vested in the Board of Police and it is expedient that the Board should be authorised to work the said tramways by mechanical power:

And whereas by the Vale of Clyde Tramways Act 1871 and the Greenock and Port Glasgow Tramways Act 1887 the companies

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by those Acts respectively incorporated were authorised to construct and work the tramways in those Acts respectively mentioned and the said tramways so far as constructed are now being worked by the said companies respectively:

And whereas the said tramways of the said companies respectively form junctions with the tramways of the Board of Police and could be more efficiently and economically worked in conjunction with such last-mentioned tramways as part of the same undertaking and it is expedient that the Board of Police be authorised to purchase the undertakings of those companies respectively and to work the same by mechanical power:

And whereas the establishment of a depôt for cattle near to the harbour of Greenock would be of public and local advantage and it is expedient that the Board of Police should be authorised to establish such depôt and to purchase and acquire land by agreement for that purpose:

And whereas the cemetery and burying grounds in Greenock are vested in and under the management and control of the corporation and it is expedient that the provisions in this Act contained should be made with respect to plots and lairs therein which have never been used and in respect of which no payment has been made for a period of forty years:

And whereas it is expedient that the Board of Police and the Water Trust respectively should be authorised to borrow further money:

And whereas it is expedient that the recited Acts or some of them should in other respects be varied and altered:

And whereas the purposes aforesaid 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:—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Greenock Corporation Act 1893.

Act divided into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Police and Sanitary.
Part III.—Dean of Guild.
Part IV.—Public Streets and Sewers.

Part V.—Infectious Diseases.
Part VI.—Tramways.
Part VII.—Cattle Depôt.
Part VIII.—Cemetery and Burying Grounds.
Part IX.—Borrowing Powers and Rating.
Part X.—Byelaws.
Part XI.—Miscellaneous.

Interpretation.

3. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

The expression "the burgh" means the burgh of Greenock;

The expression "the Corporation" means the provost magistrates and council of the burgh;

The expression "the magistrates" means the magistrates of the burgh for the time being and includes the provost and the expression "magistrate" when used in this Act or in the portions of the Burgh Police (Scotland) Act 1892 or other Acts incorporated with this Act shall mean the provost or one or more of the bailies of the burgh officiating in the police court or otherwise acting in pursuance of this Act or the dean of guild of the burgh when officiating in the dean of guild court;

The expression "the Board of Police" or "the Board" means the Board of Police of Greenock;

The expression "the Water Trust" means the Water Trust of Greenock;

The expressions "commissioners" and "burgh prosecutor" in the portions of the Burgh Police (Scotland) Act 1892 incorporated with this Act shall respectively mean and include the Board of Police and the procurator fiscal;

The expression "police office" shall mean and include any police station lock-up-house prison or other place of detention for prisoners within the burgh unless the contrary shall appear from the context;

The expression "police court" shall mean any court for the trial of police offences within the burgh maintained in pursuance of the Act of 1877 or this Act;

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor;

The expression "the sheriff" means the sheriff of the counties of Renfrew and Bute and shall except as regards section 5 of this Act whereof the marginal reference is "appointment of chief constable and of constables" include his substitutes and

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the expression "the sheriff clerk" means the sheriff clerk of the county of Renfrew and includes his deputes;

The expression "ship" has the same meaning as in the Public Health (Scotland) Act 1867;

The expression "the cemetery" means the Greenock Cemetery situate in the burgh and includes any future extension or enlargement thereof;

The expression "the burying grounds" means the Duncan Street burying ground and the Inverkip Street burying ground in the burgh;

The expression "the Act of 1877" means the Greenock Police Act 1877;

The expression "the local Acts" means the Greenock Police Improvement and Gas Act 1871 and the Greenock Police and Improvement Act 1875 the Greenock Improvement Provisional Order Confirmation Act 1877 the Act of 1877 the Greenock Burgh Extension Act 1882 and the Greenock Water Acts 1866 1869 and 1875 so far as the same are now in force and unrepealed;

The expression "board of supervision" shall mean the board of supervision for the relief of the poor and of public health:

Any words and expressions in this Act not herein-before defined but corresponding and similar to words and expressions defined in section 3 of the Act of 1877 shall have the same meanings assigned to them in this as in that Act excepting where otherwise expressed in this Act and unless there be something in the subject or context repugnant to such construction.

Act limited to burgh.

4. This Act shall except so far as otherwise expressly provided apply only within the burgh.

PART II.—POLICE AND SANITARY.

Chief Constable and Constables.

Appointment of chief constable and of constables.

5. The Board of Police shall from time to time appoint a chief constable at a fixed annual salary who shall not be removable or be subject to have his salary diminished unless with the approbation of the provost and the sheriff of the county or in case of their differing in opinion of the Secretary for Scotland but he may be suspended by the magistrates with consent of the sheriff for a definite period pending any inquiry instituted with a view to his removal and as often as the Board of Police shall fix the number of constables which they shall judge to be necessary for the burgh and the rank and designation of such constables the said chief constable shall appoint proper persons for the duty subject so long as any contribution is made from public funds towards the expenses of the police

force of the burgh to such regulations as may be made from time to time by the Secretary for Scotland and he shall have power to direct their distribution within the burgh and to suspend or remove them at pleasure and the chief constable may with the consent of the Board of Police hold in addition the appointment of chief constable of the county or of any contiguous burgh and the Board of Police may appoint the chief constable of the county or of any contiguous burgh to be in addition chief constable of the burgh.

Superintendent of police to be first chief constable under this Act.

6. The office of superintendent of police under the Act of 1877 shall be merged in that of chief constable under this Act and the existing superintendent of police shall be the first chief constable under this Act and the provisions of the Act of 1877 relating to the superintendent of police so far as they are inconsistent with the provisions of this Act relating to the chief constable are hereby repealed.

Appointment powers and duties of constables.

7. All matters with respect to the appointment powers and duties of constables not otherwise provided for by this Act shall be regulated by sections 79 80 83 84 85 86 88 89 90 91 93 383 388 401 467 468 469 470 471 and 472 of the Burgh Police (Scotland) Act 1892 which are hereby incorporated with this Act Provided always that in section 469 as so incorporated the expression "person "charged with the commission of a crime or offence" shall for the purposes of that section include a deserter in custody of a naval or military escort.

Property stolen and found.

8. Sections 412 to 415 of the Burgh Police (Scotland) Act 1892 are hereby incorporated with this Act.

Police offences and penalties.

9. Sections 87 92 253 276 302 380 381 384 389 391 393 394 404 and 435 of the Burgh Police (Scotland) Act 1892 are hereby incorporated with this Act Provided always that the term "commissioners" in section 302 shall include the Water Trust that the word "street" in section 381 shall include a common stair and close and that the enactment in section 384 in so far as applicable to any person in charge of a steamer shall only apply to any person in charge of a steamer lying at any of the quays piers or wharves or in any of the harbours or docks of the port and harbours of Greenock.

Additional offences and penalties.

10. Every person who causes any heavy article to be hauled or drawn in any street except on a wheeled carriage or causes any waggon carriage or vehicle with flanged wheels to be hauled or drawn except on rails or in grooves placed or sanctioned by the Board of Police shall be liable to a penalty not exceeding forty shillings for each offence.

Power to proceed against

11. Where any person is convicted by any magistrate of the offence of selling or exposing for sale or of having in his possession

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original seller of diseased cattle &c.

for sale any unsound or diseased animal or diseased meat or any animal or meat unfit for the food of man and intended for such food it shall be lawful for the procurator fiscal to proceed against the original seller of such animal or meat as if he were an offender art and part with the convicted person and as if he had committed such offence within the burgh provided that such animal or meat were unsound or diseased or unfit for the food of man at the time of the sale thereof by such original seller to the convicted person and the purchase by the convicted person or by anyone on his behalf from such original seller wheresoever made or carried out shall be taken and held to be a sale by such original seller of the animal or meat in question within the burgh in premises kept and used for the sale of animals or meat and the penalty and punishment provided by section 272 of the General Police and Improvement (Scotland) Act 1862 incorporated in the Act of 1877 against the person convicted shall also be applicable to and be leviable and recoverable from such original seller and all the powers authorities jurisdiction and forms of procedure given and provided by the said Acts or either of them against the convicted person shall be applicable to the prosecution trial and punishment of such original seller.

Magistrates may make regulations for certain purposes.

12. The magistrates may from time to time make regulations and issue notices and orders for all or any of the following purposes (that is to say):—

(1.) For regulating the traffic or any particular traffic in streets within the burgh;

(2.) For diverting temporarily out of any street or streets traffic of every kind or such particular kinds of traffic as may be specified in any such notice or order;

(3.) For prescribing the streets in or through which particular kinds of traffic shall not be permitted or where permitted the hours within which they are permitted;

(4.) For prohibiting or regulating public processions:

And every breach of any such regulation notice or order shall be deemed an offence against this Act and every person committing such an offence shall be liable to a penalty not exceeding forty shillings Provided always—

(1.) That the magistrates shall advertise any such regulation notice or order once in a newspaper published within the burgh;

(2.) That no such regulation notice or order shall come into force unless and until it shall have been considered and confirmed by the sheriff after the expiration of not less than one week from the date of the advertisement of the same;

(3.) That the advertisement shall include an intimation to the effect that any person company or corporation objecting to any such regulation notice or order may attend before the sheriff for the purpose of opposing the confirmation of the same. A.D. 1893.

CLEANSING.

Sanitary.

13.—(1.) Every person occupying any house who keeps the same or any building or place or appurtenant thereof or any water-closet or sink in a dirty unwholesome or unhealthy condition after the expiration of two days from the service of a notice upon him by the sanitary inspector to cleanse the same shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2.) If any person who has been convicted under the preceding provisions of this section or who has complied with such notice as aforesaid shall within twenty-eight days after such conviction or compliance as the case may be keep such house or other premises or any water-closet or sink in a dirty unwholesome or unhealthy condition he shall on conviction be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Cleansing.

14. The dust night-soil dung ashes rubbish filth and manure including slaughter-house manure (excepting cattle dung mill dust and the ashes of any kiln engine furnace baker's oven or the clinkers of any stove and the refuse of any pier harbour or quay or of any brewery tan work soap or chemical or other work) within the burgh shall be vested in the Board of Police who shall have power to sell or dispose of the same as they think proper and the money arising therefrom shall be applied to the general purposes of this Act.

Cleansing of the burgh.

15. All matters relating to the cleansing of the burgh not otherwise provided for by this Act and the Act of 1877 shall be regulated by sections 108 and 125 of the Burgh Police (Scotland) Act 1892 which are hereby incorporated with this Act.

JURISDICTION OF MAGISTRATES.

Jurisdiction of magistrates.

16. All matters with respect to the jurisdiction of the magistrates and the trial and punishment of offences not otherwise provided for by this Act and the Act of 1877 shall be regulated by the Burgh Police (Scotland) Act 1892 for which purpose sections 454 458 459 463 465 466 473 474 477 482 495 496 508 512 and 513 are hereby incorporated with this Act.

Prevention of cruelty to and protection of children.

17. The jurisdiction of the magistrates shall extend to the trial of offences under section 3 of the Prevention of Cruelty to and Protection of Children Act 1889 and for the purposes of that section

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they shall be a court of summary jurisdiction within the meaning of that section.

Proceedings before magistrate and forms to be used therein.

18. The provisions of the Summary Jurisdiction (Scotland) Acts 1864 and 1881 shall except in so far as contrary to or inconsistent with the provisions of this Act apply to all proceedings before the magistrate under the jurisdictions herein conferred and the forms in Schedule VII. to the Burgh Police (Scotland) Act 1892 or the forms annexed to the Summary Procedure Act 1864 or to the Criminal Procedure (Scotland) Act 1887 where applicable may be used.

PART III.—DEAN OF GUILD.

COURT.

Board to appoint dean of guild.

19. At the first meeting of the Board in each year the Board shall for the purposes of this Act and of the Act of 1877 choose and designate a fit and suitable person to be the dean of guild for the succeeding year and the person so chosen or designated shall be the dean of guild accordingly and shall hold that office for the year ensuing after he is so chosen and until his successor be appointed and no longer but may be re-elected and the Board shall at the same time choose and designate a member of the Board being one of the councillors of the dean of guild to act as depute dean of guild during the absence of the dean of guild or in case of the resignation or death of the dean of guild till the expiry of the term of office for which such dean of guild was elected and such depute in the event of the absence or resignation or death of the dean of guild shall in the exercise of his office hold and possess the same style or title jurisdiction and powers as the dean of guild and in the event of the absence resignation or death of both the dean and depute dean the Board shall elect one of their members to act as dean.

Procurator fiscal to be fiscal in Dean of guild court.

20. The procurator fiscal shall act as fiscal in all cases before the dean of guild for the enforcement of the provisions of this Act and of the Act of 1877 and shall also in all proceedings before the court where an agent is required represent the Board and any officers appointed or acting under this Act or the Act of 1877.

Procedure in cases before the dean of guild.

21. Every proceeding before the dean of guild in pursuance of this Act or of the Act of 1877 shall be subject to the following rules and regulations :—

It shall commence by an application in writing or in print or partly in writing and partly in print ;

Except where otherwise specially directed the subsequent steps may be in writing or vivâ voce as shall be ordered by the dean of guild :

In all other respects the procedure before the dean of guild in pursuance of this Act or of the Act of 1877 shall be in the form and subject to the regulations applying to the proceedings before the dean of guild in royal burghs in Scotland or sheriffs courts of Scotland and his judgments shall be subject to review as the judgments of such deans of guild are subject to review Provided always that in any case where a claim of compensation shall be brought before the dean of guild against the Board by any person for any proceedings of the Board under this Act or the Act of 1877 the amount of which claim shall not exceed one hundred pounds in case the party making such claim or the Board shall be dissatisfied with the judgment of the dean of guild thereon either party shall have right to appeal against such judgments to the sheriff and the sheriff shall consider and decide such appeal in a summary way and the judgment thereon shall be final and not subject to review in any form and the sheriff shall have power to decide all questions of expenses in such appeals.

Buildings.

Application to be made to the dean of guild before any buildings erected or altered.

22. Every person who shall intend to erect any building within the burgh or to alter any building within the burgh of which he is not the sole proprietor or to alter any building within the burgh of which he is the sole proprietor in such a manner as to affect the exterior walls or roof thereof or materially affect or change the character of the building shall by petition signed by himself or his procurator make application to the dean of guild for a warrant to do so and shall therein set forth his title generally and produce along with such application a plan elevation and section of each storey of the building which he intends to erect or to alter and of the intended alterations thereon and a block plan and section of the land on which such building is or is intended to be situated and of any adjacent turnpike road or street or court adjoining and of the sewers in such road street or court and of the private sewers formed or intended to be formed and connected therewith and shall state in such application whether any apartments of the said building so intended to be erected or to be altered and if any which apartments are not intended to be let or used for the purpose of sleeping in and shall distinguish such apartments on the said plan and the dean of guild shall cause the master of works and any other person whom he shall consider interested to be cited and allow them time to examine the said plan elevation and section and shall proceed to inquire into and dispose of the said application subject to the provisions of this Act and of the Act of 1877 and may award expenses to or against any of the parties.

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No building to be commenced until plans approved.

23. No new building or alteration of any building (being an alteration within the meaning of the next preceding section) shall be commenced until the plan elevation and section relating thereto have been approved of by the dean of guild either with or without modifications and no buildings shall be built except in accordance with plans elevations and sections approved of by the dean of guild and in the case of buildings which are less than ten feet distant from the nearest point of any adjoining building or wall no excavation for the foundation thereof shall be made until the said plan elevation and section are approved of as above provided.

As to minor alterations of buildings.

24. In the case of small alterations of buildings such as breaking out or enlarging a window or door or small alterations of a like kind in the execution of plans approved by the dean of guild court the master of works shall have power on written application being made to him to grant permission to a proprietor or builder to proceed with the alterations forthwith but in every such case the alterations must be carried out to the satisfaction of the master of works who shall keep a record of such applications and of the permissions granted and the conditions thereof and report the same at the next dean of guild court Any person commencing such alterations without permission of the master of works or carrying out the work otherwise than in accordance with the terms of the permission granted by him shall be guilty of a guild offence and liable to the penalty provided in section 284 of the Act of 1877.

Dean of guild not to grant warrants until satisfied on certain points.

25. It shall not be lawful for the dean of guild to grant a warrant to erect or alter any building unless or until he is satisfied and finds that the plan elevation and section which shall be signed with reference to such warrant and which shall be permanently kept by the clerk of court and be accessible to all parties besides being in conformity with the other provisions of this Act and of the Act of 1877 make satisfactory provision with respect to the several matters following namely :—

That the outer walls and the party walls or separate side or end walls and the joisting and principal timber work as shown on the plan are of sufficient strength and stability ;

That all internal bearing partitions between separate houses and in the case of tenements partitions round waterclosets and bath rooms shall be of brick that the walls of all staircases with central support shall be of brick not less than four and a half inches thick and the walls of all hanging stairs of brick not less than nine inches thick and in the case of tenements (attics excepted) the whole steps landings and supports of staircases to be of incombustible materials ;

That the level of the lowest storey in the building or any out-buildings connected therewith is such as to admit of complete drainage into an adjoining public or common sewer and that a sufficient connexion with such sewer is shown on the plan;

That proper and ample ashpit and watercloset or privy accommodation is shown on the plan or exists in connexion with the lands and heritages;

That in the case of dwelling-houses proper open space light and ventilation are secured by the plan for such dwelling-houses and in the case of buildings not being dwelling-houses that proper light and ventilation are secured by the plan for such buildings;

That in the case of a church hotel theatre or other building intended for holding large numbers of people provision is made for the said building being well and sufficiently lighted and ventilated and the doors and passages so planned as to admit of easy quick and safe entrance and exit but not so as to encroach on the street;

That the plan does not show a hoist or contemplate the raising or lowering of any articles from windows or openings towards any turnpike road or street or inhabited court;

That the plan does not show any passage of less width than five feet through the building or between it and any adjacent building or any passage forming part of a private street or communication for foot passengers or carriages and leading through the building or between it and any adjacent building of less width than ten feet or any common stair or passage of less width than three feet nine inches when finished and that the dimensions of every such passage entry or stair are adequate for the traffic;

That every chimney-head is so planned and so placed as to be secure and to have a stone cope into which cans may be safely inserted;

That every apartment except those distinguished on the plan as not intended to be let or used for sleeping in is of such size and has one or more windows with such free space in front of every window thereof as to be in conformity with the provisions to that effect in the Act of 1877 contained;

That the plan provides for an adequate supply of water or that such supply exists in connexion with the land or heritages:

And the erection or alteration of any building in conformity with the warrant of the dean of guild may take place at the sight of the master of works or the inspector of buildings or other competent person appointed by the court or by the Board but neither the

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warrant of the dean of guild nor the superintendence of the master of works shall imply or shall relieve the proprietor or any other person concerned from any legal responsibility in respect of the said building.

Dean of guild may make byelaws as to buildings &c.

26. The dean of guild may subject to the approval of the Board make byelaws for the following purposes and any person contravening these byelaws shall be guilty of a guild offence and shall be liable to the penalties provided in section 284 of the Act of 1877 :—

With respect to the structure or alteration of buildings of public entertainment or resort including churches chapels and places for holding religious meetings for securing efficient means of ingress thereto and egress therefrom in case of fire and accident;

With respect to the mode of securing balconies and other projections from buildings and the construction of temporary or permanent galleries or platforms;

For regulating the structure of floors and walls of buildings for securing the stability and safety thereof the employment therein of suitable and good materials of proper dimensions and the prevention of fire;

With respect to the staging and supports stands hoardings and platforms required for the construction or alteration of buildings;

For regulating the drainage of buildings and the subsoil and foundations and water-closets privies ashpits and cesspools in connexion with buildings and their situation;

For regulating the height and construction of chimneys flues and furnaces and the construction of ovens for ensuring open space between the external walls thereof and the buildings in which the same are situate and other purposes;

For regulating the thickness and construction of walls of or near ovens and furnaces built or wholly or partially rebuilt after the commencement of this Act.

New buildings.

27. All matters relating to new buildings not otherwise provided for by this Act or the Act of 1877 shall be regulated by section 171 and by sub-sections (1) (2) (10) (13) and (14) of Schedule IV. of the Burgh Police (Scotland) Act 1892 which are hereby incorporated with this Act.

Wooden or other temporary erections.

28. It shall be lawful for the dean of guild to allow wooden or other erections of a temporary kind not being dwelling-houses to be built in suitable localities for a limited period not exceeding two years and such temporary erections if allowed shall be constructed and shall at the end of such period be removed unless the

court allow an extension of the time at the sight and to the satisfaction of the master of works and any person who shall refuse or delay to remove said erection at the expiry of said period or extended period shall be guilty of a guild offence and shall be liable in a penalty not exceeding five pounds and to a daily penalty of forty shillings. A.D. 1893.

Special provisions as to bakehouse flues.

29. In any building intended for a bakehouse there shall be constructed to the satisfaction of the dean of guild a flue or chimney of such height above the ridge of the main building to which the bakehouse belongs or the adjacent buildings as the dean of guild may direct A baker's oven or tradesman's or artificer's furnace shall not be constructed in or added to any building theretofore erected without there being a flue or chimney provided for the same to the satisfaction of the Board Any person constructing an oven or furnace shall carry up the flue or chimney used as a smoke flue therefrom to the height required by the dean of guild above the adjoining chimneys or ridge of the main building to which the oven or furnace belongs and shall secure the same by stays or fastenings to the satisfaction of the Board.

Exemption of Government property from building regulations.

30. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Exemption of railway companies buildings.

31. The provisions of this Part of this Act shall not apply to the railways or stations of any railway company or buildings connected therewith other than dwelling-houses.

Further provision as to buildings.

32. The jurisdiction and powers conferred on the dean of guild by this Act or by the Act of 1877 shall not extend to farm buildings and shall not as respects the first buildings of any other kind which may be erected on ground unfeued at the date of the passing of the Act of 1877 extend further than is necessary for securing the safety of the public the stability of the buildings the prevention of fire and the proper drainage and satisfactory sanitary arrangements thereof.

PART IV.—PUBLIC STREETS AND SEWERS.

Streets.

Formation of foot pavements

33. Where any public street or portion of a public street shall not have been completed it shall be competent to the procurator

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and roadways.

fiscal by direction of the Board to present a petition to the dean of guild craving warrant to the Board to make or to finish foot pavements of first-class flagstones or other approved materials with kerbs and gutter courses of granite or other approved materials and causeways of dressed whinstones or granite or other approved materials including when necessary retaining walls crossings cesspools and cesspool drains in such street or portion of such street or craving warrant to make either such pavements kerbs and gutter courses or such causeways at the expense of the proprietors of lands and heritages in such street or portion of a street such expense including the whole of the expense of making such foot pavement kerb and gutter courses and retaining walls crossings cesspools and cesspool drains and the expense of making such causeway to the central line of the street opposite to such lands and heritages and all other expenses incurred by the Board in connection with the same and a copy of such petition or of so much thereof as concerns each such proprietor shall be served on each proprietor in the manner provided in section 271 of the Act of 1877 and the dean of guild shall fix a diet for hearing the parties under the said petition.

Board to be relieved of expense by proprietors.

34. The proprietors of all lands and heritages in such street or fronting or adjoining both sides of the line of such street shall severally be bound to pay and to relieve the Board of the expense of making such foot pavements kerbs and gutter courses retaining walls crossings cesspools and cesspool drains and also of the expense of making such causeways to the central line of the street opposite to their respective lands and heritages and also of the expense of making such causeways across the intersection of streets in proportion to the length of frontage to such street of such respective lands and heritages as compared with the total length of the street or portion of a street upon which such expense shall be laid out and incurred by the Board at the time as such proportion of expenses shall be ascertained and decerned for by the dean of guild on the application of the procurator fiscal Provided always that in the event of the Board requiring granite causeways or concrete or asphalte bottoming in any street the difference between the cost of such granite causeways or concrete or asphalte bottoming and the expense of dressed whinstone causeways and ordinary bottoming shall be paid by the Board And providing also that every proprietor except as before provided shall be entitled to remove any materials belonging to him found in any street at the time of making such foot pavements and causeways therein and if such materials are not removed by the proprietor the value thereof shall be deducted from the proportion of expenses ascertained to be due by him as aforesaid.

Amending certain sections of Act of 1877.

35. Sections 335 337 and 373 of the Act of 1877 shall be read and have effect as if the words "or if there be no proprietor then of the superior" had been added after the word "proprietor" wherever the same occurs in the said sections.

Section 375 of the Act of 1877 shall be read and have effect as if the words "all necessary outfalls drains manholes ventilating shafts gratings and other incidental works and also including the expense of" were inserted in that section before the words "making such sewer."

Provisions not to extend to farm roads.

36. The provisions of this Act and of the Act of 1877 with respect to streets and sewers shall not extend or apply to farm roads so long as they remain such.

Expenses of formation of streets and sewers to be recoverable in respect of churches &c.

37. The expression "lands and heritages" in the sections of this Part of this Act whereof the marginal references are respectively (Formation of foot pavements and roadways) (Board to be relieved of expense by proprietors) and section 375 of the Act of 1877 as amended by this Act shall include churches chapels meeting-houses and other premises lands and heritages specified in the Act 37 and 38 Victoria chapter 20 and notwithstanding anything in that Act contained such churches chapels meeting-houses and other premises lands and heritages shall not be exempt from any assessment or rate made or levied in respect of the expenses under the said sections or any of them.

Definition of term "expense of streets and sewers."

38. In this Act and the Act of 1877 the term "expense of streets and sewers" shall include the costs of all incidental works and other necessary expenses incurred by the Board in carrying out the formation of streets and sewers by this Act and by the Act of 1877 authorised.

PART V.—INFECTIOUS DISEASES.

Sanitary supervision of River Clyde and recovery of expense thereof from local authorities.

39. The Glasgow Police Commissioners shall pay to the Board of Police the sum of twelve pounds in respect of each person affected with any infectious disease removed under the powers of the Public Health (Scotland) Act 1867 by the Board of Police to any infectious diseases hospital or to the wards of any other hospital provided by the Board of Police for the treatment of such persons from a ship passing up or down the River Clyde to or from the city of Glasgow and not calling at any of the quays piers wharves harbours or docks of Greenock and such payments shall be subject to the following conditions:—

(1.) The said sum of twelve pounds shall be paid by the Glasgow Police Commissioners only when the ship from which such

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person may have been removed is in the case of ships going up the river first berthed and in the case of ships going down the river is last berthed at a quay wharf dock or harbour within the municipal boundaries of the city of Glasgow:

(2.) In any case in which it shall be competent for them so to do the Board of Police shall take such steps as may be necessary to recover from the person in charge of any ship from which any person so affected as aforesaid has been removed any expenses which are made payable by the person in charge of such ship under the provisions of the Public Health (Scotland) Act 1867 and the net amount of the expenses so recovered if any shall less such amount as may be payable to the medical officer or other practitioner in respect of his services on board such ship be in each case deducted pro tanto from the sum payable by the Glasgow Police Commissioners in respect of the treatment of such person:

(3.) The Glasgow Police Commissioners shall pay and they are hereby authorized to pay the sums chargeable against them under the provisions of this section out of the assessments levied by them under the provisions of the Public Health (Scotland) Act 1867:

(4.) The foregoing provisions shall mutatis mutandis be applicable to the following burghs and places and the local authorities exercising jurisdiction therein (that is to say):—

(A.) Govan Renfrew Paisley Bowling Dumbarton Helensburgh and Port Glasgow;

(B.) Partick and Clydebank if and so soon as a pier or harbour shall be established at those places respectively.

Articles of bed or body clothing to be purified.

40. Where on the certificate of the medical officer or of any two registered medical practitioners it appears to the Board of Police that any articles of bed or body clothing in any house or part thereof are in such a filthy or dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or check infectious disease the medical officer or sanitary inspector or other person to be appointed by the Board of Police shall give notice in writing to the occupier of such house or part thereof requiring him within a time to be specified in such notice to cleanse or purify or destroy such articles of bed or body clothing as the case may require to the satisfaction of the medical officer or sanitary inspector or other person to be appointed by the Board of Police and if the person to whom such notice is given fail to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings and to a daily penalty of the

like amount and the Board of Police may if they think fit or if the occupier is unable to bear the cost cause any such articles of bed or body clothing in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

Wake not to be held over body of person dying of infectious disease.

41. It shall not be lawful to hold any wake over the body of any person who has died of any infectious disease and the occupier of any house or premises who permits or suffers any such wake to take place in any such house or premises and every person who knowingly attends or takes part in such wake shall be liable to a penalty not exceeding forty shillings.

Certificate required before removal of body by railway &c. of person who died of infectious disease.

42. It shall not be lawful to convey the body of any person who has died of any infectious disease by railway or other public conveyance not being a conveyance reserved for such purposes unless and until the medical officer or sanitary inspector has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker or other person who shall without such certificate knowingly remove or assist in removing and any person who shall procure or endeavour to procure the removal of such dead body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

PART VI.—TRAMWAYS.

Carriages may be moved by steam electrical or other mechanical power.

43. The engines carriages and trucks used on the tramways by the Greenock Street Tramways Act 1871 authorised may subject to the provisions of this Act and with the consent of the Board of Trade during a period of seven years from such consent and with the like consent during such further periods of seven years as the Board of Trade may from time to time specify in any order to be signed by a secretary or an assistant secretary to the Board of Trade be moved by steam electrical or other mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam electrical or other mechanical power shall be subject to the regulations set forth in the First Schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam electrical or other mechanical power on the tramways.

Power to erect stations engines and machinery.

44. The Board of Police may for the purposes of this Part of this Act lay down on above and under the surface of any street such electric mains wires and apparatus and may make and maintain such

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subways tunnels cables tubes and openings in or under any such surface as may be necessary in connection therewith and they may on any lands belonging to them erect and maintain all necessary and proper works buildings machinery and appliances for working the tramways by steam electrical or other mechanical power but nothing in this Act shall exempt the Board from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such lands.

Penalty for using steam electrical or other mechanical power contrary to Act or regulations.

45. The Board of Police or any lessees using steam electrical or other mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the First Schedule to this Act or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Board of Police or any lessees using steam electrical or other mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the First Schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Board of Police or any lessees to cease to exercise the powers aforesaid and thereupon the Board of Police or any lessees shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Provisions for protection of the Postmaster-General.

46. In the event of any of the tramways being worked by electricity the following provisions shall have effect:—

(1.) The Board of Police or any lessees or person owning or working any of the tramways (who are in this section included in the expression "the Board of Police") shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such

telegraphic lines or the currents therein If any question arises as to whether the Board of Police have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Board of Police shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2.)—(*a*.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Board of Police or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Board of Police and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(*b*.) Any difference which arises between the Postmaster-General and the Board of Police or their agents with respect to any requirements so made shall be determined by arbitration:

(3.) In the event of any contravention of or wilful non-compliance with this section by the Board of Police or their agents the Board of Police shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or; if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(4.) Provided that nothing in this section shall subject the Board of Police or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

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(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

41 & 42 Vict. c. 76.

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Board of Police were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section:

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and

31 & 32 Vict. c. 119.

sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Board of Police or their agents were a company within the meaning of that Act:

(9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Board of Police by indictment action or otherwise in relation to any of the matters aforesaid.

For the protection of the National Telephone Company Limited.

47. For the protection of the National Telephone Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Board of Police being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say):—

(1.) The Board of Police shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits Provided that as regards electric circuits erected or laid down by the Telephone Company after

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the construction of the works of the Board of Police this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Board of Police:

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Board of Police shall unless otherwise agreed with the Telephone Company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Board of Police shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid:

(3.) If any difference arises between the Board of Police and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Board of Police and the Telephone Company were companies within the meaning of that Act:

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered:

(5.) The expression "the Board of Police" in this section shall include their lessees and the licencees:

Provided always that if the Board of Police or the Telephone Company at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a joint committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the Telephone Company or the Board of Police as the case may be shall not be entitled to oppose such application except on details.

Byelaws.

48. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam electrical or other mechanical power may be used under the

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authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and bye-laws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Penalty for breach of byelaws.

49. The Board of Police or any lessees or person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

50. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Part of this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

51. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Orders byelaws.

52. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of that Board.

Board of Police may purchase

53.—(1.) The Board of Police may subject to the approval of the Board of Trade purchase and acquire the whole or any part of

the tramways and undertakings of the Vale of Clyde Tramways Company and the Greenock and Port Glasgow Tramways Company respectively whether within or without the burgh.

Vale of Clyde Tramways and Greenock and Port Glasgow Tramways.

(2.) If the Board of Police under the powers of this section acquire the whole or any part of the tramways of either of the said companies they shall have and enjoy in respect thereof and the working and use thereof all the powers rights privileges and authorities of such company including the power to take tolls and charges as fully and effectually as if the Board of Police were named in the Acts relating to such tramways instead of the company.

(3.) The engines carriages and trucks on any tramways which the Board of Police may acquire under the provisions of this section may be moved by steam electrical or other mechanical power as well as by animal power subject to the provisions herein-before in this Part of this Act contained with respect to the working by steam electrical or other mechanical power of the tramways authorised by the Greenock Street Tramways Act 1871.

(4.) If the Board of Police under the powers of this section acquire any tramways or part of a tramway beyond the limits of the burgh the provisions of section forty-three of the Tramways Act 1870 shall be incorporated with this section and shall apply to such tramway or part of a tramway and to any local authority within the meaning of the said last-mentioned Act within whose district such tramway or part of a tramway is situate with the following modifications (that is to say) The expressions "the promoters" and "such promoters" shall mean the Board of Police the periods of seven years and three years respectively shall be substituted for the periods of twenty-one years and seven years in the said section mentioned and the date of the acquisition of any such tramway or part of a tramway shall be substituted for the time when the promoters were empowered to construct such tramway.

PART VII.—CATTLE DEPÔT.

Cattle depôt.

54.—(1.) The Board of Police may establish construct and maintain a depôt for cattle within the burgh together with all necessary furniture appliances and conveniences.

(2.) They may purchase or acquire by agreement for the purposes aforesaid any land or buildings or they may appropriate and use for such purposes any land or buildings now belonging to them or which they may hereafter acquire but nothing in this Act shall exempt the Board from indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such land.

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(3.) They may make impose and take such tolls and charges as they may from time to time think fit for the use of the said depôt and may from time to time make byelaws for the regulation of the said depôt and of the persons using or entering the same.

(4.) The establishment and maintenance of the depôt shall be deemed to be one of the purposes of the Act of 1877 and the expenses thereof may be defrayed out of the police assessment leviable under that Act.

Provided that nothing in this section or in any byelaw made thereunder shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1892 or of any order licence or act of the Board of Agriculture made granted or done thereunder.

PART VIII.—CEMETERY AND BURYING GROUNDS.

Provisions as to unclaimed or unused lairs in cemetery and burying-grounds.

55. Every plot or lair in the cemetery and burying grounds in which no interment shall have taken place for forty years and in respect of which no payment shall have been made to the Corporation for forty years for the maintenance and upkeep thereof unless such payment shall have been commuted under the provisions of this Act shall on the expiration of such period revert to and become the property of the Corporation freed and discharged from the rights and claims of all other persons and may be sold let or otherwise dealt with by the Corporation as they think fit.

Power to commute charges for upkeep and maintenance of plots and lairs.

56.—(1.) It shall be lawful for the Corporation to accept from any person liable to make any annual or other payments to the Corporation for the upkeep and maintenance of any plot or lair in the cemetery or burying grounds such sum of money as shall be fixed by the Corporation or as shall be agreed on between them and such person by way of commutation of such payments and therefrom such plot or lair shall be kept up and maintained for ever after by the Corporation free of charge and shall not be used by the Corporation for interments or sold by them for burial or any other purpose.

(2.) A book shall be kept by the town clerk or other officer of the Corporation appointed for that purpose in which shall be entered the description of every plot or lair in respect of which the payments have been so commuted and the date when and person by whom such commutation payment was made and the amount thereof and such other particulars (if any) as the Corporation shall from time to time direct.

(3.) Failing such commutation the existing fees for the upkeep and maintenance of any plot or lair in the cemetery or burying

grounds shall continue to be payable and may be levied by the Corporation for and in respect of any plot or lair sold let or otherwise dealt with by the Corporation prior to the passing of this Act and with respect to any plot or lair sold let or otherwise dealt with by the Corporation after the passing of this Act the fees for interment therein and for the upkeep and maintenance thereof shall be the said existing fees or such other fees as the Corporation may subject to the approval of the sheriff from time to time fix and determine.

(4.) All payments received by the Corporation under subsection (1) of this section shall be applied by them as capital only but the interest on such payments shall be devoted to the upkeep of the grounds.

Incorporating sections 58 and 59 of the Cemeteries Clauses Act 1847.

57. Sections 58 and 59 of the Cemeteries Clauses Act 1847 with respect to the protection of the cemetery shall be incorporated with this Act and shall apply to the cemetery and burying grounds and in construing such provisions for the purposes of this Act the expression "the Company" shall mean the Corporation.

PART IX.—BORROWING POWER AND RATING.

Power to borrow.

58.—(1.) The Board of Police may from time to time (in addition to any moneys which they are now authorized to borrow) borrow at interest for the following purposes the sums following or any part thereof (that is to say):—

(A.) For paying the costs charges and expenses of and incidental to the preparing applying for and obtaining and passing of this Act the sum requisite for that purpose;

(B.) For the establishment and construction of a depôt for cattle and acquiring land or buildings for the same any sum not exceeding ten thousand pounds;

(C.) For the purposes of their tramway undertaking including all expenses incurred in the introduction of mechanical power for working the same any sum not exceeding ten thousand pounds;

(D.) For the purchase and acquisition of the undertakings of the Vale of Clyde Tramways Company and the Greenock and Port Glasgow Tramways Company or any part of those undertakings together with all incidental expenses the amounts requisite for the purpose;

(E.) For police buildings any sum not exceeding forty thousand pounds;

(F.) For the purpose of building a hospital if necessary any sum not exceeding ten thousand pounds:

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And in order to secure the moneys so borrowed they may mortgage all or any of their funds rates assessments and revenues.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorized to be borrowed and to which capital is properly applicable.

(3.) Money borrowed under this section shall be repaid within the following periods (that is to say) As to money borrowed for payment of the costs charges and expenses of this Act within five years from the borrowing of the same As to money borrowed for the depôt for cattle for the introduction of mechanical power on the tramway undertaking and for the purchase of the said other tramway undertakings within thirty years from the borrowing of the same As to moneys borrowed for any other purpose within sixty years from the date of borrowing the same.

Reborrowing.

(4.) If having borrowed any money under the provisions of this section the Board of Police pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund they may reborrow the same and so from time to time Provided that all money so reborrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Certain provisions of Act of 1877 incorporated.

59. The provisions of the following sections of the Act of 1877 shall be deemed to be incorporated with this Act (that is to say):—

Section 77 (Mortgages to be signed by three members of the Board and to be transferable by indorsation);

Section 78 (Cash credit accounts may be opened);

Section 79 (Power to grant annuities in lieu of borrowing);

Section 86 (Protection of lenders from inquiry).

Certain provisions of Commissioners Clauses Act 1847 as to mortgages incorporated.

60. The clauses and provisions of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners (except section 77 and sections 84 to 87) shall be incorporated with this Act and apply to the mortgages to be granted by the Board of Police under this Act.

Sinking fund.

61.—(1.) The Board of Police shall pay off all moneys borrowed by them under the powers of this Act either by equal annual instalments or by equal annual contributions to a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose.

(2.) The sums paid into the sinking fund shall be accumulated in the way of compound interest by investment in the name of the Board of Police in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures or debenture stocks of any county council or local authority (other

than the Board of Police) in Scotland within the meaning of the Public Health (Scotland) Act 1867 or of any local authority in England within the meaning of the Local Loans Act 1875.

(3.) The Board of Police shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys have been discharged or redeemed.

(4.) Whenever any of such principal moneys have been paid off by means of the sinking fund the Board of Police shall until the whole of the principal moneys have been paid off pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate of three pounds per centum per annum.

(5.) 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 due and outstanding the Board of Police may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Arrears may be enforced by appointment of judicial factor.

62. In the event of any principal money borrowed by the Board of Police as aforesaid or any interest thereon or of any annuity not being paid within one month after such payment shall have become due and after demand thereof in writing it shall be lawful for any mortgagee holding mortgages in arrear or annuitant to the amount of one thousand pounds or for several mortgagees holding mortgages in arrear or annuitants to the amount of one thousand pounds in the aggregate to render the security by this Act conferred effectual by the appointment of a judicial factor and the application for such appointment shall be made by summary petition to the Court of Session or in time of vacation to the Lord Ordinary on the Bills who are hereby respectively authorised and required on such application being made by any mortgagee or mortgagees or annuitant or annuitants holding the respective sums in arrear before specified to appoint some person as judicial factor to the effect and with the powers herein-after mentioned unless previously to such application being advised the amount of such mortgages or annuities as the case may be with interest and expenses shall have been paid to the petitioner or petitioners unless the said Court or Lord Ordinary as the case may be shall be satisfied that consignation thereof should under the circumstances be accepted in lieu of payment

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and such consignation be made accordingly and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

63. The judicial factor so appointed on finding security in common form shall exercise all the powers of the Board of Police for and in relation to assessing levying and recovering the several funds rates assessments and revenues on the security of which the money has been borrowed by the Board of Police and the Board of Police shall deliver to him all rate books and other books and documents necessary for that purpose and after defraying the expenses of such application management and maintenance the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of such funds rates assessments and revenues and such judicial factor shall continue not only until all arrears of mortgages and annuities due at the date of the appointment of such judicial factor and all interest due on any of the said sums and any annuity or interest which shall have become due during his continuance in office with interest and expenses including the expenses of the application for such appointment and of carrying the purposes thereof into execution shall have been paid but also until any half-year's annuity or interest which although not due may become current during his continuance in office and a sufficient sum to meet expenses shall have been paid or consigned in one of the chartered banks in Scotland and upon payment and consignation as aforesaid of such mortgages annuities interest and expenses it shall be lawful for the Board of Police to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor who may recall such appointment accordingly.

Saving for existing mortgages of Board of Police.

64. Nothing in this Act contained shall prejudicially affect any mortgages herein-before granted by the Board of Police on the credit of any rate fund assessment revenue or property which the Board of Police before the passing of this Act had power to levy or over which they had control and now in force and all mortgages so granted and now in force shall have in all respects the same priorities and be secured in full to all intents and purposes upon such rate fund income or property of the Board of Police as if this Act had not been passed.

Power to Water Trust to borrow.

65.—(1.) The Water Trust may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest for the purposes of their undertaking any sum not exceeding twenty thousand pounds And to secure the moneys so borrowed

they may mortgage all or any of their funds rates assessments and revenues.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3.) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

Reborrowing.

(4.) If having borrowed any money under the provisions of this section the Water Trust pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund they may reborrow the same and so from time to time Provided that all money so reborrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

(5.) The provisions herein-before in this Part of this Act contained with respect to money borrowed by the Board of Police including the provisions as to the sinking fund shall mutatis mutandis apply to the Water Trust and the money borrowed by them under this section.

Provisions as to gas and water sinking funds.

66.—(1.) From and after the passing of this Act it shall not be obligatory upon the Board of Police to make any other or greater contributions to the sinking fund for the repayment of moneys heretofore borrowed for their gas undertaking than such annual sum as shall together with the interest produced by the sinking fund and payments in lieu of interest for the current year amount to four thousand pounds until the whole debt of the gas undertaking shall have been paid off.

(2.) Whereas the greater proportion of the capital expended on the undertaking of the Water Trust has been applied for the purpose of providing a supply of water for power and other purposes to the sugar refining and other industries in the burgh and the works being mainly tunnels and aqueducts blasted out of Whinstone rock are of a permanent character Be it enacted that from and after the passing of this Act it shall not be obligatory upon the Water Trust to make any other or greater contribution to the sinking fund for the repayment of the moneys heretofore borrowed by them than will be sufficient with the accumulations thereof at the rate of three pounds per centum per annum to pay off the said moneys or the amount thereof now outstanding within sixty years from the passing of this Act.

(3.) The Board of Police and the Water Trust respectively shall from time to time apply the sinking funds herein-before in this section mentioned in or towards the discharge or redemption of the principal moneys for the discharge whereof they were respectively

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created until thereby or otherwise the whole of such principal moneys have been discharged or redeemed.

(4.) Whenever any of such principal moneys have been paid off by means of the sinking fund the Board of Police or the Water Trust as the case may be shall until the whole of the principal moneys have been paid off pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate of three pounds per centum per annum.

(5.) 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 due and outstanding the Board of Police or the Water Trust as the case may be may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

(6.) Any provisions of the local Acts inconsistent with the provisions of this section are hereby repealed.

Sinking fund for municipal buildings debt.

67. Whereas the Corporation acquired ground for the erection of and erected thereon a town hall and municipal buildings and offices and for the purposes aforesaid borrowed a sum of one hundred thousand pounds Be it enacted that the said sum shall be repaid within sixty years from the passing of this Act by equal annual instalments or by equal annual contributions to a sinking fund which instalments or contributions shall be provided out of the assessment authorised to be made under section 439 of the General Police and Improvement (Scotland) Act 1862 as amended by this Act and the provisions contained in the section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund established under this section.

Amendment of section 439 of 25 & 26 Vict. c. 101.

68. The assessment which under the powers of section 439 of the General Police and Improvement (Scotland) Act 1862 incorporated with the Act of 1877 may be made on all occupiers of premises within the burgh may amount to but shall not exceed sixpence in the pound of the yearly rent of such premises.

PART X.—BYELAWS.

Byelaws.

69. Section 316 (Byelaws) of the Burgh Police (Scotland) Act 1892 is (except sub-section 10B thereof) hereby incorporated with this Act and all byelaws to be made under the powers of this Act or the Act of 1877 save as herein otherwise provided and except byelaws to be made by the dean of guild or the Board of Trade or

in respect of the cattle depôt by this Act authorised shall be made under and according to the provisions with respect to byelaws contained in sections 317 to 323 of the Burgh Police (Scotland) Act 1892 Provided always that sub-section 9B of the said section 316 shall be read as if the words "in accordance with the sections of "this Act relating to cleansing and fencing and keeping the same "clear of obstruction" were omitted therefrom And provided further that no byelaws affecting tidal lands made under the authority of this Act shall be valid or come into force without the consent in writing of the Board of Trade.

PART XI.—MISCELLANEOUS.

Amendment of section 60 of Act of 1877.

70. Section sixty of the Act of 1877 is hereby repealed and the following section is substituted therefor in that Act (that is to say):—

Subject to the provisions of this Act the assessment shall be imposed on the actual rent or value of lands and heritages as appearing from the valuation roll Provided always that the Board shall not impose any assessment in respect of courts of justice prisons police offices and watch-houses and other lands and heritages used for the purposes of police piers and harbours reservoirs water-pipes wells and cisterns held by any public body for behoof of the public any place used solely for public worship or of public charity or which is exempted from county burgh parochial or other local rates by the provisions of an Act passed in the sixth and seventh years of the reign of Her present Majesty intituled "An Act to exempt from county "burgh parochial and other local rates lands and buildings "occupied by scientific and literary societies" also the following buildings namely the Greenock Mechanics Institute the Greenock Library and Museum and other premises belonging to such institute or library except such premises as are let to tenants for a rent or are occupied as dwelling-houses the chapel of the Greenock Sailors' Home Sir Gabriel Wood's Mariners Asylum the Greenock Hospital and Infirmary and the Greenock Eye Infirmary Provided that nothing in this section or in section eighty-six of the Roads and Bridges (Scotland) Act 1878 shall exempt the trustees of the port and harbours of Greenock from the payment in respect of their piers and harbours of any rate or assessment under the last-mentioned Act.

Repeal of certain sections of

71. From and after the passing of this Act the sections of the Act of 1877 set forth or mentioned in the Second Schedule to this

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Act annexed shall be and the same are hereby repealed to the extent therein mentioned.

the Act of 1877.

Incorporation of section 154 of the Act of 1892.

72. Section 154 (Power to purchase houses &c. for additional improvements) of the Burgh Police (Scotland) Act 1892 is hereby incorporated with this Act.

Provisions as to proceedings under General Acts.

73. In any proceeding for or in respect of any breach or non-observance of or otherwise under or in respect of any provision of the General Police and Improvement (Scotland) Act 1862 incorporated with any of the local Acts or any provision of the Burgh Police (Scotland) Act 1892 incorporated with this Act it shall be sufficient to specify the section of the said Act of 1862 or the said Act of 1892 as the case may be containing such provision and it shall not be necessary to specify or refer to the local Act or this Act or any section thereof.

In this section the expression "proceeding" includes complaint petition or other process judgment or order.

Restriction on taking houses of labouring class.

74. The Board of Police shall not under the powers of this Act without the consent of the Secretary for Scotland take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Costs of Act.

75. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board of Police out of the money authorised to be borrowed under this Act but may in the first instance be paid out of any moneys in their hands or out of any rate or assessment which they are authorised to levy and any moneys so paid shall be recouped by and charged to the moneys borrowed under this Act It shall be lawful for the Water Trust out of the money which they are authorised to borrow under this Act to pay to the Board of Police such proportion of the said costs charges and expenses as they think fit not exceeding one half thereof.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Break-power of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted :—

With an indicator by means of which the speed shall be shown;

With a suitable fender to put aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall be at liberty from time to time to inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through moveable facing-points shall not exceed the rate of four miles an hour.

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THE SECOND SCHEDULE.

Portions of Act of 1877 Repealed.

Sections numbered inclusively.
Sections 94 99 102 104 143 151 152 158 181 235 238 239 240 241 242 247 248 250 254 261 262 263 267 270 275 281 283 285 286 288 290 303 322 324 346 350 and 371 in whole.
Section 169 except sub-sections 16 to 19 thereof and section 179 except sub-sections 7 8 9 14 23 24 and 25 thereof.
Sections 88 109 and 110 in so far only as they relate to the members of the police force of the burgh.
Section 442 in so far only as it relates to byelaws made by the Board of Police or by the magistrates.
Sections 113 131 155 157 165 178 186 and 264 in so far as they incorporate sections 115 to 124 130 131 133 145 251 to 257 271 313 322 327 328 329 330 338 408 411 to 416 419 420 422 423 430 and 431 of 25 and 26 Vict. c. 101.

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