CHAPTER cxxix.

An Act to extend the municipal and police boundaries of the burgh of Greenock to consolidate the local Acts and Orders relating to that burgh to confer further powers on the provost magistrates and councillors thereof and for other purposes. [16th August 1909.] A.D. 1909.

WHEREAS the burgh of Greenock (hereinafter called "the burgh") in the county of Renfrew is under the government for municipal purposes of the provost magistrates and councillors thereof (in this Act called "the Corporation"):

And whereas by the Town Councils (Scotland) Act 1900 (section 8) it was enacted that in any burgh the whole rights powers authorities duties liabilities debts officers and servants (*a*) of commissioners under the Burgh Police (Scotland) Act 1892 and (*b*) of any body of police gas or water commissioners consisting exclusively of members of the town council and (*c*) of the burgh local authority under the Public Health (Scotland) Act 1897 and the whole lands works and other assets vested in them respectively should in so far as that had not already been effected be transferred to imposed on and vested in the town council constituted under that Act:

And whereas by the Greenock Police Act 1877 the board of police of Greenock (in this Act called "the board of police") was incorporated as the police gas cleansing lighting street and sewer formation tramway public parks and sanitary authority of the burgh:

And whereas under the Greenock and Shaws Water Transfer Act 1866 the Greenock Water (Additional Works) Act 1866 and the Greenock Water Acts 1869 and 1875 the water trust of Greenock (in this Act called "the water trust") was incorporated

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under that name to manage the then existing undertaking for the supply of water to Greenock to acquire the undertaking of the Shaws Water Joint Stock Company and to construct additional waterworks and consisted exclusively of members of the town council:

And whereas in the year 1877 by an Act intituled "An Act "to confirm a Provisional Order of one of Her Majesty's Principal "Secretaries of State for the improvement of unhealthy areas in "the Parliamentary Burgh of Greenock" a scheme made under the Artizans and Labourers Dwellings Improvement (Scotland) Act 1875 was confirmed:

And whereas by the Greenock Street Tramways Act 1871 the board of police was authorised to construct and work street tramways in the burgh and the said tramways so far as constructed are leased to and worked by the Greenock and Port Glasgow Tramways Company under and by virtue of the powers contained in the Greenock and Port Glasgow Tramways Acts 1887 and 1899 and the Greenock and Port Glasgow Tramways Order 1902:

And whereas under the Roads and Bridges (Scotland) Act 1878 the burgh local authority under that Act was declared to be the local authority having the control and management of the streets of any burgh and such control and management has been vested in and exercised by the board of police since the date of the passing of the said Act:

And whereas the board of police was authorised to supply electricity within the burgh under the Greenock Electric Lighting Order 1883 and the Corporation are supplying the same:

And whereas doubts having arisen as to the effect of the Town Councils (Scotland) Act 1900 it was provided by the Greenock Corporation Order 1901 that the Corporation should be the sole authority for all the purposes theretofore under the control of the board of police and the water trust respectively anything in the local Acts relating to the burgh to the contrary notwithstanding:

And whereas it is expedient to extend the boundaries of the burgh to include certain portions of the county of Renfrew lying contiguous to the burgh:

And whereas there are in force in the burgh the local Acts and Orders set forth in the First Schedule to this Act relating to the improvement and local government of the burgh including the

supply of gas water and electricity the construction and working of tramways and other matters:

And whereas many of the provisions of those Acts have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if certain of their provisions were subject to amendments and additions consolidated in one Act:

And whereas the sums of money borrowed or authorised to be borrowed by the Corporation for the purposes of those Acts and Orders and the portions of such sums remaining to be paid off are set forth in the Ninth Schedule to this Act:

And whereas the Corporation have borrowed and expended the sum of twenty thousand pounds on the provision and erection of a dust destructor and doubts have arisen as to the power of the Corporation so to do and it is expedient to remove such doubts:

And whereas it is expedient to authorise the Corporation to borrow further money for the provision and equipment of baths and wash-houses and the general purposes of this Act:

And whereas it is expedient to confer upon the Corporation the further and better powers contained in this Act in relation to the financial municipal police public health and other administration of the burgh and to the gas water and electrical undertakings of the Corporation:

And whereas Sir Michael Hugh Shaw Stewart has bestowed the gift of five thousand pounds upon the burgh upon the conditions that the said sum shall be invested by the Corporation and the produce thereof applied to the furtherance of the well-being of the burgh and it is expedient to provide accordingly:

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 King'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 1909.

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Commencement of Act.

2. This Act shall (except as otherwise in this Act provided) commence and have effect on and from the date of the passing of the same which date is hereinafter referred to as "the commencement of this Act."

Division of Act into Parts.

3. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Extension of Burgh.
Part III.—Lands.
Part IV.—Magistrates and Councillors.
Part V.—Dean of Guild.
Part VI.—Appointment of Officers.
Part VII.—Public Parks &c.
Part VIII.—Markets Fairs Cattle Depôt &c.
Part IX.—Public Bathing Baths and Wash-houses.
Part X.—Public Clocks.
Part XI.—Cemetery and Burying Grounds.
Part XII.—Financial:—
(A) Assessments and Rates:—
(a) Burgh General Assessment.
(b) Special Assessments.
(c) Domestic and Public Water Rates.
(d) Gas Guarantee Rate.
(e) Assessment and Rate Rolls.
(f) Collection of Assessments and Rates.
(B) Borrowing.
(C) Miscellaneous.
Part XIII.—Streets and Sewers:—
(A) Streets.
(B) Sewers.
(C) Maintenance of Streets and Sewers.
Part XIV.—Buildings.
Part XV.—Water.
Part XVI.—Gas.
Part XVII.—Electricity.
Part XVIII.—Police Force.
Part XIX.—Theatres and Places of Public Resort.

Part XX.—Articles Found or Stolen or Fraudulently obtained. A.D. 1909.
Part XXI.—Brokers Pawnbrokers &c.
Part XXII.—Public Carriages.
Part XXIII.—Porters.
Part XXIV.—Prevention of Fraud.
Part XXV.—Police Offences and Penalties.
Part XXVI.—Fire Brigade.
Part XXVII.—Lighting.
Part XXVIII.—Cleansing.
Part XXIX.—Sanitary.
Part XXX.—Slaughter-house.
Part XXXI.—Byelaws Regulations &c.
Part XXXII.—General:—
(A) Notices.
(B) Execution of Works by Corporation.
(C) Execution of Works by Owners or Occupiers.
(D) Miscellaneous.

4. In this Act the following words and expressions shall have the following respective meanings (that is to say):— Interpretation.

"The existing burgh" means the burgh of Greenock within the limits and boundaries existing immediately previous to the commencement of this Act;

"The burgh" means with respect to and for the purposes of the police jurisdiction and police powers conferred by this Act the burgh within the police boundaries referred to in the section of this Act whereof the marginal note is "Extension and definition of boundaries" and with respect to and for the other purposes powers and jurisdictions of and by this Act conferred means the burgh within the municipal boundaries referred to in the said section;

"The district annexed" means the district annexed to the existing burgh by this Act;

"The Corporation" means the provost magistrates and councillors of the burgh;

"The magistrates" means the magistrates of the burgh and includes the provost and "magistrate" when used in

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this Act means the provost or one or more of the bailies of the burgh officiating in the police court;

"Dean of guild" means the dean of guild of the burgh for the time being and shall include the dean of guild court acting in pursuance of this Act;

"The assessor of the dean of guild court" means any person appointed by the Corporation to perform the duties of assessor of the dean of guild court;

"Town clerk" means the town clerk of the burgh for the time being;

"Chamberlain" means the chamberlain of the burgh for the time being;

"The medical officer" and "the sanitary inspector" respectively mean the medical officer and the sanitary inspector appointed in pursuance of the provisions of the Public Health (Scotland) Act 1897;

"The master of works" includes the burgh surveyor of the burgh;

"The collector" means any collector of rates or assessments levied by or revenues belonging to the Corporation;

"The inspector of lighting" means any inspector of lighting appointed by the Corporation;

"The inspector of cleansing" means any inspector of cleansing appointed by the Corporation;

"The inspector of lodging-houses" means any inspector of lodging-houses appointed by the Corporation;

"Constable" includes chief constable superintendents lieutenants inspectors serjeants and other officers of police subordinate to the chief constable;

"County" means the county of Renfrew;

"County council" means the county council of the county and includes any district committee having jurisdiction and possessing powers within the district annexed;

"The sheriff" means the sheriff of Renfrew and Bute and except where the expression "sheriff depute" is used includes his substitutes;

"Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and any Acts amending and extending the same;

"Valuation roll" means the valuation roll of the burgh made up in accordance with the Valuation Acts;

"Assessment" includes rate;

"The local Acts and Orders" means the Acts and Orders set forth in the First Schedule to this Act;

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

"The Order of 1901" means the Greenock Corporation Order 1901;

"The Town Councils Acts" means the Town Councils (Scotland) Acts 1900 and 1903;

"The Burgh Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1903;

"Lands and heritages" means lands and heritages within the burgh and has the meaning attached to it in the Valuation Acts;

"Owner" means the owner or proprietor of lands or heritages and includes liferenters as well as fiars joint owners or proprietors feuars tutors curators commissioners trustees adjudgers wadsetters heritable creditors or other persons who shall be in the actual possession or enjoyment of the rents and profits or produce of such lands and heritages and the factor or any person acting as factor commissioner or agent for such persons or any of them in the management or in receipt of the rents and profits of such lands or heritages;

"Occupier" means the occupier of lands or heritages and applies to any owner in the actual occupancy or use thereof and to any person in the actual occupancy thereof as tenant or otherwise and to any person taking or enjoying the possession or use thereof;

"Street" includes any road street lane vennel wynd court close alley bridge quay passage thoroughfare square or other place within the burgh used either by carts or foot passengers (and not being or forming part of any harbour railway canal station depôt or wharf) or any part of such road street lane vennel wynd court close alley bridge quay passage thoroughfare square or other place within the burgh used as aforesaid;

"Public street" means any street which is maintained by the Corporation or which is by this Act or shall hereafter in pursuance thereof be declared to be a public street whether the same shall have been completed or not;

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"Private street" means any road street or place within the burgh (not being or forming part of any harbour railway or canal station depôt or wharf) used by carts and either accessible to the public from a public street or forming a common access to lands and premises separately occupied which has not been declared by the Corporation to be a public street or been maintained as a public street;

"Court" means any place or passage within the burgh (except a common stair) used solely for foot passengers and open and accessible to the public from a street and forming a common access to lands and heritages separately occupied;

"Foot pavement" means a footpath formed of approved dressed flagstones and kerbs of dressed whinstone or granite and "causeway" means a carriageway formed of whinstone or granite;

"Completed street" or "completed court" means a public street or court as the case may be in which foot-pavements and causeways and public sewers have been made and constructed and the obligations of owners of lands and heritages bound to make and form such streets or courts in terms of this Act have been fulfilled;

"Uncompleted street" or "uncompleted court" means a public street or court or part of a street or court as the case may be in which foot-pavements or causeways have not been made or in which public sewers have not been constructed and where the obligations of owners of lands and heritages bound to make and form such streets or courts have not been fulfilled;

"Building" includes all dwelling-houses houses warehouses mills manufactories structures chimney stalks walls and erections of every description and of whatever materials they may respectively be constructed;

"Public building" means a building used or constructed adapted or altered to be used as a church chapel or other place of public worship or as a school or place of instruction or as a hospital theatre music hall public hall or other place of public assembly or a building used or constructed or adapted to be used as an hotel lodging-house home or shelter where such building extends to two hundred and fifty thousand cubic feet

or has sleeping accommodation for not less than one hundred persons;

Buildings or lands shall be deemed to be in a street or court where they abut on front or adjoin such street or court or where only a portion of ground open to the passage of the public intervenes between any such buildings or lands and any such street or court;

"New building" means (*a*) any building the erection of which is begun after the commencement of this Act (*b*) any building wholly or partially pulled or burnt down to or below the level of the ceiling of the ground floor thereof and re-erected or intended to be re-erected (*c*) any building not originally constructed for a dwelling-house and converted or intended to be converted into a dwelling-house (*d*) any building originally constructed as one dwelling-house only and converted or intended to be converted into more than one dwelling-house (*e*) any building originally constructed to be let with only one dwelling-house on each flat and converted or intended to be converted into small dwelling-houses;

"Existing building" means a building existing at the commencement of this Act and includes any building erected in virtue of a warrant of the dean of guild granted before the commencement of this Act;

"Domestic building" means a dwelling-house a tenement and any other building not being a public building or a building of the warehouse class;

"Building of the warehouse class" means a warehouse factory manufactory brewery distillery or similar building and includes (1) a building exceeding in cubical extent one hundred and fifty thousand cubic feet used or constructed to be used wholly or principally as offices or counting houses and (2) any other building (not a public building) exceeding in cubical extent one hundred and fifty thousand cubic feet which is not an hotel lodging-house home refuge or shelter and does not consist wholly or principally of dwelling-houses;

"Workroom" means an occupied apartment used by not less than ten persons engaged in manual labour at the same time;

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"Occupied apartment" means any apartment in which persons are ordinarily employed during the hours of business in connection with any business trade or manufacture;

"First floor" means the floor above the street or shop floor;

"Party wall" means any wall used or built in order to be used as a separation of any building from any other building with a view to the same being occupied by different persons;

"Dwelling-house" means any building or part of a building which is or is intended to be occupied wholly or in part during the day or during the night for residential or sleeping purposes;

"Common passage or stair" means any passage or stair in any building leading to parts thereof separately occupied;

"Sewer" includes any drain culvert or watercourse used for the conveyance of sewage and all cesspools traps and other ordinary appurtenances in connection therewith;

"Public sewer" means a sewer for the drainage of a street or a part of a street formed under or by authority of the local Acts or of this Act or for the drainage of any building or lands on either side thereof;

"Private sewer" means a sewer for the drainage of the lands and heritages of one or more owners connected with a public sewer or with a river or stream and includes any house drain;

"Police offence" means any crime or offence consisting either of an act or the culpable neglect or omission to do an act which the magistrate is authorised by this Act to try;

"Guild offence" means any offence consisting either of an act or the culpable neglect or omission to do an act to which a penalty is attached to be pursued for before the dean of guild or which the dean of guild is authorised by this Act to try;

"Bail" and "caution" respectively extend to and include a deposit of money or articles;

"Cattle" includes any horse mare gelding foal colt filly bull cow heifer ox calf ass mule ram ewe wether lamb goat kid or swine;

"Manure" includes dung fulzie night soil rubbish dust dirt ashes and filth;

"Carriage" includes any motor car coach omnibus chariot fly car cart cabriolet gig brougham waggon timber-carriage dray truck handcart wheelbarrow handbarrow lorry or other vehicle used for the conveyance of goods or persons in any street or plying for hire and includes a hearse;

"Broker" or "brokers" extends to and includes any person or persons dealing in second-hand goods or articles or in woollen yarn or waste or in old metals bones or rags;

"Police office" includes any police station lock-up house prison or other place of detention for prisoners within the burgh;

"Police court" means any court for the trial of police offences within the burgh;

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

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

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof.

Expressions in Burgh Police Acts deemed to be adopted by this Act.

5. In the sections of the Burgh Police Acts which are by this Act brought into force within the burgh the following expressions shall have the following respective meanings (that is to say):—

"The burgh" means with respect to and for the purposes of the police jurisdiction and police powers conferred by this Act the burgh within the police boundaries referred to in the section of this Act whereof the marginal note is "Extension and definition of boundaries" and with respect to and for the other purposes powers and jurisdictions of and by this Act conferred means the burgh within the municipal boundaries referred to in the said section;

"The town council" "the council" and "the commissioners" mean the Corporation;

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"Byelaws made thereunder" "byelaws made under this Act" and other like expressions include byelaws made under this Act;

"Burgh surveyor" "surveyor of the burgh" "surveyor" "surveyor of the commissioners" "their surveyor" and other like expressions mean the master of works;

"Application of this Act" means the commencement of this Act.

Part II.

Extension of Burgh.

Extension and definition of boundaries.

6.—(1) The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend the existing burgh and the district annexed which district annexed is comprised within the limits and boundaries set forth and described in Part I. of the Second Schedule to this Act the description of the said boundaries being subject to the rules of construction laid down in section 5 of the Representation of the People (Scotland) Act 1832.

(2) The municipal boundaries of the burgh are hereby declared to be the boundaries described in Part II. of the Second Schedule to this Act.

(3) The police boundaries of the burgh are hereby declared to be the boundaries described in Part III. of the Second Schedule to this Act.

(4) The burgh shall subject to the provisions of the section of this Act of which the marginal note is "Future readjustment of wards" be divided into the respective wards which with their boundaries are described in Part IV. of the Second Schedule to this Act.

Map of burgh.

7. A map of the burgh and of the wards thereof having been signed in quadruplicate by Charles Norris Nicholson Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy thereof shall within one month after the commencement of this Act be deposited in the Office of the Clerk of the Parliaments House of Lords one copy thereof shall be deposited in the Private Bill Office of the House of Commons one copy thereof shall be deposited with the town clerk at his office and one copy thereof shall be deposited with the sheriff clerk of the county of Renfrew at his office in Greenock and a copy of such map certified by the

town clerk shall be deposited with the Board of Trade and with the Board of Agriculture and Fisheries respectively Provided that if there be any discrepancy between the said map and the description in the Second Schedule to this Act the said map shall be deemed to be correct and shall prevail.

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

8. Nothing in this Act contained shall interfere with the county or the parliamentary burgh of Greenock or alter or affect in any way the limits thereof or the electors thereof so far as regards the election of members to serve in Parliament and the county and the burgh shall for parliamentary purposes remain in all respects the same as if this Act had not been passed.

District annexed disjoined from county and added to third and seventh wards.

9. The district annexed shall be and the same is hereby for the purposes of this Act disjoined from the county and shall without prejudice to any future readjustment of wards be added to and form part of the third and seventh wards of the burgh.

Provisions of local and general Acts to apply to burgh as extended.

10. Subject to the provisions of this Act the provisions of all local and private and public general Acts and Orders and all bye-laws rules and regulations made under the same which apply to the existing burgh shall except so far as they are inconsistent with or varied by the provisions of this Act extend and apply to the burgh.

Qualification of electors.

11. The right of electing the town councillors in the burgh shall be in and belong to all such persons as have or shall have the qualifications specified and described in the Town Councils Acts.

Future elections of councillors.

12. On the first Tuesday in November one thousand nine hundred and nine and the first Tuesday in November in every year thereafter the qualified electors in the burgh shall proceed in the usual manner to return members to the Corporation in lieu of those who retire by rotation.

Powers of magistrates and councillors extended to burgh.

13. Subject to the provisions of this Act the magistrates the dean of guild and the Corporation respectively shall have possess and exercise over the burgh and the inhabitants thereof all the jurisdiction (civil and criminal) powers rights and authorities which the magistrates the dean of guild and the Corporation respectively of the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute charter or otherwise including all powers of imposing levying and recovering rates guarantee rates

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assessments dues and charges as the same are amended and extended by this Act and all rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall extend and apply to the inhabitants of the burgh.

Powers of other jurisdictions to cease.

14. From and after the commencement and subject to the provisions of this Act all jurisdictions rights powers functions duties and authorities which previous to the commencement of this Act were exercised or exerciseable by the county council or any local licensing or other authority within the district annexed or any part thereof under any public general or local or private Act of Parliament or Order (with the exception of such jurisdictions rights powers and authorities as are presently exercised or exerciseable by the county council or any committee thereof or other authority within the existing burgh) shall cease and determine Nothing in this Act shall alter diminish or affect the authority and jurisdiction of the sheriff or any jurisdiction judicial or administrative appertaining or relating to Inland Revenue.

Assessment of burgh.

15. Every rate toll or assessment (except the poor rates school rates and teinds) authorised to be collected or levied by the county council or other authority having jurisdiction over the district annexed or any part thereof but which shall not have been actually imposed previously to the commencement of this Act shall cease and determine within the district annexed and all burgh and other assessments and rates guarantee rates and charges leviable under all local Acts and Orders applicable within the existing burgh and under this Act and under all public Acts shall subject to the provisions of the section of this Act whereof the marginal note is "Adjustment of financial relations with county" from and after the fifteenth day of May one thousand nine hundred and nine be leviable in the burgh in the same way and manner as the same are leviable in the existing burgh and until such time as a valuation roll has been completed by the Corporation in respect of the district annexed the valuation roll of the county so far as it relates to the district annexed shall be the valuation roll for the purposes of any rate toll or assessment levied by the Corporation within the district annexed.

Recovery of assessment within

16. Every rate or assessment which shall have been actually imposed by the county council or any local road or other

authority who had jurisdiction within the district annexed or any part thereof before the commencement of this Act together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the persons who respectively imposed the same and by the ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by such persons respectively to and for the purposes for which the same were authorised to be levied. District annexed.

17. Section 50 of the Local Government (Scotland) Act 1889 as amended by section 96 of the Burgh Police (Scotland) Act 1903 shall apply and have effect on the extension of the boundaries of the existing burgh by this Act. Adjustment of financial relations with county.

18. The public roads streets bridges and footpaths within the district annexed shall so far as the same are vested in the county council or other public authority be transferred to and vested in and be managed maintained and repaired by the Corporation along with and in the same way and manner and to the same extent as the public roads streets bridges and footpaths within the existing burgh and the county council shall be freed and relieved of the repair and maintenance of all such roads streets bridges and footpaths so far as within the district annexed in all time coming. Roads &c. in district annexed.

19. Nothing in this Act contained with respect to the vesting of roads streets lanes courts bridges footpaths sewers or drains within the district annexed shall prevent any superiors owners or other persons by whom or by whose predecessors the same shall have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements or feu contracts made between the said parties respectively. Saving rights in roads footpaths sewers and drains.

20. The lands within the burgh shall remain parts and portions of the parish within which they now lie and shall not in so far as regards the settlement relief or management of the poor the imposing or levying or the payment of poor rates or other parochial or ecclesiastical burdens or other parochial or ecclesiastical arrangements be affected by any of the provisions of this Act. Parochial arrangements not to be affected.

21. Subject to the provisions of this Act all property heritable and movable (including all means revenues and income Property of burgh vested in Corporation.

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of every description arising therefrom) hitherto belonging to or leviable within the existing burgh or to which the existing burgh is entitled shall continue to be held by the Corporation and be held for the behoof and benefit of the burgh and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh.

Future re-adjustment of wards.

22. The Corporation may resolve that the burgh shall be divided anew into wards for municipal purposes and upon any such resolution being adopted the provost of the burgh the sheriff depute and a person to be appointed by the Secretary for Scotland shall anew divide the burgh into wards each ward being numbered and having a distinctive name or number and in determining the boundaries thereof regard shall be had by them to the number of town councillors in the burgh and to the number of municipal electors and also to the value of the property as appearing on the valuation roll and the persons aforesaid shall cause the proposed division into wards to be delineated upon a plan which shall be open to the inspection of everyone concerned for the space of fourteen days and notice shall be given previous to the first of the said fourteen days by advertisement in one or more newspapers published or circulating within the burgh of the place where the said plan is to be seen and upon a day after the expiry of the said fourteen days to be specified in the said advertisement the persons aforesaid shall hear all concerned and desiring to be heard for their interests and thereupon the said proposed division shall be finally adjusted by the persons aforesaid and they shall fix and determine the wards to which the then existing town councillors shall be apportioned and the order in which they shall retire by rotation and the persons aforesaid shall report the same to the Secretary for Scotland and on their report being approved of by him the said division into wards shall be published once at least in the Edinburgh Gazette and in one of the newspapers published or circulating within the burgh and the said division and boundaries of wards having been approved of and published as aforesaid shall take effect and shall on and after the first Tuesday in November of the then current year be the division and boundaries of the wards in the burgh in lieu of the then existing division and boundaries and the said town councillors in the absence of any disqualifying cause shall respectively act as the representatives of the wards to which they have been so apportioned till the respective dates fixed by the persons aforesaid for their retirement when they shall retire accordingly.

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For protection of Renfrewshire County Council.

23.—(1) The Corporation in respect of the annexation to the burgh of the district annexed shall within one month after the passing of this Act pay to the county council the sum of one thousand and seventy-eight pounds five shillings with interest at the rate of five per centum per annum from the date of payment until paid in respect of the proportion applicable to the district annexed of any debt or capital expenditure or of continuing administrative expenditure in connection with the county generally for police lands valuation diseases of animals general purposes roads public health or any other matter whatsoever which sum shall be applied by the county council in payment pro tanto of the debts or capital expenditure of the county council or for behoof of the county in such manner as they may think fit The said sum shall be in full satisfaction of all claims competent to the county council in connection with the annexation to the burgh of the district annexed and also in full of all and every claim for compensation by officers or servants of the county council in respect of loss or diminution of salary or emoluments consequent upon the annexation to the burgh of the district annexed.

(2) The Corporation shall maintain and repair—

(A) So much of the Auchneagh Road as is situate to the north of the burgh boundary being a distance of one hundred and sixty lineal yards or thereabouts:

(B) So much of the Larkfield Road as lies between the south side of Inverkip Road and a point one hundred and fifty yards or thereabouts measured in a north-westerly direction along the centre line of the Larkfield Road.

(3) So long as it shall be necessary to include the lands and heritages in the district annexed within the western division of the county for the purposes of the Acts in force for the time being relating to the registration of Parliamentary voters for the county the assessor for the burgh shall give to the assessor for the county access to and the use within the office of the assessor for the burgh of all books and schedules necessary to enable him to make up his list of county voters for the district annexed.

(4) The Corporation shall for the year commencing on the fifteenth day of May one thousand nine hundred and nine and annually thereafter on the fifteenth day of May so long as the district annexed shall continue to be part of the county for the purposes of parliamentary elections pay to the county council such proportion of the expenses payable by them for the regis-

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tration of parliamentary voters in the district annexed as the number of such voters registered yearly in the district annexed shall bear to the total number of parliamentary voters registered yearly in the division of the county in which the district annexed is situated.

Part III.

Lands.

Lands to continue vested in Corporation.

24. All lands and heritages and estates and interests in lands and heritages which at the commencement of this Act are vested in or leased by the Corporation and all servitudes rights and privileges in over or to lands and heritages at the commencement of this Act enjoyed or exerciseable by the Corporation shall continue vested in leased enjoyed or exerciseable by the Corporation.

Incorporation of Lands Clauses Acts.

25. The Lands Clauses Acts are incorporated with this Act.

Persons under disability may grant servitudes &c.

26. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties ground annuals and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

27.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which 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.

(2) If the Corporation acquire or appropriate any house or houses in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artisans 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 per week and the families of any of such persons who may be residing with them The expression "house" means any house or part of a house occupied as a separate dwelling. A.D. 1909.

Power to retain sell &c. lands.

28.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Order or otherwise to the contrary the Corporation may retain hold and use for such time as they may think fit and may with the consent of the Secretary for Scotland sell lease excamb or otherwise dispose of in such manner and for such considerations and purposes and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands which at the commencement of this Act are vested in used held or enjoyed by them and may with the like consent sell or dispose of any ground annuals feu duties or other rents reserved on the sale excambion lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease excambion or other disposition of such lands and on any excambion may give or take any money for equality of exchange Provided that upon every sale lease excambion or other disposition of lands or rents as aforesaid the value of such lands or interest in lands or rents shall be credited to the revenue or fund out of which such lands or interest in lands or the lands in respect of which such rents were reserved were purchased or paid for.

(2) The Corporation may with the approval of the Secretary for Scotland appropriate and use for any purpose of the Corporation any such lands or interest in lands not required for the purpose for which the same were acquired by or vested in the Corporation.

(3) The consideration for the acquisition by the Corporation of any lands may be either money or land or any yearly sum or ground annuals or feu duties or other rent or a mixed consideration of money and land and on any excambion the Corporation may give or take any money for equality of exchange.

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(4) Nothing in this section shall authorise the Corporation to create or permit any nuisance on any such lands.

Part IV.

Magistrates and Councillors.

Constitution of Corporation.

29. The Corporation shall consist of twenty-five town councillors and the number of such town councillors to be elected magistrates shall be one provost and six bailies and one of such town councillors shall be elected treasurer and nine of the town councillors shall constitute a quorum Notwithstanding anything contained in section 5 of the Town Councils (Scotland) Act 1900 the town council of the burgh shall be a body corporate under the name and style of the Corporation of Greenock with perpetual succession and a common seal and shall have power to sue and be sued and to hold lands and to possess all the other privileges of a body corporate and to carry into execution the provisions of this Act and all other Acts or Orders relating to the burgh.

Part V.

Dean of Guild.

Dean of guild.

30. The Corporation shall from time to time choose and designate a member of the Corporation to hold the same office as and perform the functions of and subject to the provisions of this Act to have and exercise within the burgh all the jurisdiction powers and privileges possessed or exercised by a dean of guild in any royal burgh in Scotland with all the jurisdiction powers and privileges conferred on him by this Act and such person so chosen under this Act shall in the exercise of such jurisdiction and performance of such functions bear the name title and style of dean of guild of Greenock and the expression "dean of guild" wherever it occurs in this Act shall mean the person so chosen and designated.

Application of Town Councils Act.

31. The provisions of section 57 of the Town Councils (Scotland) Act 1900 relating to the tenure of magistrates other than the provost shall apply to the person chosen and designated as herein provided as dean of guild.

Council of dean of guild.

32. The dean of guild shall be assisted in the execution of his duties by a council consisting of six members of the Corporation who shall be styled councillors of the dean of guild Provided always that the dean of guild may act in the execution of his duties with or without the concurrence or assistance of all or any one of such councillors.

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Election of councillors.

33. The Corporation shall in each year at the same time as they choose and designate the depute dean of guild choose and designate six of their number to be councillors of the dean of guild for the ensuing year and in case any of such councillors shall die or resign or become disqualified during his year of office the Corporation shall choose and designate a member of the Corporation in his stead.

Corporation to appoint depute dean of guild.

34. The Corporation shall in each year at their annual statutory meeting in November choose and designate a member of the Corporation being one of the councillors of the dean of guild to be called "depute dean of guild" and to act as 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 next annual statutory meeting of the Corporation thereafter and such depute dean of guild in the event of the absence or resignation or death of the dean of guild shall possess the same jurisdiction and powers as the dean of guild and in the event of the absence resignation or death of both the dean of guild and depute dean of guild the Corporation shall elect one of their members to act as dean of guild.

Burgh prosecutor to be prosecutor in dean of guild court.

35. The burgh prosecutor shall act as prosecutor in all cases before the dean of guild for the enforcement of the provisions of this Act and shall also in all proceedings before the dean of guild court where an agent is required represent the Corporation and any officers appointed or acting under this Act.

Adoption of Burgh Police Acts—Dean of guild court and procedure.

36. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 206 (Courts to be held);

Section 209 (Rules and regulations for building):

Burgh Police (Scotland) Act 1903—

Section 37 (Form of proceedings).

Power to dean of guild to decern for penalties.

37. It shall be lawful for the dean of guild on the application of the burgh prosecutor to decern for payment of any penalty due in respect of a guild offence Provided always that the provisions of the Summary Jurisdiction (Scotland) Act 1908 shall not apply to any proceedings in the dean of guild court and that it shall not be lawful for the dean of guild to sentence

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any person to imprisonment in default of payment of any penalty or other sum decerned for either immediately or after an interval or failing recovery thereof by poinding or arrestment.

Service of petitions &c.

38. Any copy of a petition or complaint or any notice to be served upon any owner of lands and premises or other person whom it is necessary to proceed against or make a party to proceedings before the dean of guild court may be lawfully and effectually served in the manner hereinafter provided with regard to the service of any notice by the Corporation.

Decrees of dean of guild how to be enforced.

39. Subject to the provisions of this Act all decrees made and pronounced by the dean of guild for the payment of sums of money expended by and payable to the Corporation for levelling making forming causewaying macadamising or paving streets or footpaths or portions of streets or footpaths or for making and forming sewers culverts and drains or portions of sewers culverts and drains shall be extracted and enforced in the same form and manner and shall have the same effect as decrees for debts in civil processes made and pronounced in the sheriff courts in Scotland are extracted and enforced and have effect.

Enforcement of decrees.

40. Subject to the provisions of this Act all decrees or orders ad factum prestandum or of interdict made and pronounced by the dean of guild may also be extracted in the same form as similar decrees or orders made and pronounced in the sheriff courts in Scotland are extracted and if the person or persons against whom any such decree or order or interdict has been pronounced shall fail to obey or to fulfil the charge to perform the same it shall be in the power of the dean of guild on the application of the burgh prosecutor to grant warrant to have such decree or order or interdict carried into effect at the expense of such person or persons and such expense including the expense of the proceedings may be decerned for by the dean of guild and recovered by arrestment and attachment of the rents and profits of the subjects to which such decree or order or interdict shall apply or by arrestment or by poinding distress and sale of the goods and effects of such person or persons but it shall not be lawful to insert in such decree order or interdict a warrant to imprison or to enforce the same by imprisonment.

Proceedings in absence before dean of guild.

41. In the event of any person lawfully cited to appear before the dean of guild court to answer to any proceedings against such person failing to appear it shall be lawful to such court upon proof that such person has been duly cited to hear and determine such proceedings in the absence of such person.

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Recovery of expenses.

42. Any expenses of the Corporation or any of their officers or servants or the burgh prosecutor incurred in the execution of this Act or of any byelaw made thereunder may where such expenses are necessary to any process application or petition before the dean of guild and without prejudice to any other competent proceedings be recovered by motion after forty-eight hours' notice to the opposite party or parties before the dean of guild who may decern therefor against such party to the process as he may determine and in all cases where the dean of guild shall decern for any sum of money whether on account of expenses laid out and incurred by the Corporation under this Act or for expenses of process or for a percentage on the principal sums in lieu of expenses or otherwise or shall under the authority of this Act impose any fine or penalty not otherwise provided for the sums so decerned for or the fine or penalty imposed if the same shall not be paid within seven days after the date of decerniture or the date on which the fine or penalty shall be imposed may be recovered by the burgh prosecutor on the part of the Corporation either as provided by the section of this Act of which the marginal note is "Enforcement of decrees" or according to the ordinary procedure under decrees pronounced by the dean of guild in a royal burgh or in the event of such sums so decerned for being for "the expense of streets and sewers" they may be recovered by the Corporation in the mode provided by this Act for the recovery of such expenses.

Evidence of resolutions.

43. An extract from a minute of a meeting of the Corporation or of a committee appointed by the Corporation certified by the town clerk shall be sufficient evidence of the resolution recorded in such minute.

Petitions for decree to be depending processes.

44. Every petition in which decree or warrant has been granted shall be a depending process in the dean of guild court until the buildings alterations streets or other works thereby sanctioned have been completed to the satisfaction of the dean of guild or until such decree or warrant shall have been recalled or shall have lapsed as hereinafter provided and the master of works or other person interested may appear in such process by motion as occasion may arise Provided always that forty-eight hours' notice of any such motion shall be given to all parties entitled to appear in the process and that in the case of processes which have fallen asleep no such motion shall be entertained until the process has been duly wakened in the manner provided for the wakening of processes in the sheriff court.

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The master of works shall report to the dean of guild any failure to adhere to or carry out the plans of any building alteration street or other work sanctioned by the dean of guild or to comply with the terms of any decree or warrant or of this Act or of any byelaw made thereunder The dean of guild after hearing parties shall adjudicate upon such report and may deal with any failure to adhere to or carry out the said plans or to comply with the terms of such decree warrant Act or byelaws as a guild offence.

Whenever the dean of guild is satisfied that the work authorised by any decree or warrant has been stopped or the completion thereof unduly delayed he shall have power to recall such decree or warrant and to order any uncompleted building alteration street or work to be taken down completed stopped up or otherwise dealt with as he may consider just and to order the removal of any hoarding or barricade and the restoration of the street A decree or warrant shall lapse where the work thereby authorised has not been commenced within one year from the date of such decree or warrant but the dean of guild may within one year from the date of such lapsing on the application of the petitioner and after due intimation to all parties entitled to appear in the process and after hearing such of those parties as may appear revive such decree or warrant subject to such terms and conditions as he may determine The provisions of this section shall not affect the finality of the decree or warrant or the right of appeal to the court of session on such decree or warrant being pronounced.

Succeeding owners.

45. The person by whom or on whose order any building is being erected or altered or any street or sewer made or any work done if other than the petitioner in whose favour the decree or warrant of the dean of guild has been granted for the doing thereof shall be liable for the due observance of the terms of such decree or warrant and of the provisions of this Act and any byelaw made thereunder and shall be subject to any penalty that may be incurred in consequence of the neglect or violation thereof but nothing herein contained shall exempt such petitioner from any liability resting upon or incurred by him.

Cost of works done by Corporation to be a real lien.

46. Wherever under the provisions of this Act or of any byelaw made thereunder the Corporation or the master of works do any work or perform any operation upon the failure of the owner of any lands and heritages or other person to do or perform the same the cost of such work or operation together

with the expense of any proceedings and any penalties shall form a real and preferable lien and burden on the lands and heritages on or in connection with which such cost and expense have been incurred but so far as regards any such cost expense or penalties payable after the commencement of this Act only for ten years from the date when the same shall be respectively payable as against bonâ fide singular successors or heritable creditors and such costs expenses and penalties may be recovered in any method competent from such lands and heritages as well as from such owner or other person by personal action or diligence Provided that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties casualties and expenses of recovery.

Chamberlain to give certificate of cost and expense forming real burden on lands.

47. The chamberlain shall when required by any person furnish a certificate under his hand showing with reference to any lands or heritages within the burgh the amount of any such cost expense or penalties mentioned in the section of this Act of which the marginal note is "Cost of works done by Corporation to be a real lien" which at the time forms in pursuance of the said section a real and preferable lien and burden on such lands and heritages and the chamberlain shall be entitled to a fee of one shilling in respect of each such certificate from the person requiring the same.

Notices to be given to master of works by builders.

48. In the following cases and at the following times (that is to say) :—

(A) Where a building or structure or work or any operation in or on any street pavement or footpath is about to be begun; and

(B) Where a building or structure or work is after the commencement thereof suspended for any period exceeding one month;

the person to whom warrant has been granted for such building structure or work shall give the master of works two clear days' notice in writing of such beginning or resumption of work.

Adoption of Burgh Police (Scotland) Act 1903—Inspection of buildings &c.

49. The following sections of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 33 (Burgh surveyor may inspect buildings);

Section 34 (Testing strengths);

Section 35 (Burgh surveyor may stop infringements).

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Part VI.

Appointment of Officers.

Corporation to appoint certain officers.

50.—(1) In addition to any officers or persons whom the Corporation are required or empowered to appoint or employ under any other Act or Order whether local and private or public relating to the burgh the Corporation may appoint and employ all such officers and persons as they from time to time and for such periods and on such conditions as they think fit to be employed in the execution of this Act or any other Act or Order relating to the burgh for the carrying into execution of all or any part of which provision has not been otherwise made by this Act or such other Act or Order The Corporation may provide offices for any officer or person they are required or empowered to appoint or employ.

(2) The Corporation may pay to such officers as aforesaid such remuneration of such amount and in such manner as the Corporation think fit.

(3) Subject to the provisions of section 86 of the Town Councils (Scotland) Act 1900 the Corporation may appoint or employ the same officer or person to carry out the duties of two or more officers or persons whom the Corporation are required or empowered to appoint or employ.

(4) The Corporation may revoke the appointment of or suspend for a time all persons or officers whom by this section they are empowered to appoint and they may make provision for the performance of the duties of persons so suspended by interim appointments.

Auditor.

51. Notwithstanding anything in section 94 of the Town Councils (Scotland) Act 1900 the auditor for the purpose of auditing the accounts of the Corporation shall for a period of three years from the thirtieth day of June one thousand nine hundred and nine be annually appointed by the Corporation and after the expiry of the said period of three years by the Secretary for Scotland in pursuance of the provisions of the said section.

Existing officers to continue to hold office.

52. The existing officers and servants of the Corporation shall continue to be officers and servants of the Corporation and to hold their offices and employments on the like terms as to duties remuneration power of removal or dismissal and in all other respects as if this Act had not been passed.

Part VII.

Public Parks &c.

Public parks to continue vested in Corporation.

53. All public parks which are vested in the Corporation at the commencement of this Act shall continue to the like effect and extent vested in the Corporation.

Adoption of Burgh Police Acts— Public parks.

54. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 308 (Commissioners may manage open spaces &c.):

Burgh Police (Scotland) Act 1903—

Section 44 (Power to erect buildings in public parks).

Lands and grounds for public recreation.

55. The Corporation may purchase rent or otherwise provide lands grounds or other places either within the burgh or at a reasonable distance therefrom not exceeding two miles from the boundary of the burgh to be used as a pleasure ground or place of public resort or recreation and the Corporation may from time to time level enclose drain plant light and otherwise lay out and improve any such public lands or grounds for the more convenient use and enjoyment thereof and make and maintain roads to and within and seats on the same and make byelaws for the regulation thereof but nothing in this section shall affect the powers of the Corporation under the Public Health Acts or the Public Parks (Scotland) Act 1878 Provided that the expression "pleasure ground" in that Act shall be deemed to include an open space for rest or recreation.

Corporation to frame regulations for use of esplanade.

56. The Corporation shall have power to make byelaws and regulations for the use by the public of the esplanade constructed under the Greenock Police and Improvement Act 1865 and in order to secure the full advantage of the same as a public walk the Corporation may altogether exclude wheeled vehicles including motor cars therefrom or may allow wheeled vehicles to use the same or any part thereof subject to such restrictions and conditions as the Corporation may think fit.

Corporation to make byelaws as to public parks &c.

57. The Corporation may make byelaws for all or any of the following purposes relating to the public park or parks (namely):—

For appointing and regulating keepers or servants employed therein;

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For regulating the days and hours on or during which the park or place is to be open or shut;

For regulating the conduct of persons frequenting the park or place and for the prohibition of card playing and such other games as are calculated to cause annoyance to the public;

For preventing offences nuisances and annoyances therein;

For regulating the days on and hours during which games and gymnastics are to be permitted therein;

For regulating the days on and hours during which bands of music or other music are or is to be permitted therein and for the prevention of party tunes being played therein;

For regulating refreshment rooms therein and the days on and hours during which they are to open or shut and the nature and price of the articles and things to be sold therein;

For regulating the admission of dogs thereto and the control of dogs therein;

For preventing persons other than children and persons in charge of children from intruding on or using playgrounds or other places therein set apart for the use of children;

For regulating the admission of horses and vehicles thereto and their use therein;

For protecting from injury buildings terraces fountains bridges walks seats fences and other parts of or things belonging to the park or place and for preventing the destruction or injury of birds animals trees plants shrubs or flowers and plucking of flowers and leaves therein;

For enabling the servants of the Corporation to exclude therefrom any intoxicated person and to remove therefrom all such persons and all persons guilty of a breach of any byelaw.

Part VIII.

Markets Fairs Cattle Depôt &c.

Powers as to markets &c.

58.—(1) The Corporation shall have power to do the following things or any of them:—

To improve any existing market places within the burgh;

To provide a market place and construct a market house and other conveniences for the purpose of holding markets;

To provide weighing houses and places and weighing machines for weighing vehicles goods and animals;

To make convenient approaches to such market;

To provide all such matters and things as may be necessary for the convenient use of such market;

To take stallages rents and tolls in respect of the use of such market place market house weighing house and weighing machine and in respect of weighing and measuring;

but no market shall be established in pursuance hereof so as to interfere with any rights powers or privileges enjoyed by any person without his consent.

(2) For the purpose of enabling the Corporation to establish markets or to improve and regulate markets already established in the burgh and for any other market purposes there shall be incorporated with this Act the provisions of section 3 (Interpretation) of the Markets and Fairs Clauses Act 1847 and the Markets and Fairs (Weighing of Cattle) Acts 1887 and 1891 in so far as the same relate to markets and the provisions of the said Act of 1847 with respect to—

The holding of the market or fair and the protection thereof;

Weighing goods and carts;

The stallages rents and tolls to be taken by the undertakers; and

The byelaws to be made by the undertakers;

subject to this proviso that all stallages rents and tolls leviable by the Corporation in pursuance of this section shall be approved by the sheriff.

Magistrates may fix place at which markets and fairs shall be held within burgh.

59. In addition to the powers as to markets and fairs conferred by the clauses of the Markets and Fairs Clauses Act 1847 incorporated with this Act the magistrates shall have power to fix and appoint the place at which all markets and fairs shall be held within the burgh and the stances of all shows and booths and of all public exhibitions or stands waggons carts or barrows for the sale of any article at such markets and fairs and to levy dues upon the persons to whom such stances shall be allotted according to custom and such dues shall be recoverable summarily before the sheriff.

Abolition of markets from streets &c.

60. The magistrates may prohibit and prevent the holding of any markets or fairs in any street or public place or in any

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place other than the places or grounds appointed as aforesaid and if after such prohibition and contrary thereto any person places in any street any stall booth standing or like erection or convenience for the sale or exposure for sale of any marketable or other commodity he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Public notice of abolition of markets &c.

61. Notwithstanding anything in this Act contained before the magistrates abolish any market or fair or alter the day for holding any market or fair they shall give at least three months' public notice by advertisement in some one or more newspapers published and commonly circulating in the burgh and by placards affixed to conspicuous places in the burgh and a declaration by an officer of the magistrates to the effect that such public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Cattle depôt.

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

(2) The Corporation may purchase or acquire by agreement for the purposes of such depôt 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 Corporation from indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such land.

(3) The Corporation 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 entering or using the same subject to this proviso that all tolls and charges leviable by the Corporation in pursuance of this section shall be approved by the sheriff.

(4) The establishment and maintenance of the depôt may be defrayed out of the burgh general assessment leviable under this Act.

Provided that nothing in this section or in any byelaw made thereunder shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1903 or of any order licence or act of the Board of Agriculture and Fisheries made granted or done thereunder.

Part IX.

Public Bathing Baths and Wash-houses.

Adoption of Burgh Police (Scotland) Act 1892—Public bathing &c.

63. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 300 (Bathing machines and bathing);
Section 301 (Power to provide drags life-buoys &c.);
Section 303 (Seashore adjoining burgh);
Section 304 (Special enactments where seashore and strand are within burgh);
Section 310 (Proportion of baths for working classes);
Section 311 (Charges for use of baths);
Section 312 (Recovery of charges for use of baths &c.);
Section 313 (Publication of byelaws in regard to baths &c.).

Public baths and drying grounds.

64. The Corporation may purchase rent or otherwise provide either within the burgh or at a reasonable distance therefrom suitable and convenient premises to be used for public baths and wash-houses and public covered or open bathing places and public drying grounds for the use and accommodation of the inhabitants within the burgh in washing and drying clothes and other articles and may fit up the same respectively with all requisite and proper conveniences and from time to time enlarge renew and repair the same respectively and afford the use thereof respectively to such inhabitants at such reasonable charges and under and subject to such byelaws as the Corporation may deem expedient and every person who offends against any such byelaws shall be liable to a penalty not exceeding forty shillings for every offence.

Sale of baths &c. on discontinuing them.

65. Whenever any of such public baths bathing places wash-houses or drying grounds are deemed by the Corporation to be unnecessary or too expensive to be kept up the Corporation may discontinue the same and sell the lands buildings and materials for the best price that can reasonably be obtained and convey the same accordingly and the purchase money shall be paid to the treasurer of the Corporation and be disposed of for behoof of the burgh as the Corporation direct.

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Part X.

Public Clocks.

Adoption of Burgh Police (Scotland) Act 1892—Public clocks.

66. Section 288 (Power to commissioners to provide public clocks) of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Part XI.

Cemetery and Burying Grounds.

Cemeteries and burying grounds to continue vested in Corporation.

67. All cemeteries and burying grounds which are vested in the Corporation at the commencement of this Act shall continue vested in the Corporation.

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

68. Every plot or lair in the cemetery and burying grounds in which no interment shall have taken place for a period of forty years and in respect of which no payment shall have been made to the Corporation for or during such period for the maintenance and upkeep thereof or in commutation of the annual charges for said maintenance and upkeep shall 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.

69.—(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 the Corporation 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 the 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.

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(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 commencement of this Act and with respect to any plot or lair sold let or otherwise dealt with by the Corporation after the commencement 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 to purposes to which capital is properly applicable only but the interest on such payments shall be devoted to the upkeep of the grounds.

Incorporating sections 58 and 59 of Cemeteries Clauses Act 1847.

70. 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 XII.

Financial.

(A).—*Assessments and Rates.*

Commencement of this Part of Act.

71. In this Part of this Act "the commencement of this Act" means the fifteenth day of May one thousand nine hundred and ten on and not before which date this Part of this Act shall come into operation.

(a) *Burgh General Assessment.*

Corporation to levy burgh general assessment.

72. The Corporation shall levy once in each year an assessment to be called "the burgh general assessment" upon all occupiers of lands heritages and premises within the burgh according to the valuation roll made up or according to an estimate of the valuation roll about to be made up in terms of the Acts in force for the valuation of lands and heritages in Scotland for the time being subject to the exceptions in this Act stated to provide the sums necessary to be levied for all purposes of this Act for the expenses of which provision is not otherwise made in this Act and to meet any expenses which fall

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to be defrayed by the Corporation and for the defraying of which provision is not otherwise made in this or in any other Act or Order Provided that—

(1) The said assessment shall not in any year exceed a rate of three shillings and threepence in the pound of the yearly rent or value of such lands or premises:

(2) The said assessment shall be imposed and a day for the payment thereof shall be fixed at the monthly meeting of the Corporation to be held on the third Tuesday of September even if it shall happen that the assessment roll for such assessment shall not be made up until the period in this Act provided.

Owners to be assessed for premises not exceeding eight pounds.

73. The Corporation shall for the purposes of the burgh general assessment assess the owners in place of the occupiers of all lands heritages and premises let at a rent of or under eight pounds per annum but the Corporation shall allow to such owners a deduction from such assessment equal to one fifth of the amount thereof.

Deduction to be allowed where premises not occupied for three consecutive months.

74. The Corporation shall allow to occupiers and to owners where such owners are under the provisions of this Part of this Act responsible for payment of the burgh general assessment a deduction of the burgh general assessment for any period during which any lands heritages or premises shall not be occupied for three months consecutively in any one year.

Owners to be responsible for premises exceeding eight pounds let for less than a year.

75. Owners who shall let for rent or hire for less than a year lands heritages and premises the yearly rent or value of which exceeds eight pounds shall be responsible for the burgh general assessment and the same may be recovered from such owners Lands heritages or premises the rent of which is upwards of eight pounds per annum let for a year or from year to year of which rent is exigible more frequently or at shorter intervals than once in each half year shall be deemed for the purposes of this Act to be let for less than one year.

Owners may recover assessments paid for occupiers.

76. Any owner who shall pay the burgh general assessment in place of any occupier as by this Act provided shall be entitled to recover from such occupier the amount so paid of such assessment and the amount of the deduction from such assessment allowed to the owner by the Corporation.

Assessment on premises occupied for

77. Where any lands heritages or premises in respect of which the burgh general assessment might be imposed upon the

occupier under the provisions of this Act not being lands heritages or premises usually let for any period less than one year shall not be occupied by the same occupier for the whole year from Whitsunday in any year till Whitsunday in the year following but shall be occupied for part of such year by a new occupier the Corporation may impose and levy on and from any such new occupier who occupies the same for any part of such year the whole of such assessment for that year on the rental in the valuation roll except to the extent to which any previous occupier of the same premises for any part of such year shall have actually paid such assessment Provided that such new occupier shall be entitled upon representation to the collector to a proportionate abatement or return from such assessment corresponding to every entire period of three months during which he shall not have occupied such premises in such year.

part of a year.

78. Out of the burgh general assessment it shall be lawful for the Corporation to defray to such extent as they think proper such claims for damages sustained in consequence of any riot or tumult within the burgh as may be established to their satisfaction or if the Corporation think proper they may at any time impose and levy a special assessment half on owners and half on occupiers of lands or premises within the burgh according to the valuation roll for the sums estimated by them to be necessary for the purpose of paying such damages and such special assessment being so imposed and levied the Corporation shall out of the proceeds thereof discharge such claims the same being established to their satisfaction and the Corporation shall be bound out of the burgh general assessment or out of such special assessment as aforesaid to relieve the county authorities of any claims for damages for which the county authorities may be found liable in respect of any riot or tumult within the burgh.

Payment of damages occasioned by mobs.

79. The Corporation may on the ground of the poverty or inability of any person liable to the burgh general assessment under this Act remit in whole or part payment of the said assessment by such person in such manner as the Corporation shall in their discretion think just and reasonable but upon no other account whatsoever Provided that no person seeking relief under this section shall be entitled thereto until he shall lodge a claim in writing with the collector giving such information as to his circumstances as may be required by the Corporation and conforming to any requirements by them as to certifying the

Remission of assessment in case of poverty of person assessed.

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same and the provisions of the section of this Act of which the marginal note is "Any person aggrieved may lodge objections" shall apply thereto.

Yearly accounts.

80. Sections 92 (Yearly account to be made out) and 95 (Accounts &c. to be delivered to auditor) of the Town Councils (Scotland) Act 1900 shall in their application to the burgh be read and construed as if the words "thirtieth day of June" had been inserted therein and not the words "fifteenth day of May" therein enacted.

(b) *Special Assessments.*

Definition of term "expense of streets and sewers."

81. The words "expense of streets and sewers" shall mean and include the whole expense of works carried out by the Corporation as provided in the sections of this Act whereof the marginal notes are "Obstructions to be removed" "Levelling of uncompleted streets" "Corporation may form streets in a temporary manner and afterwards complete same" "Formation of foot pavements and roadways" "Cost of constructing ordinary public sewers to be paid by adjoining owners" "Corporation to be relieved of expense by owners" "Master of works to make an estimate of expense—Objections which may be stated" "Dean of guild may decern for expense" "Proceedings in forming sewers" and "Owners of lands and heritages to construct private sewers" whensoever such works may be carried out under the authority of this Act and all expenses incurred by the Corporation in connection with such works and the costs of all incidental works and other necessary expenses incurred by the Corporation in carrying out the formation of streets and sewers by this Act authorised.

Assessor of dean of guild court to send certificate of expense to town clerk and chamberlain.

82. As soon as the expense of streets and sewers shall in any case have been ascertained and fixed by a decree of the dean of guild (which expense he is hereby authorised to ascertain and fix upon application by the burgh prosecutor) he shall direct the assessor of the dean of guild court to send a certificate under his hand to the town clerk and the chamberlain of the amount of the expense so ascertained and fixed.

Recovery of expense by special assessment.

83. Subject to the provisions of this Act regarding the recovery of the expense of streets and sewers in respect of unfeued lands such expense shall within such time as the Corporation think proper be repaid to them by the owners from time to time of the several lands and heritages fronting or adjoining

that part of the street in respect of which such expense shall have been incurred in proportion to the lengths of frontage of their respective lands and heritages with all interest thereon or on the proportion of such expense which may from time to time remain unpaid till repaid as well as the cost or proportion of the cost of borrowing money to pay the said expense and interest and where any such expense due and payable by individual owners and cost and interest shall exceed the sum of ten pounds the Corporation may recover the same together with all incidental costs and expenses by means of an annual assessment (to be called a "special assessment") to be levied in equal portions for the period of ten years from such owners as aforesaid Provided always that when any owner of such lands and heritages shall by himself or his predecessors or authors have paid the amount or proportion of such expense due by him with the interest and expense effeiring thereto which he shall be entitled to do at any time such owner and his successors and such lands and heritages shall be freed from all further liability for such special assessment.

Special assessment roll to be made.

84. The collector shall in each year during which any special assessment shall fall to be levied make up a roll (to be called "the special assessment roll") of the owners for the time being liable to a special assessment and shall set therein against the names of such owners the number of feet of frontage of their respective lands and heritages and the amount of such year's special assessment in respect of such extent of frontage and upon the special assessment roll being made up it shall be signed by the provost or any one of the magistrates and the town clerk and thereupon the collector shall proceed to levy and recover the said special assessment from the said owners all as near as may be in the same manner and subject to the same conditions and provisions as are contained in this Act with respect to the imposition intimation and recovery of the burgh general assessment saving and excepting any conditions and provisions relating to exemption therefrom or modification thereof which conditions and provisions shall in so far as the circumstances admit apply to the imposition intimation and recovery of the said special assessment.

As to payment of expense of levelling and formation

85. Whereas under the Act of 1877 the Corporation opened up formed and sewered streets on the line of which parts of the ground were unfeued and the expense of levelling and formation of these streets and the construction of sewers therein opposite

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&c. by subsequent feuars.

parts of the ground has not yet been recovered it shall be competent for the Corporation when any party or parties feu any portion of such ground fronting or abutting said streets to recover the expense effeiring thereto with interest thereon as herein provided but no portion of such expense shall be recoverable in respect of unfeued ground until the same shall have been feued.

Recovery of expense in respect of ground subsequently feued.

86. Whenever ground which was unfeued at the time of making any public street or sewer or portion thereof prior to the commencement of this Act comes to be feued the proportion of the expense of streets and sewers or the portion thereof effeiring to such ground shall be ascertained and fixed in the manner and according to the procedure herein provided with respect to ground feued before the formation of such street or sewer or portion thereof and the assessor of the dean of guild court shall send a certificate to the town clerk and also to the chamberlain of the proportion of such expense so ascertained and fixed and the Corporation shall subject to the provisions of the section of this Act of which the marginal note is "Further provisions as to unfeued ground" be entitled to recover from the feuar of such ground or his successor in title the amount of such proportion together with simple interest thereon for any period not exceeding seven years during which the ground remained unfeued or said expense remained unpaid after such expense was defrayed by the Corporation.

Further provisions as to unfeued ground.

87. When the amount due by any individual feuar in respect of the proportion of expense of a street or sewer or portion thereof effeiring to ground unfeued at the time of making such street or sewer or portion thereof prior to the commencement of this Act together with simple interest thereon as hereinbefore provided exceeds the sum of ten pounds the Corporation may resolve that such amount and interest with the interest which may grow due thereon or on the portion thereof which may from time to time remain unpaid and the proportion of the costs of borrowing money and of imposing levying and recovering the assessment shall be recovered from the feuar of such ground or his successor in title by means of an annual special assessment to be levied in the manner and for the period hereinbefore provided and the resolution of the Corporation and subsequent proceedings for the recovery of such assessment shall be the same mutatis mutandis as in the case of the recovery of the expense of streets and sewers from the proprietors of ground feued before the formation of such

streets and sewers Provided that the feuar or his successor in title liable for such assessment shall have the option at any time of paying in one sum the whole amount to be imposed and levied by annual special assessment as aforesaid and if such option be exercised before such annual assessments are imposed the sum payable by him shall only be the amount specified in such certificate and simple interest as hereinbefore provided and if such option be subsequently exercised the interest to grow due included in the assessments not payable at the time shall be abated Provided also that the Corporation shall annually out of the burgh general assessment pay any loss which may arise in respect of their only being entitled to recover simple interest for a period not exceeding seven years as hereinbefore provided.

Chamberlain annually to certify balance of special assessments.

88. The chamberlain shall at the end of each financial year make up and certify a statement of all the balances that shall then remain due or of any special assessment then outstanding or in arrear or falling to be levied.

Special assessments to be real burden on lands.

89. Special assessments shall with the interest at the rate of four per centum from the time when the same shall be declared payable together with all expenses incurred in the recovery thereof continue real burdens on the lands and heritages liable for the same or in respect of the ownership of which the same shall be payable but that only for ten years from the date when the same shall be respectively payable as against bonâ fide singular successors or heritable creditors :

Provided always that subject to the provisions of the section of this Act whereof the marginal note is "Recovery of expense of streets and sewers in respect of unfeued lands" the said assessments shall not form real burdens on unfeued lands until the same shall be feued and that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties and the expenses of such recovery.

Expenses of streets and sewers to be a charge on lands.

90. All expense of streets and sewers and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any lands or heritages with such interest thereon as by this Act or any such byelaw is provided for shall be a real burden and charge on such lands or heritages in priority to any incumbrance or charge on or affecting the same and created subsequently to the date when the petition for authority to execute the work on account whereof the expenses are payable was presented :

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Provided always that subject to the provisions of the section of this Act whereof the marginal note is "Recovery of expense of streets and sewers in respect of unfeued lands" the said assessments shall not form real burdens on unfeued lands until the same shall be feued and that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties and the expenses of such recovery.

Chamberlain to give certificate of arrears when required.

91. The chamberlain shall when required by any person furnish a certificate under his hand showing with reference to any lands or heritages within the burgh what arrears of the expense of streets and sewers or other expenses (if any) are according to the special assessment roll due in respect of such lands or heritages and also whether any and what instalment of such expenses are still chargeable in respect of such lands or heritages Provided always that for each certificate in respect of lands or heritages separately entered in the special assessment roll he shall be entitled to a fee of one shilling from the person requiring the same.

Same rule to apply to works previous to Act.

92. With respect to any work begun or contracted for but not completed or executed by the Corporation before the commencement of this Act the provisions of this Act relative to expense of streets and sewers and other expenses shall except as regards any such work begun or contracted for to be executed on lands unfeued at the commencement of this Act apply in every such case as if such work had been begun after the commencement of this Act and all notices given and proceedings taken before the commencement of this Act in regard to the determination of the amount of such expenses or the levying of any special assessment relating thereto or to the beginning or execution of any work shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act and all such notices and proceedings may after the commencement of this Act be acted on and continued as if they had been given and taken under this Act.

Saving for special contracts as to expenses of works.

93. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act or any byelaw thereunder of any owner and occupier as between themselves under any special contract relative thereto.

Expenses of formation of streets and sewers to be

94. The expression "lands and heritages" in the sections of this Act whereof the marginal notes are respectively "Formation of foot pavements and roadways" "Corporation to be relieved

of expense by owners" and "Cost of constructing ordinary public sewers to be paid by adjoining owners" shall include churches chapels meeting-houses and other premises lands and heritages specified in the Rating Exemptions (Scotland) Act 1874 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. A.D. 1909. recoverable in respect of churches &c.

95. Any factor commissioner or agent within the meaning of this Act responsible as such for carrying out and implementing the obligations imposed by this Act upon any owner and for payment of any penalties imposed by or expenses incurred under this Act shall be liable to the extent only of the funds rents and other assets belonging or payable to such owner which may be in or may come into his hands or control and in the event of such factor commissioner or agent paying or becoming liable for any sums of money in implementing such obligations and paying such penalties or expenses he shall have a right and claim for relief against such owner for any sums so paid or expenses incurred by him Provided that any notice given to such factor commissioner or agent by or at the instance of the collector in respect of any lands or premises shall be effective against the owner or any new factor commissioner or agent appointed by him and any action raised against such factor commissioner or agent may on the motion of the collector be transferred against the owner or any new factor commissioner or agent appointed by such owner Provided further that nothing herein contained shall affect the liability of any factor commissioner or agent in respect of his personal delict. Limitation of obligations of factors.

(c) *Domestic and Public Water Rates.*

96. The Corporation may and shall once in every year assess and levy— Water rates.

(A) A rate to be called the "domestic water rate" upon and from all occupiers of all dwelling-houses according to the yearly rent or value of the same and of any garden or land attached thereto as stated in the valuation roll and upon and from all occupiers of all shops and other buildings communicating with dwelling-houses according to two thirds of the yearly rent or value of the same as stated in the valuation roll;

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(B) A rate to be called the "public water rate" not exceeding one sixth part of the domestic water rate so long as that rate shall not exceed one shilling in the pound and in no case exceeding threepence in the pound upon and from all owners of all lands heritages and premises included in the valuation roll and according to the yearly rent or value as stated in such roll;

and shall fix a date for payment.

The public water rate may be levied by the Corporation from the occupiers of any lands and heritages and any occupier paying such rate shall be entitled to deduct the same from his rent.

Rates to correspond with expenditure.

97. The Corporation shall so regulate the water rates that the total revenue of the water undertaking shall as nearly as may be balance so much of the total expenditure of the water undertaking as is properly chargeable against revenue and if in any year such rates shall yield a sum more or less than sufficient to balance such expenditure the rates in the year next ensuing shall if necessary be raised or reduced as the case may be:

Provided that the Corporation shall not be bound to impose any rate which shall include a fractional part of a penny.

Unoccupied premises may be included in rate.

98. When any lands heritages or premises liable to be assessed for water rates shall at the time of assessing such rates be unoccupied or where any premises are unoccupied by reason of the same being unfinished or from any other cause the Corporation may levy from any person subsequently occupying such lands heritages or premises during any part of the period for which such water rates may have been assessed or from the owner if he shall be liable to pay the same as by this Act provided such portion of the said rates as shall correspond to the portion of such period during which such occupier shall occupy such lands heritages or premises.

Power to rate owners.

99. The owners of all dwelling-houses or parts of dwelling-houses the annual value of which shall not exceed the sum of eight pounds shall be liable to the payment of the domestic water rate instead of the occupiers thereof:

Provided always that the Corporation shall allow to any such owner paying such rate an abatement of ten per centum on the amount of such rate:

Provided also that such owners shall be entitled to recover from such occupiers along with and in the same manner as the

rent the amount of such rate paid by such owner in respect of such dwelling-house or part thereof and ten per centum in addition. A.D. 1909.

Rates payable by owners of small houses.

100. Where a dwelling-house is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner shall pay the domestic water rate on such dwelling-house.

(d) *Gas Guarantee Rate.*

Gas guarantee rate may be imposed.

101. The Corporation shall in the event of there being any deficiency of funds for the payment of interest on or the repayment of money borrowed for the purposes of the gas undertaking assess and levy on and from the occupiers of all lands heritages and premises situate within the burgh for the purpose of providing for the payment of such interest and the repayment of such borrowed money an annual assessment to be called the gas guarantee rate not exceeding sixpence in the pound on the gross yearly rent or value of such lands heritages and premises Provided always that the gas guarantee rate shall not be levied on or in respect of any lands heritages and premises of less gross rent or yearly value than four pounds or in any year in which the Corporation have not throughout such year charged the maximum rates of charges for gas by this Act authorised.

Abatements to occupiers in certain cases.

102. Every occupier of lands heritages and premises for any period between the term of Whitsunday immediately preceding and the term of Whitsunday immediately following the date of any assessment of the gas guarantee rate shall be liable in payment of the gas guarantee rate imposed in respect thereof but in the case of lands heritages and premises let for any portion of the year subsequent to the term of Whitsunday so preceding the occupier by whom the gas guarantee rate is paid shall be entitled to an abatement of a proportionate part of such rate corresponding to the period during which such lands heritages and premises were wholly unoccupied.

(e) *Assessment and Rate Rolls.*

Assessment or rate roll to be made up.

103. The Corporation shall annually cause to be made up from the valuation roll an assessment or rate roll (in this Act referred to as "the assessment roll") showing the yearly rent or value of the lands and heritages or premises in the burgh liable to be assessed for any assessments or rates authorised to be levied by the Corporation and in such roll or rolls there

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shall in no case be entered any fractional part of a pound of the assessable yearly rent or value aforesaid and when such fractional part shall not amount to ten shillings the sum shall not be entered at all in such yearly rent or value and when such fractional part shall amount to or exceed ten shillings the sum shall be entered as one pound of such yearly rent or value in addition to the actual number of pounds of such rent or value and shall be assessed accordingly and such roll or rolls shall be open to inspection by all ratepayers in the hands of the collector or other officer appointed by the Corporation for that purpose during the whole period which shall intervene between the date of laying on the annual assessment and the day appointed for payment thereof and the Corporation shall have power to rectify any error which may be found in such roll.

Owners to furnish assessor with returns of periods for which premises let.

104. The assessor under the Valuation Acts may at the same time as he requires any owner within the burgh to furnish him with the particulars authorised by section 7 of the Lands Valuation (Scotland) Act 1854 require that he shall in addition thereto furnish him with a written statement of the period or periods for which the lands heritages or premises of which he is owner are let to the respective occupiers thereof which the said owner shall be bound to furnish within fourteen days of his being required by the said assessor in writing so to do and if such owner shall fail without reasonable excuse to furnish such written statement he shall be liable to a penalty not exceeding twenty pounds and if any such owner shall present or cause to be presented to such assessor any false statement of the period or periods for which any lands heritages or premises belonging to him are let he knowing the same to be false he shall be liable to a penalty of twenty pounds.

Further provisions as to duties of assessor.

105. The said assessor shall record in the survey books used in the preparation of the valuation roll the results of the owners' returns as to the period or periods for which their respective lands and heritages are let within the burgh and all other information requisite for carrying out the provisions of this Part of this Act and the returns duly recorded in the survey books for the burgh of the period or periods for which lands and heritages are let within the burgh shall be as effectual valid and authoritative for the purposes of this Act (except in regard to the valuation upon which the assessment proceeds) as if contained in the valuation roll and shall at all reasonable times be available to the collector.

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Railways canals &c. how to be assessed.

106. The following lands and heritages shall for the purposes of the burgh general assessment the public water rate and the gas guarantee rate be assessed at one fourth of the yearly rent or value thereof reckoned to the nearest pound sterling (that is to say):—

(1) All lands heritages and premises used exclusively as a canal or basin of a canal or towing-path for the same or as a railway or tramway constructed under the powers of any Act of Parliament or Provisional Order confirmed by Act of Parliament for public conveyance excepting the stations depôts and buildings which shall be assessable to the same extent as other lands heritages and premises within the burgh and all bridges frontages and ferries not being private property;

(2) All the underground gas and water pipes and electric wires and ducts or underground works of any gas water or electrical undertakers;

(3) Salmon fishings and all woodland arable meadow or pasture ground or other ground used for nurseries market gardens or for agricultural purposes;

and in the event of any dispute arising between the Corporation and any owner or occupier as to whether any lands heritages and premises of such owner or occupier fall under the above exceptions the matter shall be referred to the sheriff who may decide it in a summary manner.

Collector may alter and amend assessment roll.

107. The collector may from time to time alter and amend the assessment roll by inserting therein the name of any person who ought to be assessed or in the event of any lands heritages and premises having been unoccupied unfinished or unbuilt at the time of making up the annual valuation roll by entering the yearly rent or value according to which any such assessment becoming exigible on such lands heritages and premises being subsequently occupied during the then current year shall be levied and the name of the person liable thereto or by striking out the name of any person who according to a written certificate by the assessor ought not to have been assessed or by correcting the amount of any rent or assessment which may have been inaccurately entered or by inserting such other amendments therein as will make the assessments imposed conformable to this Act and the assessments under this Act shall be levied and collected in accordance with the assessment roll as so altered or amended

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and no such amendment shall be held to make void the assessments imposed.

Application of certain provisions of Act to all assessments.

108. The provisions with reference to the burgh general assessment contained in the sections of this Act whereof the marginal notes are "Owners to be assessed for premises not exceeding eight pounds" "Owners to be responsible for premises exceeding eight pounds let for less than a year" "Assessment on premises occupied for part of a year" "Remission of assessment in case of poverty of person assessed" and "Collector may alter and amend assessment roll" and the provisions of the sections of this Act under the heading "(f) Collection of assessments and rates" shall except as otherwise in this Act provided be applicable to all assessments and rates levied by the Corporation in respect of occupancy under statutory authority.

(f) *Collection of Assessments and Rates.*

Assessments to be imposed as from Whitsunday.

109. Each rate and assessment in each year shall be imposed as from the term of Whitsunday in that year to the term of Whitsunday in the succeeding year and shall be payable at such date as shall be fixed by the Corporation or in case of premises unoccupied at the term first mentioned and subsequently occupied within fourteen days from the date when the same shall be demanded.

Imposition of assessments.

110. Subject to the provisions of this Act the rates and assessments imposed by the Corporation shall be imposed on the actual rent or value of lands heritages and premises as appearing from the valuation roll for the year in and for which they are imposed.

Notice to be given of every assessment.

111. The collector shall give notice of each rate and assessment to every person under this Act liable for payment thereof stating the nature of the lands heritages and premises assessed the rental of the same and the rate and aggregate amount of the rates and assessments with the place of payment and the date or dates at which such payment or payments is or are required to be made and shall also give notice to the occupier of any lands heritages and premises let at a rent of or under eight pounds per annum of the amount of the rate or assessment levied upon the owner of such lands heritages and premises.

Any person aggrieved may lodge objections.

112. If any person to whom notice of assessment is given shall consider himself to be improperly or unduly assessed he may within fourteen days thereafter lodge with the collector written

objections signed by him and the Corporation or a committee named by the Corporation shall proceed on such days and at such places as shall be fixed by them and of which notice shall be given to such person by the collector not less than forty-eight hours previously to consider such objections and shall dispose thereof summarily and without written pleadings.

Appeal against assessment.

113. Any person who may consider himself aggrieved by the decision of the Corporation or their committee may within fourteen days from the date of such decision appeal to the sheriff and notice of such appeal shall be given in writing to the collector seven days at least previous to hearing the same and the sheriff shall in a summary manner hear and determine the matter of such appeal and award such costs to either party as to him shall seem proper and the decision of the sheriff shall be final.

Second notice to be given to defaulters.

114. If any person to whom such notice of assessment is given by the collector do not pay the rate or assessment due by him at the time and place stated therein or in case of appeal any rate or assessment to which he may be found liable under the same the collector before taking any legal proceedings for recovery thereof shall give a second notice to such person requiring him to make payment thereof within fourteen days thereafter.

Recovery of rates or assessments.

115. The collector shall be entitled in his own name but on behalf and at the risk and expense of the Corporation to recover any arrears of rate or assessment due by any person or by any number of persons either according to the ordinary procedure before any competent court or by application to and by obtaining from the sheriff or from the magistrates a summary warrant to recover such arrears with the addition of ten per centum thereon in lieu of any costs which have been or may require to be incurred from the person or persons respectively liable in payment of the same which warrant the sheriff or any magistrate shall grant on production of an extract from the assessment roll of the name or names of such person or persons showing the amounts respectively due by them and a certificate by the collector that he had given to each such person or persons the second notice mentioned in the section of this Act of which the marginal note is "Second notice to be given to defaulters" requiring him or them to make payment of the amount due by him or them within fourteen days thereafter that the said period had expired and that the said amount had not been paid and was still truly due and such warrant shall authorise the collector

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to cause any messenger-at-arms sheriff officer officer of court or constable to enter into the lands or heritages occupied by the person or persons so in arrear and to poind seize remove to a place of safety or otherwise secure any goods and effects therein belonging to such person or persons or so much thereof as will fully satisfy the arrears due by him or them respectively with the addition of the said ten per centum thereon in lieu of costs and shall also authorise the collector after the lapse of four days in the event of non-payment of the said arrears and costs to cause any messenger-at-arms sheriff officer officer of court or constable or licensed auctioneer to sell and dispose of the said goods and effects and such warrant shall also decern and ordain instant execution by arrestment and shall further authorise the collector on receiving payment of the price of the said goods and effects to apply the same in payment of the said arrears and addition of ten per centum thereon respectively due by such person or persons and also in payment of the expenses attending the sale which certificate and application to the sheriff or magistrates and warrant may be in the form as nearly as may be in the Eighth Schedule to this Act Provided always that the fact that the goods or effects so poinded are found in the lands or heritages occupied by the person or persons so in arrear shall be primâ facie evidence that they belong to such person or persons and any other person claiming the same as his property shall be bound to establish his right thereto and the Corporation or the collector or other person acting under this Act shall not be liable in damages for poinding securing or selling the goods or effects so poinded although it should afterwards be made to appear that they belong to some other person than the person or persons so in arrear but shall only be bound to account for the goods or effects themselves if unsold or for the price actually received for such goods or effects if sold.

Regulating sales of effects for payment of assessments.

116. Every sale which shall take place in pursuance of the provisions in this Act contained shall be conducted by public auction and on such notice and at such place as the sheriff or the magistrate who grants the warrant may direct or failing such directions as the collector may fix:

Provided always that nothing in this Act contained shall exempt any messenger-at-arms sheriff officer officer of court or constable selling goods and effects by auction from taking out a licence as an auctioneer.

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Collector to account for surplus proceeds of such sales.

117. The collector shall account to the owner of any goods and effects which are sold in pursuance of the provisions hereinbefore contained for any surplus which may remain after applying the proceeds of sale in payment of the said arrears and addition of ten per centum thereon due by him and the expenses of sale and shall for a period of three months after the date of every sale preserve evidence of the amount of such proceeds.

Appeal against any oppressive proceeding of collector.

118. The owner of any goods and effects which shall have been either poinded or sold in pursuance of the provisions in this Act contained who shall allege himself aggrieved by any unjust or oppressive proceeding on the part of the collector or to whom the collector has not accounted for any surplus remaining after applying the proceeds of the sale in payment of the arrears of assessment and in addition ten per centum thereon due by such owner and expenses of sale may present a petition to the sheriff or to the magistrates according as the warrant shall have been granted by the sheriff or by a magistrate and the sheriff or magistrate shall thereupon summarily call before him the collector and such petitioner and without written pleadings shall inquire into and decide any dispute question or claim of damage raised by such petition and may award expenses to either party and it shall not be competent for any person to make nor for any court of law to entertain a complaint with respect to any warrant granted by the sheriff or by a magistrate in pursuance of the provisions in this Act contained on account of any mistake informality irregularity or misnomer or with respect to any proceedings of the collector or of any messenger-at-arms sheriff officer officer constable or licensed auctioneer in the execution of such warrant or otherwise except to the effect and in the manner in this Act provided and the decision of the sheriff or of the magistrate on any such dispute question or claim shall be final and not subject to suspension reduction or appeal or to any form of review or stay of execution.

Misnomers &c. not to affect proceedings for recovery of assessments.

119. No misnomer mistake or informality committed in any proceedings for recovery of such assessments or any other assessments rate charge or expenses under this Act shall prejudice the recovery thereof nor shall such proceedings fall lapse cease or abate by the death resignation or removal of the collector instituting the same or by any change in the persons holding office as members of the Corporation but it shall be lawful for the collector for the time to prosecute and follow forth procedure commenced and carried on in the name of any previous

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collector in all respects as if such procedure had been taken by himself. Provided always that it shall not be competent for any person to sue nor for any court of law to entertain any action or proceedings against the Corporation or the collector or officers or other persons employed in executing any warrant in reference to any assessment rate charge or expense under this Act by reason of any misnomer mistake or informality if the goods or other effects seized or sold under such warrant were bonâ fide the property or in the lawful possession of the person actually liable in payment thereof under the provisions of this Act.

Rates and assessments to be recoverable beyond burgh.

120. In case any person liable in payment of any rate or assessment shall remove to any place beyond the burgh it shall nevertheless be lawful for the Corporation and the collectors and chamberlain or other officers of the Corporation to put the decrees and warrants which may be granted for the recovery of such rate or assessment in manner before mentioned into execution within or beyond the burgh in the same manner as if such person had continued to reside within the burgh such decrees or warrants being first indorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which they are to be put into execution.

Corporation may use other remedies for recovery of rates or assessments.

121. The fact that the name of any person liable for arrears of rates or assessments has been included in the warrant granted to the collector under the provisions of the section of this Act of which the marginal note is "Recovery of rates or assessments" and that arrestment or poinding has followed thereon shall in no respect prejudice the right of the Corporation to recover such rates or assessments by any competent process of law or any balance of them which they may have been unable to recover by such arrestment or poinding.

Interest &c. to be included in assessment.

122. The Corporation shall include in and as part of each rate and assessment leviable by them such sums as shall be necessary to enable the Corporation to pay the annual interest on the money borrowed on the security of such rate or assessment due and owing by the Corporation and to provide such additional sum as may at the time be required for the repayment of such borrowed money within the period by this Act prescribed and if they so think fit the Corporation may include in any such rate or assessment the cost of an adjudged proportion of the cost of imposing levying and recovering such rate or assessment Provided always that such sums shall at no time

increase any assessment beyond the maximum amount in this Act provided. A.D. 1909.

Saving for piers and harbours of Greenock.

123. Notwithstanding anything contained in this Act the Corporation shall not impose any assessment in respect of any lands and heritages used for the purposes of piers and harbours of the trustees of the port and harbours of Greenock Provided that nothing in this section shall exempt the said trustees from the payment in respect of their piers and harbours of any rate or assessment under the Roads and Bridges (Scotland) Act 1878 the Births Deaths and Marriages (Scotland) Acts the Burgh Voters Registration (Scotland) Act the Valuation Acts and the Diseases of Animals Acts and of the public water rate and the special assessment for expense of streets and sewers leviable under this Act.

Saving for Greenock charities.

124. Whereas it is provided by section 70 of the Greenock Corporation Act 1893 that the Corporation shall not impose any assessment in respect of any places 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 late Majesty intituled "An Act to exempt from county burgh parochial and "other local rates lands and buildings occupied by scientific and "literary societies" or in respect of 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 And whereas the said Act of 1893 is with other local Acts and Orders repealed by this Act Be it therefore enacted that the repeal by this Act of the said section 70 of the said Act of 1893 shall not affect any exemption from the payment of rates or assessments enjoyed by the aforesaid places premises and buildings under the provisions of the said Act of the sixth and seventh years of the reign of Her late Majesty or of any other public or general Act or at common law Provided that any such place premises or buildings exempted from the payment of rates or assessments under the provisions of the said section 70 of the said Act of 1893 and which exemption is by this Act repealed shall be entitled to an abatement from the payment of all rates and assessments from the payment of which any such place

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premises or buildings were exempt immediately before the commencement of this Act of twenty-five per centum for a period of five years from the fifteenth day of May one thousand nine hundred and ten and to an abatement of twelve and a half per centum for the next succeeding period of five years.

(B)—*Borrowing.*

Definition of certain terms.

125. In this Part of this Act unless the subject or context otherwise requires—

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any local authority in Scotland other than the Corporation but does not include annuities rentcharges or securities transferable by delivery;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any undertakings land or other property for the time being of the Corporation.

Confirming borrowing of sums already authorised.

126. The borrowing for the respective purposes stated in the Ninth Schedule to this Act of the several sums of money therein set forth as borrowed for such purposes is hereby confirmed and sanctioned and the Corporation in addition to reborrowing any of the said several sums under and in accordance with the provisions of the section of this Act of which the marginal note is "Power to reborrow" and keeping the

said several sums outstanding until the repayment thereof as by this Act provided may for the respective purposes set forth in the said schedule borrow at interest and reborrow all or any of the sums of money stated in the said schedule as authorised to be borrowed by the several Acts and Orders set forth therein (except the sum of not exceeding ten thousand pounds mentioned in subsection (1) (F) of section 58 (Power to borrow) of the Greenock Corporation Act 1893) so far as all or any of such last-mentioned sums have not been borrowed at the commencement of this Act.

Repayment of sums already authorised to be borrowed.

127. Each sum of money set forth in the Ninth Schedule to this Act as authorised to be borrowed whether the same has been already in whole or in part borrowed or reborrowed or may hereafter be so borrowed or reborrowed shall so far as the same has been or may be borrowed or reborrowed be paid off by the Corporation within the period from the date of borrowing or other prescribed date or at the rate set forth in the said schedule opposite and in respect of such sum as the period or rate for repayment Provided always that—

(1) As regards money borrowed heretofore under the Public Health (Scotland) Amendment Act 1871 and the Public Health (Scotland) Act 1897 for hospital at Craigie-knowes and for washing and disinfecting station and reception house the Corporation shall set aside such sum annually as shall with three per centum added thereto extinguish the amount outstanding at the commencement of this Act within fifteen years from such commencement:

(2) As regards money borrowed under the Artisans and Labourers Dwellings Improvement (Scotland) Act 1875 and the Greenock Improvement Provisional Order Confirmation Act 1877 the Corporation shall set aside such sum annually as shall with three per centum added thereto extinguish the amount outstanding at the commencement of this Act within forty years from such commencement:

(3) As regards money borrowed or authorised to be borrowed as set forth in the Ninth Schedule to this Act for gas purposes the Corporation shall annually from and after the commencement of this Act set aside from revenue the sum of five thousand pounds for repayment of the same:

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(4) As regards money borrowed heretofore for the purposes of the slaughter-house the same shall be repaid out of the revenues of the slaughter-house within a period of thirty years from the commencement of this Act:

Provided that all obligations contracted and debts incurred and still due or outstanding under the Artizans and Labourers Dwellings Improvement (Scotland) Act 1875 and the Greenock Improvement Provisional Order Confirmation Act 1877 shall be deemed and held to be obligations contracted and debts incurred under this Act and any assessment necessary to make good any deficit shall be imposed and levied under the powers contained in the Public Health (Scotland) Act 1897 in addition to the assessment authorised to be levied under that Act.

Power to borrow further money.

128. The Corporation may borrow at interest on the security of the burgh general assessment any sums not exceeding the following sums:—

(*a*) For the provision erection and equipment of the refuse destructor the sum of twenty thousand pounds:

(*b*) For the provision erection and equipment of baths and wash-houses such sum as may be approved by the Secretary for Scotland:

(*c*) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose:

And the Corporation may for any of the purposes of this Act or for any of the purposes of the Burgh Police Acts applicable to the burgh with the sanction of the Secretary for Scotland but not otherwise borrow at interest such further moneys as the Corporation may require The Secretary for Scotland shall have and may exercise in relation to such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

Repayment of further money when borrowed.

129. The Corporation shall pay off all moneys borrowed by them under the section of this Act whereof the marginal note is "Power to borrow further money" within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (*a*) mentioned in the said section within twenty-five years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (*b*) mentioned in the said section within thirty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (*c*) mentioned in the said section within five years from the commencement of this Act:

As to moneys borrowed with the sanction of the Secretary for Scotland including moneys so borrowed under the provisions of the section of this Act whereof the marginal note is "Scheme for fixing equated periods" within such period as the Secretary for Scotland may having regard to the method of repayment sanction.

Power to borrow for cost of streets and sewers.

130. The Corporation may in order to meet the expense of streets and sewers as such expense is defined in the section of this Act of which the marginal note is "Definition of term 'expense of streets and sewers'" borrow at interest in addition to any other moneys authorised to be borrowed by the Corporation such further sums of money as may be necessary but the Corporation shall not be entitled to borrow or at any time to have outstanding in respect of the expense of streets and sewers a sum greater than the balances certified by the chamberlain as remaining due in respect thereof at the end of the then last financial year together with the amount of any special assessment then outstanding or in arrear or falling to be levied together with an additional sum of five thousand pounds.

Mode of raising money.

131. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by bonds or subject to the provisions of the Local Authorities Loans (Scotland) Acts 1891 and 1893 by stock created under the powers of those Acts or partly in one of such ways and partly in the other.

Adoption of Burgh Police (Scotland) Act 1903—Power to borrow temporarily.

132. Section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act The expression "any public general Act" in the said section shall include this Act.

Form of bonds.

133. All bonds for moneys to be borrowed by the Corporation under the provisions of this or any other Act or Order may be in or near to the form contained in the Tenth Schedule to this Act and till repayment such bonds shall form a lien on the

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funds rates assessments and revenues of the Corporation assigned by such bond and shall entitle the creditor under the same to recover the contents thereof from the Corporation out of the first and readiest of such funds rates assessments and revenues and such bonds may be renewed transferred and discharged by minutes of renewal transfer or discharge in or near to the forms in the said schedule contained.

Registration of bonds and assignations.

134.—(1) There shall be kept at the office of the town clerk a register of the bonds granted by the Corporation and within fourteen days after the date of any such bond an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed which register may be inspected at any reasonable time by any person interested in every such bond without fee or reward.

(2) There shall be kept at the office of the town clerk a register of the transfers of bonds granted by the Corporation and within thirty days after the date of every transfer if executed within the United Kingdom or within thirty days after the arrival of such transfer in the United Kingdom if executed elsewhere the same duly stamped shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the transferor and transferee and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(3) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original bond and the principal and interest secured thereby and any transferee may in like manner transfer his interest in any such bond and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such bond or any money secured thereby.

Mode of repayment of money borrowed.

135. The Corporation shall pay off any moneys borrowed by them on bond or mortgage either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Sinking fund.

136.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by them such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is in this Act called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum and in the case of money borrowed under section 76 of the Act of 1877 at the rate of four per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is in this Act called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investment of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from

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the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation shall make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided also if it appears to the Secretary for Scotland that any such increase is necessary the Corporation shall increase the payments to such extent as the Secretary for Scotland may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Secretary for Scotland be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amount as will in the opinion of the Secretary for Scotland be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Secretary for Scotland be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund until the Secretary for Scotland shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Secretary for Scotland may determine.

Protection of lender from inquiry.

137. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

138. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of bonds of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Arrears may be enforced by appointment of judicial factor.

139. In the event of any principal money borrowed by the Corporation under the provisions of this Act or any interest thereon 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 bondholder or mortgagee holding bonds or mortgages in arrear to the amount of one thousand pounds or for several bondholders or mortgagees holding bonds or mortgages in arrear 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 bondholder or mortgagee or bondholders or mortgagees holding the respective sums in arrear before specified to appoint some person as judicial factor to the effect and with the powers hereinafter mentioned unless

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previously to such application being advised the amount of such bonds or mortgages 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 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.

140. The judicial factor so appointed on finding security in common form shall exercise all the powers of the Corporation 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 Corporation and the Corporation 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 bonds and mortgages due at the date of the appointment of such judicial factor and all interest due on any of the said sums and any 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 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 or consignation as aforesaid of such bonds and mortgages interest and expenses it shall be lawful for the Corporation 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.

Power to reborrow.

141. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of grassums on leases or out of other moneys received on capital account not being borrowed moneys they may reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the

obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing. A.D. 1909.

Application of money borrowed.

142. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable and for which it is authorised to be borrowed.

Annual return to Secretary for Scotland with respect to sinking fund.

143. The chamberlain shall within three months after the expiration of each financial year during which any sum is by this Act required to be set apart as a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking fund and the interest thereof have been applied during the same period and the total amount remaining to the credit of such fund at the end of the same period and in the event of any default in making such return the chamberlain shall be liable to a penalty not exceeding twenty pounds recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act as a sinking fund or to make any increased payment thereto under this Act required or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made be set apart as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

Scheme for fixing equated periods.

144.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Secretary

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for Scotland who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any bondholder or mortgagee under any bond or mortgage existing at the time of the confirmation of the scheme or of the holder of any Corporation stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Secretary for Scotland borrow on such security as the Secretary for Scotland may prescribe such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any sums so borrowed shall be repaid within such period as the Secretary for Scotland having regard to the method of repayment may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Saving for existing mortgages of Corporation.

145. Nothing in this Act contained shall prejudicially affect any bonds or mortgages granted on the credit of any fund rate assessment revenue or property of the Corporation 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 fund rate assessment revenue or property of the Corporation as if this Act had not been passed Provided that all mortgages and bonds secured and charged before the commencement of this Act on the police assessment or the municipal purposes assessment of the Corporation shall after the commencement of this Act be deemed to be secured and charged on the burgh general assessment.

Security for loans for electricity purposes.

146. Notwithstanding the repeal by the Electric Lighting (Scotland) Act 1890 of the schedule to the Electric Lighting Act 1882 and the substitution therefor of the schedule to the Electric Lighting (Scotland) Act 1890 the security upon which loans are contracted by the Corporation for the purposes of the electricity undertaking of the Corporation shall be the burgh general assessment.

(C)—*Miscellaneous.*

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Destination of Shaw Stewart Gift.

147. The sum of five thousand pounds sterling the gift to the burgh by Sir Michael Hugh Shaw Stewart of Greenock and Blackhall Baronet shall be deemed to be common good of the burgh but as to the capital thereof shall be inalienable by the Corporation who shall invest the same in statutory securities or in securities of the Corporation and may apply the income therefrom towards the furtherance of the well-being of the burgh as the Corporation shall think fit.

Accidents insurance fund.

148. The Corporation may continue and carry on their accidents insurance fund with a view of providing a sum of money which in the event of any accident to their employees or others for which the Corporation may be liable shall be available for the purpose of meeting and discharging such liabilities including any costs and expenses arising from or in consequence of such accident.

Power to grant gratuities.

149.—(1) The Corporation may grant an annual allowance (not exceeding half-pay) or a gratuity to any of their officers or servants who may through bodily or mental infirmity duly certified by a legally qualified medical practitioner become incapable of performing his duty or a gratuity to the widow or family of any such officer or servant who may die in the service of the Corporation.

(2) Every such annual allowance or gratuity shall be charged on and paid out of the fund rate assessment or revenue on which the salary or emoluments of the officer or servant would have been charged or paid if he had continued in his office or service and no gratuity shall exceed the amount of one month's pay for every completed year of approved service.

Establishment of superannuation fund.

150. The Corporation may with the approval and sanction of the Secretary for Scotland establish a superannuation fund for such of their officers and servants as may receive injuries in the performance of their duties or from sickness old age or other bodily disability be prevented from continuing or on account of long service may be desirous of ceasing to continue in the service of the Corporation and subject to such approval and sanction may levy certain contributions on their officers and servants and deduct the same from their salaries and wages and may contribute to the fund a sum equal in amount to the contributions of the officers and servants and may subject to such approval provide rules and

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regulations for the management of the fund and for the future government of the same and the mode and extent in which the benefits of the same shall be allowed and taken and may subject to such approval from time to time alter and amend such rules and regulations Provided always that all such rules and regulations and any alteration or amendment thereof shall be submitted to and approved of by the officer for the time being appointed by law to revise the regulations of friendly or benefit societies and shall not be binding until so approved of.

Application of gas and water revenues.

151. The proceeds of the domestic and public water rates and of the gas guarantee rate and the respective revenues of the gas and water undertakings of the Corporation shall be severally applied in the manner and to the purposes following (that is to say):—

(1) In defraying the respective expenses of the management and maintenance of the said undertakings including salaries and other payments to officers and servants and payments to accident insurance fund and the annual costs charges and expenses of providing and supplying water and gas and paying any feu duties rents and ground annuals and other annual payments exigible in respect of the water or gas undertakings:

(2) In payment of the interest on any money already borrowed and to be borrowed by the Corporation on the security of the water or gas undertakings:

(3) In providing for the repayment of money already borrowed or to be borrowed:

(4) In payment of such portion of the costs of enlarging or increasing and renewing and from time to time extending the water and gas works mains and pipes of the Corporation as they shall think it reasonable to charge against the revenue of the year and of any other necessary annual expenditure and in case of the gas undertaking for providing a reserve fund as in this Act provided:

And the Corporation shall carry any surplus revenue of the gas undertaking not being more than the sum of two thousand pounds in any one year to the credit of the burgh general assessment.

Power to create a gas reserve fund.

152. The Corporation may (if they think fit) provide a reserve fund for their gas undertaking by setting aside such

money as they think reasonable and investing the same and the resulting income thereof in any statutory security and accumulating the same at compound interest until the fund so formed amounts to the sum of twenty-five thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing any part of the gasworks or mains of the Corporation and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed amount and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed amount.

Part XIII.

Streets and Sewers.

(A)—*Streets.*

Streets to continue vested in Corporation.

153. All streets vested in the Corporation at the commencement of this Act shall continue vested in the Corporation Provided that nothing in this Act shall affect the rights of any party in the property of the ground over which the streets pass.

Continuation of feuing plan and books of levels.

154. The existing feuing plan and the existing books of levels of the burgh (in this Act respectively referred to as "the feuing plan" and "the books of levels") are hereby continued and confirmed and no public street shall be opened or extended and no building shall be erected in the burgh within the limits embraced in the feuing plan or within the books of levels except in accordance with the books of levels unless the permission of the Corporation shall be previously obtained to any alteration and which permission shall only be obtained on application by the party requiring the same and on cause being shown and after hearing the master of works where that officer is not himself the applicant.

Owner not to be bound to act on feuing plan.

155. Nothing in this Act contained shall be held to require the owners of the estates of Greenock and Cartsburn respectively without their own consent to open or extend any streets laid down on the feuing plan not already opened nor to prevent the said owners respectively from granting feus of any parts of the

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said estates without reference to and although the same shall not be in accordance with the feuing plan nor from opening additional streets or courts not shown on the feuing plan the lines and levels thereof being first agreed upon with the Corporation or otherwise ascertained in manner herein provided.

Corporation to make compensation on altering levels of opened streets.

156. If the Corporation shall propose to alter the level of any public street opened in accordance with the lines and levels fixed between the Corporation on the one hand and the owner of the estate of Greenock or Cartsburn as the case may be on the other hand any owner on the line of such street within the points between which the alteration of level is proposed to be made shall be entitled to object to such alteration by appeal to the sheriff and the owner of the estate of Greenock or Cartsburn as the case may be shall be entitled to appear and be heard in regard to such proposed alteration and the decision of the sheriff shall be final and if the level shall be allowed to be altered then such person shall have right to compensation for any damage which may thereby be caused to his lands and heritages and the amount thereof and all other questions in relation thereto shall be considered and decided by the sheriff.

Feuing plan and books of levels to be open for inspection.

157. The feuing plan and the books of levels or an authenticated copy thereof shall be kept by the master of works for the inspection of any person interested for which inspection no fee shall be charged.

Owner not to be relieved of obligation to complete streets or courts.

158. And whereas streets and courts have been partly or wholly opened and have been maintained by the Corporation although such streets and courts have not been completed and new streets and courts may hereafter be opened in whole or in part which the Corporation may allow temporarily to remain uncompleted and which the Corporation may temporarily maintain in that state Nothing in this Act contained shall be held to relieve owners of lands and heritages of their obligations to pay and relieve the Corporation of the expense of making and completing such streets or courts or portions of such streets and courts as herein provided nor shall such owners be relieved of such their obligations till such streets and courts have been entered as completed in the register.

Register of public streets.

159.—(1) The existing register of public streets and the existing map of public streets within the burgh (in this Act respectively referred to as "the register" and "the map") as

existing at the commencement of this Act are hereby continued in as full force and effect as if this Act had not been passed and the entries and the descriptions in the register and the relative markings on the map shall continue to be deemed to be conclusive evidence of what are public streets and of the other particulars mentioned therein and shown thereon respectively. A.D. 1909.

(2) The master of works shall continue as heretofore to keep the register and the map and shall be the registrar for the purposes of this Act.

Registrar to make entries in register from time to time as directed by dean of guild or Corporation.

160. It shall be the duty of the registrar to enter in the register and mark on the map any new street which is declared by the Corporation to be a public street and also to enter in the register and mark on the map so far as is reasonably possible the following particulars with regard to each such street :—

(i) The name;

(ii) The situation by reference to numbers or other marks on the map;

(iii) The point of commencement and termination;

(iv) The character and description of the street and whether formerly turnpike road statute labour road or highway and whether completed or not;

(v) Any other particulars not affecting rights of property which the Corporation may prescribe in pursuance of agreements between the Corporation and the owners of lands and heritages adjoining to and having a right of access by such street or in pursuance of any decree of the dean of guild.

Any further particulars which are directed by the Corporation to be entered in the register or to be marked on the map in pursuance of the provisions of this Act and the entries and descriptions in the register and the relative markings on the map shall be distinct from the original entries in the register and markings on the map and shall show the date of such entry and shall be conclusive evidence of what are public streets and of the said other particulars The register and the map shall be deposited with the registrar and the same or a copy thereof shall be open for inspection by any person interested during such hours as the Corporation may fix A copy certified by the registrar of any entry on the register or a copy certified by the registrar of any portion of the map shall be furnished to any

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applicant on payment of such fee as the Corporation may prescribe and any such copy certified as aforesaid shall be received as evidence in all courts.

Adoption of Burgh Police (Scotland) Act 1903—Alterations on register and plan.

161. Section 9 (Alterations on register and plan) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Removal from register of street ceasing to exist.

162. Where any public street or part thereof has from any reason ceased to exist as a public street the registrar shall report same to the Corporation and on the resolution of the Corporation record in the register and on the map relating to such street or part thereof the date and effect of the said resolution Where any public street or part thereof has by resolution of the Corporation been declared to be part of another public street and under the said resolution has received the name of that other public street the registrar shall record in the register and mark on the map the substituted name of the said street or part thereof and the date of such resolution.

Mistakes not to affect validity.

163. The validity of the register and the map shall not be affected by any misnomer mistake or informality in the aforesaid proceedings.

Width of streets.

164. All new streets to be hereafter laid off shall be of a width of not less than fifty feet Provided always that—

(A) Where the distance of the building lines from the centre of the street is at least thirty feet the minimum width of street may be forty feet:

(B) Where from the configuration of the ground the street can only be built upon on one side the minimum width of street may be thirty feet:

(C) Where the distance of the building line from the centre of the street is at least twenty-five feet and the buildings do not exceed two storeys in height (an attic being deemed to be a storey) or in other special circumstances approved of by the Corporation and the owner the minimum width may subject to the consent of the Corporation be thirty feet.

The provisions of this section shall not apply to a meuse lane court or back entrance to lands and heritages having entrance by another street.

Provisions for opening and forming streets.

165. Where any street is laid down on the feuing plan as projected or has been projected and partially built upon but has not been opened or has only been partially opened either in respect of length or breadth the Corporation may with the consent of the owner or owners of any lands or heritages through which such street passes in so far as such consent shall not have been given open and extend such street in conformity with the feuing plan and books of levels where the same shall be applicable or where the same shall not be applicable according to lines and levels to be fixed as herein provided and to declare the same a street and thereafter compel the owner or owners of lands and heritages fronting or adjoining such street in terms of this Act to pay for the completion of the same as herein provided.

Notice of resolution to open and form streets to be given.

166. Any member of the Corporation may give notice in the way in which notices of motions are usually given at any monthly meeting of the Corporation of his intention at a subsequent monthly meeting not being later than the third monthly meeting after that at which such notice shall be given to move a resolution that any specified unopened street or part of a street or unopened part of a street already partially opened and formed either in length or breadth shall be opened and formed in conformity with the feuing plan and books of levels where the same shall be applicable or in conformity with the levels fixed as herein provided and at any monthly meeting of the Corporation thereafter not being later than the third monthly meeting after that at which notice of motion was given any member of the Corporation may bring such motion before the Corporation and if the Corporation so resolve such street or part of a street shall be forthwith opened and formed Provided that the Corporation may resolve to open and form any street to a less extent than is specified in such notice of motion but not to a greater extent Provided further that the Corporation shall not entertain such motion without the consent of the owner of the lands upon which such street or portion of such street is to be opened.

Corporation may agree as to making new streets not on feuing plan.

167. The Corporation may agree with any owner to make for the public use through the lands of such owner new streets not embraced in the feuing plan and books of levels and as to the time and manner of making the same and may agree that such streets shall become and the same shall on such agreement accordingly become streets to be maintained and repaired by the Corporation and subject to the provisions of this Act as to unfeued lands unless otherwise agreed upon such streets shall be made and completed at

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the expense of the owner or owners of lands and heritages fronting or adjoining such street as by this Act provided in regard to streets laid down on the feuing plan.

Notice of intention to lay out new street to be given to Corporation.

168. Every owner who intends to make or lay out any new street or portion of street shall give notice thereof to the Corporation in order that the line and level of such street or portion of street (as the case may be) may be fixed and thereupon the line and level thereof shall be fixed in manner as by this Act provided with all convenient speed after the delivery of such notice.

Lines and levels how to be fixed.

169. The lines and levels of such new street shall be fixed by the owner proposing to lay out such new street and the Corporation or in case of difference by an engineer to be mutually chosen by such owner and the Corporation and in the case of their not agreeing in naming an engineer such lines and levels shall be fixed by an engineer to be named by the sheriff on the application of either party and shall thereafter be followed by parties building on such street and the expense attending the fixing of such lines and levels shall be defrayed by the Corporation.

Buildings in new streets not to be commenced till lines fixed &c.

170. Before any new building shall be commenced in any street the lines and levels of such street shall be fixed as by this Act provided and if any person shall commence to erect any building in any such street in violation of the foregoing enactment he shall be guilty of a guild offence and be liable to a penalty not exceeding fifty pounds.

Power to set out footway.

171. The Corporation may cause such proportion of the width of any new or uncompleted street made or to be made within the burgh to be laid out for carriageway and for footway respectively as they think proper but in ordinary circumstances not more than two thirds of the width of such street shall be laid out for carriageway.

No obstruction to be allowed on footway without consent of Corporation.

172. In all public streets laid out after the second day of August one thousand eight hundred and seventy-seven no hatchway trapdoor sliding gate step or other obstruction shall be allowed to occupy any part of the footway except in special circumstances and with the express authority of the Corporation in writing but rain conductors of approved materials form and dimensions and projections for architectural effect such as base courses pilasters mouldings and cornices may be allowed at the discretion of the

Corporation Provided that no projection on the footway or within ten feet above the level of any street shall without special permission of the Corporation exceed a maximum of one inch to every ten feet in width of street and for mouldings and cornices above that height the maximum projection shall not exceed eighteen inches.

Obstructions to be removed.

173. After a resolution to open and form any street shall have been passed or an agreement to make a new street not on the feuing plan shall have been entered into by the Corporation and if the owner or owners of lands and heritages in the line thereof shall offer no objection to the opening of the same the street shall be forthwith opened by the Corporation but if any such owner shall offer any objection to such opening or shall not forthwith remove any fence building or erection on the line of the same then the burgh prosecutor shall present a petition to the dean of guild craving warrant to the master of works to enter upon the street to be opened and to line off the same in conformity with the feuing plan and books of levels or in conformity with such agreement and to remove any fence wall building or other obstruction of any kind standing or existing on the line of the street as laid down in the feuing plan or in such agreement and a copy of such petition or of so much thereof as concerns each owner of lands and heritages in such street shall be served on each owner in the manner provided in this Act for the service of notices and the dean of guild shall fix a diet for hearing the parties under the said petition and shall proceed with the case and shall grant the warrant craved subject to such conditions in regard to the time to be allowed for removing such fence wall building or other obstruction or the compensation if any to be paid or made on account of such removal as he may think just Provided always that it shall not be competent to any person to make any claim to the part of the street so enclosed or covered and that nothing contained in this Act shall confer upon any person any claim for compensation therefor.

Levelling of uncompleted streets.

174. Where it shall be found necessary to excavate or fill up the solum of any uncompleted street (the lines and levels of which have been fixed as provided in this Act) so as to make such street conform to the said levels before being temporarily or permanently formed the Corporation may resolve at any meeting to execute the said work and form ash roadways and footpaths at the expense subject to the provisions of this Act as to unfeued lands of the owner or owners of the lands and heritages in or

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fronting or adjoining the same and the dean of guild shall on the application of the burgh prosecutor ascertain and apportion the expense thereof among the owners in the line of the said street in such proportions and to such extent as the dean of guild may consider fair and equitable and the dean of guild shall decern for payment accordingly.

Formation of foot pavements and roadways.

175. Where any street or portion of a street either as regards its length or breadth shall not have been completed it shall be competent to the burgh prosecutor by direction of the Corporation subject to the Corporation having previously obtained the written consent of the owner or owners of the lands or heritages through which such street passes to present a petition to the dean of guild craving warrant to the Corporation to make or to finish (1) foot pavements of first-class flagstones or other approved materials with kerbs and gutter courses of granite or other approved materials and (2) roadways of dressed whinstones or granite or other approved materials including suitable foundations and bottoming or to make either such foot pavements or such roadways as also retaining walls crossings circled corners intersections of streets cesspools and cesspool drains and other incidental work at the expense subject to the provisions of this Act as to unfeud lands of the owner or owners of lands and heritages fronting or adjoining such street or such portion of such street and a copy of such petition or of so much thereof as concerns each such owner shall be served on him in the manner provided in this Act for the service of notices and the dean of guild shall fix a diet for hearing the parties under the said petition.

Corporation to be relieved of expense by owners.

176. The owner or owners of all lands and heritages fronting or adjoining any such street or portion of such street shall subject to the provisions of this Act as to unfeued lands severally be bound to pay and relieve the Corporation of the expense of making such foot pavements kerbs and gutter courses retaining walls crossings and roadways to the central line of the street opposite to their respective lands and heritages and such owner or owners shall also be bound to pay the Corporation the expense of making such roadways and other works across the intersection of streets including crossings circled corners cesspools and cesspool drains and all other expenses incurred by the Corporation in connection therewith 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

Corporation so soon as such proportion of expenses shall be ascertained and decerned for by the dean of guild on the application of the burgh prosecutor Provided always that every owner shall be entitled to remove any materials belonging to him already laid opposite his frontage at the time of making such foot pavements and roadways and if such materials are not removed by the owner they shall be removed by the Corporation and the value thereof as fixed by the master of works shall be deducted from the proportion of expenses ascertained to be due by him as aforesaid.

Master of works to make an estimate of expense.

177.—(1) Along with the petition referred to in the section of this Act whereof the marginal note is "Formation of foot pavements and roadways" the burgh prosecutor shall produce an estimate by the master of works of the expense of executing the work proposed to be performed under the warrant craved and stating the estimated proportion of such expense effeiring to each of the owners named in the petition and where any of the said work is to be executed opposite to unfeued land the proportion of the expense effeiring to such unfeued land shall be specified.

Objections which may be stated.

(2) At the diet for hearing on such petition the dean of guild shall proceed with the cause and it shall not be competent to any such owner to raise any question or to state any objection except first that he is not the owner within the meaning of this Act of the lands or heritages to which such petition applies or second that the estimated proportion of expense proposed to be charged against him is excessive or third with respect to the time to be allowed for removing obstructions on the line of the street or the right of compensation or other mode of making up damage if any and the dean of guild shall consider such questions or objections if stated and decide the same and fix and ascertain the parties to be charged and the estimated proportions of the expense to be paid by such parties respectively and grant the warrant craved subject to such conditions as he may think fit.

Corporation may carry out warrant.

178. The Corporation may upon the grant of such warrant make foot pavements of first-class Caithness flagstones or other approved materials with kerbs and gutter courses of granite or other approved materials and roadways of dressed whinstones or granite or other approved materials and provide concrete or other bottoming in such street or portion of a street and otherwise carry out the directions of such warrant.

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Dean of guild may decern for expense.

179. Upon the work authorised by such warrant being finished or finished as far as practicable in a street or portion of a street the burgh prosecutor shall lodge a report in the case stating that the work has been finished or finished as far as practicable and craving decree for the amount effeiring to each owner with a proportion to be fixed by the dean of guild of the expenses of the cause if such amount and proportion of expense shall not have been previously paid and the dean of guild shall decern as craved and the dean of guild shall also by his decree ascertain and fix the amount of the expense of the work effeiring to unfeued land.

Causeways in squares.

180. The owners of lands and heritages fronting any square of a width exceeding sixty feet shall only be bound to make the causeway therein to the extent of one half of the breadth of the widest street communicating with such square and the Corporation shall at their own expense make the causeway in the remainder of such square so far as no other owner of lands and heritages is bound in terms of this Act to make such causeway.

Recovery of expense of streets and sewers in respect of unfeued lands.

181. And whereas in opening new streets or in levelling or forming in any of the manners enumerated in the section of this Act whereof the marginal note is "Corporation may form streets in a temporary manner and afterwards complete same" any uncompleted street it may happen that part of the ground on the line of such new or uncompleted street may be unfeued the expense of levelling or forming such street and of making footpaths and foot pavements or causeways or kerbs or gutter courses in so far as opposite to such unfeued ground shall be borne ad interim by the Corporation who shall be entitled to recover from the owner of such unfeued ground interest on the proportion of the expense of such levelling or forming applicable to such unfeued ground at the rate of three and three quarters per centum per annum from the date of the decree of the dean of guild allocating such expense until such time as the said ground shall come to be feued the said interest being due and payable at the term of Martinmas in each year and so soon as any parts of such ground shall be feued the Corporation shall charge the expense of levelling or forming advanced by them so far as effeirs to such unfeued ground against the persons taking such parts of the ground in feu in the manner provided in the section of this Act whereof the marginal note is "Corporation to be relieved of expense by owners" with interest thereon at the rate of five per centum per annum from the dates when the same shall

be feued and the aforesaid obligation of the owner of such unfeued ground for interest on such expense shall be extinguished or proportionately reduced as the case may be as from the date of such feuing Provided notwithstanding that the owner of such unfeued ground may at any time while the same shall remain unfeued reimburse the Corporation for the said expense of levelling or forming streets or of making footpaths foot pavements or causeways or kerbs or gutter courses in so far as opposite to such unfeued ground or any part thereof and upon reimbursement of such expense and payment of all interest due thereon to the date of such reimbursement the Corporation shall have no further claim against the said owner or against any subsequent feuar in respect of such unfeued ground or portion thereof for the proportion of such expense effeiring thereto or interest thereon.

Rails iron plates &c. may be laid for facilitating traffic.

182. The Corporation may continue in any public street and may for any continuous distance not exceeding two hundred and fifty yards lay in any public street rails or iron plates or granite blocks for the purpose of facilitating the passage of traffic along or across the same and may remove alter repair or renew such rails iron plates or granite blocks and make byelaws for regulating the use thereof The Corporation may confer on any person owning or occupying any lands works or premises used for the purposes of manufacture or trade carried on in the burgh rights of wayleave and other rights powers and privileges for the purpose of enabling such person for any continuous distance not exceeding two hundred and fifty yards to lay maintain and renew tramways or lines of rails along or across any public street for the conveyance of goods and minerals thereon in railway waggons or other vehicles adapted to run on railways on such terms and conditions as the Corporation may determine and may sanction and confirm the use of any such tramways or lines of rails already laid on such terms and conditions as aforesaid and may make byelaws and regulations for regulating the construction and use of such tramways or lines of rails:

Provided that nothing in this section shall authorise the Corporation or empower the Corporation to authorise any other person either to break up or interfere with any tramway or work owned or used by the Greenock and Port Glasgow Tramways Company or to lay any rails tramway or line of rails along any street or portion of a street along which street or portion any tramway owned or used by the said company is laid without the

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consent in writing of that company and no byelaw or regulation made by the Corporation under this section shall apply to any tramway owned or used by the said company:

Provided also that in the event of the construction of any such tramways or lines of rails involving the alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

Corporation may form streets in a temporary manner and afterwards complete same.

183. Notwithstanding anything herein provided the Corporation instead of requiring that foot pavements and roadways or either of them in any uncompleted street shall be made in a permanent manner as herein provided may resolve that such street may be formed in such temporary manner as the Corporation may think proper at the expense of the owner or owners of lands and heritages fronting on or adjoining such street and the Corporation may form such street accordingly and the said expense shall be charged and recovered in the same way as is hereinbefore provided in respect of the expense of making foot pavements and roadways Provided that although such street should be so temporarily formed the Corporation may nevertheless at any future time but not sooner than seven years macadamise the roadway and lay the footpath with flagstones at the expense of the said owner or owners and when they shall think fit but not sooner than seven years from the date of the previous resolution require completed foot pavements and roadways to be made in such street at the expense of the said owner or owners of the lands and heritages therein and may otherwise make the same a completed street in the manner hereinbefore provided:

Provided that before the Corporation shall proceed to form any such street in a temporary manner or if having so formed the same then before they shall proceed to macadamise the roadway and lay the footpath with flagstones or other approved materials or if having done so then before they shall proceed to complete the said street in manner hereinbefore provided they shall obtain the previous written consent of the owner or owners of the lands or heritages through which such street passes.

Corporation may take up roadways and form street in some other mode.

184. It shall be lawful for the Corporation after a permanent foot pavement or roadway has been made in any public street or any part thereof in the mode herein provided to take up and remove such foot pavement or roadway and in such street or part of a street to cause the footpath to be hornised or to cause the roadway to be macadamised or formed in some other manner but such alteration if made shall be made and the footpath or roadway of such street shall thereafter be maintained at the expense of the Corporation and the owners of lands and heritages on the line of the same shall not be bound at any future time to remake such foot pavement or roadway.

Management of streets.

185. The management and exclusive control of the public streets in the burgh shall continue to the like effect and extent to be vested in the Corporation.

Solum of street not to be opened without warrant.

186. No person shall be entitled to open the solum of any street for any purpose whatever without a warrant from the dean of guild and any person opening the solum of any street or wilfully displacing taking up or making any alteration in the pavement flags or other materials thereof without such warrant or causing damage by carting over the pavement flags or other materials forming the footway of any street except over a regular crossing specially provided for that purpose shall be guilty of a guild offence and shall be liable to a penalty not exceeding ten pounds and shall also be liable in a further sum to be recovered as damages not exceeding five shillings for every square foot of the pavement flags or other materials of the street so displaced taken up altered or damaged Provided always that nothing in this section shall affect any company body or person owning or working any tramway Provided also that nothing in this section contained shall be deemed to affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1908.

Removal of disused crossings.

187. Where any causewayed entrance or crossing has been formed for any property and the purpose for which it was formed ceases to exist the owner of such property shall be bound to remove such entrance or crossing and restore the footpath or pavement to the satisfaction of the Corporation and failing his doing so within one month from date of notice the work may be done by the Corporation at the expense of the owner or owners of such property

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Master of works to be called as party to application to open street.

188. Every person who shall apply to the dean of guild for warrant to open the solum of any public street for any purpose whatever shall be bound to call the master of works as a party to such application and the dean of guild may on hearing make such order in the application as he may deem just.

Every person who shall open a street shall be bound to fill up opening.

189. Every person who under warrant in that behalf shall open the solum of any public street or court shall be bound to complete the work on account of which such opening shall be made with all convenient speed and to fill up such opening so as to cover any pipes or other work for which the street was opened and the Corporation shall fill up the remainder of said opening and reinstate the surface of the street or court to its former condition and maintain the same for a period of twelve months at the expense of such person at prices in respect of labour materials and work involved to be fixed by the master of works Provided always that nothing in this section shall affect any company body or person owning or working any tramways.

Erection of statues &c.

190. The Corporation may from time to time authorise the erection in any street or public place within the burgh of any statue or monument and may maintain the same and any statue or monument erected within the burgh before the commencement of this Act and may remove any statue or monument the erection of which has been authorised by them.

Adoption of Burgh Police (Scotland) Act 1903—Shrubbery in centre of streets.

191. Section 14 (Shrubbery in centre of street) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Adoption of Burgh Police (Scotland) Act 1903—Private streets.

192. The following sections of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 104 (2) (*d*) (Private streets not properly formed).
Section 104 (2) (*e*) (Private streets may be declared vested in council).

Saving for farm roads.

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

(B)—*Sewers.*

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Sewers to continue vested in Corporation.

194. All sewers which are vested in the Corporation at the commencement of this Act shall continue vested in the Corporation.

Map to be made of sewers &c.

195.—(1) The Corporation shall continue to lay down on the existing map or maps of water and gas pipes and electricity mains and conduits within the burgh which are hereby continued and confirmed (A) the course size and depth from the surface of the existing public sewers and so far as is desirable and reasonably possible of the common and private sewers (B) the lines of underground telegraph and telephone wires and cables so far as known and (C) the course and where possible the size and depth from the surface of all water and gas pipes and electricity mains and conduits within the burgh and shall cause the said map or maps to be corrected and kept corrected from time to time as may be required.

(2) Such map or maps or copies thereof shall be open to inspection by any person interested during such hours as the Corporation may fix at the offices of the departments respectively charged with the control of the works shown upon such map or maps.

Public sewers to be made and maintained by Corporation.

196. The Corporation may construct such drains and sewers as they may consider necessary and shall make provision for effectually draining the burgh in a suitable manner and may with that object construct or continue in or under any of the said streets and through and across all underground cellars and vaults under any such streets doing as little damage as may be one or more ordinary or special public sewers and may from time to time alter renew or add to such sewers as to them shall seem proper and may carry and continue the said sewers into or through any lands or heritages within the burgh and may repair maintain and cleanse the said sewers Provided always that they shall make reasonable compensation to the owners and occupiers of such lands and heritages for any damage which may be done by reason of the exercise of the powers hereby conferred and such compensation shall on the application of either party be fixed and ascertained by the sheriff whose decision shall be final.

Further provisions as to sewers.

197. In the formation of public sewers the Corporation shall so far as the ground is built upon construct eye pipes side

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drains and connections opposite each property and in the case of ground unbuilt upon construct eye pipes at distances not exceeding sixty feet apart on either side and the whole cost of the said eye pipes side drains and connections shall be allocated and decerned for against and recovered from each owner opposite to whose property they shall have been constructed in the same manner as is hereinafter provided with reference to the cost of the public sewer itself.

Cost of constructing ordinary public sewers to be paid by adjoining owners.

198. Subject to the provisions of this Act the owners of all lands and heritages in or adjoining or fronting any street or part of a street in which no ordinary public sewer previously existed and whether the lands and heritages adjoining or fronting such street or part of a street shall comprehend back tenements having no street frontage or not shall severally be bound to pay and relieve the Corporation of the expense of constructing an ordinary public sewer in such street or part of a street including the expense of all necessary manholes junction chambers ventilating shafts flushing chambers street gullies or cesspools cesspool drains and other incidental works and also including the expense of making such sewer across the intersection of streets in the proportion which the length of frontage to the street of their respective lands and heritages bears to the total length of the frontages opposite which the sewer has been constructed as such proportion shall be ascertained and decerned for by the dean of guild on the application of the burgh prosecutor in the same way as owners of lands and heritages are bound to pay and relieve the Corporation of the expenses of making foot pavements and roadways and subject to the same provisions as regards payment of the expense and reimbursement of interest thereon so far as effeiring to unfeued lands as in this Act provided in the case of streets Provided always that where the interior sectional area of such sewer exceeds seven and a-half square feet the Corporation shall contribute the extra expense of constructing the same Provided also that where lands and heritages are situated at the corner of and have a frontage to two streets the owner of such lands and heritages shall be bound to pay the full proportion of the expense of making a sewer in that one of the two streets in which a sewer shall first be formed according to the full length of the frontage of such lands and heritages to such street but when a sewer shall come to be made in the other street to which such lands and heritages shall have a frontage such frontage shall only be calculated at one half

of its length in fixing the proportion to be paid by the owner of the said lands and heritages for making a sewer in such last-mentioned street and where such lands and heritages are situated at the corner and shall have a frontage to three streets the owner of such lands and heritages shall in addition to his payments for the first and second sewers also be bound to pay the full proportion of the cost of forming a sewer in the third street according to the frontage of such lands and heritages to such third street and where such lands and heritages shall have a frontage to four streets the owner of such lands and heritages shall in addition to his payments for the first second and third sewers also be bound to pay one-half of the proportion of the cost of forming a sewer in the fourth street according to the frontage of such lands and heritages to such fourth street. A.D. 1909.

Drainage of back properties.

199. In case any lands and heritages shall not have a frontage to a street but shall be situated behind other lands and heritages possessing such frontage and shall not be owned as part of lands and heritages possessing such frontage then the owners of such lands and heritages possessing no such street frontage shall be bound to pay a proportion of the expense of constructing an ordinary public sewer in the street into which such lands and heritages may in the opinion of the master of works be most conveniently drained and in order to ascertain the proportion of making such ordinary sewer effeiring to the owner of such lands and heritages such lands and heritages shall be held in so far as regards drainage to have a frontage to the street into which they can most conveniently be so drained and such frontage shall be held where such land or heritage is rectangular to be the mean between its longest and shortest dimensions taken together and where it is of an irregular shape then such frontage shall be held to be the length of one of the sides of a square composed as near as may be of the total area of such land or heritage.

Proceedings in forming sewers.

200. Before beginning to construct such sewers the burgh prosecutor shall present a petition to the dean of guild craving warrant to execute the work a copy of which petition shall be served on all the persons named therein against whom a claim is to be made for a proportion of expense of executing such work in the same way as is hereinbefore provided with regard to a petition with respect to foot pavements and roadways in streets and the other proceedings in the case shall be the same mutatis mutandis as in the case of making such foot pavements and

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roadways and the dean of guild shall ascertain the expense of constructing such sewers and the proportions thereof effeiring to the several owners of lands and heritages liable to bear a proportion of such expense and shall decern against them for such proportion due by them respectively in the same way and to the same effect as he is authorised under this Act to ascertain and decern for the proportion of the expense incurred by the Corporation in making foot pavements and roadways in streets and the sums so decerned for shall be recoverable in the same way as the expenses of making foot pavements and roadways in streets under this Act.

Common sewers in courts &c.

201. The Corporation may require the owners of lands and heritages adjoining to or having right of access by a private court or passage common to more than one owner to construct in so far as not already done and from time to time to alter renew add to repair and maintain a common sewer in such court or passage and to connect the same with a public sewer to the satisfaction of the master of works.

Power to Corporation and owners to contract for construction and maintenance of common sewers.

202. In case any one or more of such owners shall fail to construct such common sewer within the time required by the Corporation it shall be lawful for the Corporation jointly with any one or more of such owners or in case all of such owners shall fail to construct such common sewer within the time required by the Corporation it shall be lawful for the Corporation under warrant of the dean of guild themselves to construct alter renew add to or repair any common sewer in such private court or passage and the cost of such work shall be paid by the owners of lands and heritages adjoining to and having a right of access by the said private court according to the length of their respective frontages to such private court or passage in the way and on the principle herein provided with respect to public sewers and the Corporation shall be relieved thereof by such owners and the same shall be ascertained and decerned for by the dean of guild and be recoverable by the Corporation in the manner herein provided with respect to expense of the construction of public sewers.

Owners of lands and heritages to construct private sewers,

203. Subject to the provisions of this Act the owners of all lands or heritages adjoining or near to any public street or court so far as not already done shall construct on such lands or heritages in a suitable manner and from time to time alter renew add to repair and maintain one or more private sewers

for the purpose of draining such lands or heritages and any owner of lands or heritages adjoining any such street or court shall by means of such private sewer or sewers and the public common sewers so far as consistent with the levels effectually drain the said lands and heritages to the satisfaction of the master of works and in case any one or more of such owners shall fail to construct such private sewer in a suitable manner it shall be lawful for the Corporation under warrant of the dean of guild to construct alter renew add to or repair such private sewer and to connect the same with the public or common sewers and the costs thereof shall be paid by such owners and the same shall on the application of the burgh prosecutor be ascertained and decerned for by the dean of guild and be recoverable by the Corporation.

Corporation may take over common or private sewers.

204. The Corporation may if they think fit declare by resolution any common sewer or any private sewer in so far as it is a sewer for the drainage of the lands and heritages of more than one owner to be a public sewer and thereupon it shall vest in and be maintained by the Corporation The provisions of this section shall not apply to any drain or sewer in private ground or connecting one building and the pertinents thereof with a public sewer although such building and pertinents belong to several owners.

Special public sewers may be constructed.

205. Where in the opinion of the Corporation the refuse of any trade or manufacture is of such a nature that if suffered to flow either directly or indirectly into any ordinary public sewer it will cause or be likely to cause of itself or by admixture with other matters therein noxious or offensive effluvia or incrustation or chemical action or be injurious to health they may under warrant from the dean of guild and at the expense of the owner of any lands or heritages in which such trade or manufacture is carried on construct a special public sewer for the purpose of carrying off such refuse and may require the owner of the land or heritage on which such trade or manufacture is carried on and the owner of any other lands or heritages in the vicinity of such sewer from which refuse of a like nature is produced to construct in a suitable manner and from time to time alter renew add to repair and maintain a private sewer and to connect such private sewer with the said special public sewer so that the whole of such refuse or so much thereof as the Corporation may from time to time direct shall be effectually drained into such special public sewer to the satisfaction of the master of works Provided

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always that if any owner so required shall consider himself aggrieved by the requisition he may appeal to the sheriff as hereinafter provided.

Cost thereof to be paid by persons using same.

206. The owners of lands and heritages requiring any special public sewer shall severally be bound to relieve the Corporation from the expense of constructing the same and the proportion of such expense effeiring to every such owner shall be paid in one single payment unless within fourteen days after notice given to him by the Corporation such owner shall declare his option to pay his proportion of such expense by annual payments and the amount of such single payment or of such annual payments as the case may be and the duration thereof may be settled by agreement between the Corporation and any such owner or in case of dispute shall be settled by the sheriff.

(C)—*Maintenance of Streets and Sewers.*

Corporation to maintain streets and sewers.

207. Whenever the Corporation shall have opened and temporarily formed a street or constructed a sewer at the expense of the owner or owners of lands and heritages fronting on or adjoining such street they shall thereafter maintain the said street or sewer but such maintenance shall not be held to relieve such owner or owners of the liability to pay the expense of the further temporary formation and completion of street work as provided in the section of this Act whereof the marginal note is "Corporation may form streets in a temporary manner and afterwards complete same."

Owners relieved of maintenance on completion.

208. The Corporation on the completion of streets or portions of streets by making foot pavements and roadways and by constructing public sewers therein in the mode and at the expense of the owners of lands and heritages as hereinbefore provided shall be bound to relieve the owners of lands and heritages on the lines of such streets from liability for the future renewal of the said foot pavements roadways and public sewers and an entry of such completion shall be made in the register and an extract of the said entry shall be given by the registrar to any owner if required without payment of any fee and the Corporation shall thereafter be bound to maintain and shall make provision for maintaining repairing and renewing in a suitable manner such foot pavements roadways and public sewers.

Public sewers to

209. All public sewers within the burgh whether existing immediately prior to the commencement of this Act or made at

any time thereafter shall vest in and belong to and be entirely under the management and control of the Corporation. vest in Corporation.

210. No steam and no hot water nor other liquid at a temperature exceeding one hundred degrees Fahrenheit shall be discharged into any sewer stream or watercourse except with the consent of the Corporation and subject to such conditions as may be prescribed. Steam pipes into sewers.

211. In case an owner of lands and heritages bound under this Act to keep any common or private sewer clean shall fail to do so to the satisfaction of the sanitary inspector the Corporation may keep such sewer clean for any period they think fit at the expense of such owner and such owner shall be bound to repay to the Corporation the expense so incurred by them and if any such owner shall fail so to repay such expense within seven days after he shall have been required on behalf of the Corporation to do so it shall be competent to the burgh prosecutor to present a petition to the dean of guild craving him to decern against such owner for the amount so due by him at the time and upon a report by the sanitary inspector and upon hearing the owner if he shall desire to be heard in reference to the amount claimed the dean of guild shall decern for such sum as he shall think just with expenses Provided always that the Corporation shall not take such proceedings before the dean of guild against any one owner in respect of any one sewer oftener than twice in one year. Corporation may clean common or private sewer at owner's expense.

212. Where any drain sewer trench or other opening in any street has been left open insecure or dangerous it shall be lawful for any constable or officer of the Corporation to put a watchman in charge of such drain sewer trench or other opening until the same has been made secure and the expense of such watchman shall be recoverable from the person making such drain sewer trench or other opening by complaint before the magistrate or dean of guild by way of penalty at the instance of the burgh prosecutor provided the magistrate or dean of guild consider the expense to be reasonable Provided always that nothing in this section shall affect any company body or person owning or working any tramways. If drains or trenches left open in streets watchman may be set at owner's expense.

213. All drains and cesspools shall be under the survey and control of the Corporation and shall be altered repaired and kept in proper order at the expense of the owners of the lands and Drains &c. to be under control of Corporation.

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buildings to which the same belong or for the use of which they are constructed or contrived.

Ventilation of sewers.

214. The Corporation shall have the power and are hereby authorised to arrange for the ventilation of sewers and drains with the owner or occupier of any manufactory or other premises having furnaces and chimney shafts so situated as to be available for the purpose and the Corporation are also hereby authorised and empowered to acquire lands or premises or to arrange with owners of land and premises for the construction of all shafts ventilating shafts furnaces and other works which may be found necessary from time to time for the efficient ventilation of the existing sewers and drains or of such sewers or drains as are by this Act authorised to be constructed and in the execution of this provision the Corporation shall have and exercise every power which is by this Act conferred upon them with reference to the construction of sewers and drains.

Adoption of Burgh Police (Scotland) Act 1892—Drains &c.

215. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 227 (Penalty for making unauthorised drains).

Section 228 (Vaults and cellars under streets not to be made without consent of commissioners).

Section 234 (Sewers may be used by owners and occupiers of land or premises beyond limits of burgh).

Section 235 (Drains may be made to discharge below high-water mark).

Part XIV.

Buildings.

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

216. Every person who shall intend to erect within the burgh any building or to alter any building in such a manner as to affect the exterior walls or roof or materially to affect or change the character of any 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 a description of the intended erection or alteration and the names of the adjoining owners 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 plans hereinafter in this section mentioned He shall produce along with such petition plans elevations and sections in duplicate of each storey of the building which he intends to erect or alter with all such particulars and detail drawings as may be required by the Regulations contained in the Seventh Schedule to this Act or by any byelaws that may be made under this Act.

Such plans elevations and sections shall be drawn in ink to a scale of not less than one eighth of an inch to every foot so far as regards dwelling-houses offices and workrooms churches schools theatres halls and places for public resort and of not less than one sixteenth of an inch to every foot so far as regards large public works.

A site plan shall also be produced drawn to a scale of not less than one thirty-second of an inch to every foot showing the whole land on which such building is or is intended to be situated the position and width of any adjacent street road court or footpath the cardinal point the names of the adjoining proprietors the position of any adjoining walls or buildings the lines of proposed private drains and the connection to the nearest public sewer.

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 to examine the said plans elevations and sections and shall proceed to inquire into and dispose of the said application subject to the provisions of this Act.

No building to be commenced until plans approved.

217. No new building or alteration of any building (being an alteration within the meaning of the section of this Act whereof the marginal note is "Application to be made to dean of guild before any buildings erected or altered") 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

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the said plan elevation and section are approved of as above provided.

Penalty for erecting or altering any building without applying to dean of guild.

218. Any person who shall erect or begin to erect or who shall alter in manner referred to in the section of this Act of which the marginal note is "Application to be made to dean of guild before any buildings erected or altered" any building within the burgh or who shall convert any apartment which has been stated in terms of the said section to be an apartment not intended to be let or used for the purpose of sleeping in into an apartment to be let or used for that purpose without a warrant or otherwise than in conformity with a warrant of the dean of guild and any person who shall in the erection of any building within the burgh the erection of which has been sanctioned by the dean of guild deviate from the plan or plans and section or sections so sanctioned shall be deemed guilty of a guild offence and be liable to a penalty not exceeding fifty pounds besides being bound if and in so far as required by the dean of guild to take down and remove the said building or to restore it to the state it was in previously to the alterations thereon or to alter it in such way as the dean of guild shall direct so as to make it in conformity with his said warrant or with the plan and section so sanctioned by him and every person who in carrying out any of the operations aforesaid shall otherwise than as above mentioned contravene or fail to comply with any lawful order of the Corporation the dean of guild the burgh surveyor or the master of works as the case may be or who shall contravene or fail to comply with any of the building regulations contained in the Seventh Schedule to this Act shall be liable to a penalty not exceeding twenty pounds and the dean of guild may grant an interdict to prevent any such erection or alteration or deviation being proceeded with till his warrant shall be obtained for the same.

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

219. It shall not be lawful for the dean of guild to grant a warrant to erect or alter any building unless and 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 the dean of guild court and be accessible to all parties besides being in conformity with the other provisions of this Act 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 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 the whole steps landings common passages and supports of staircases to be of incombustible materials:

That the level of the lowest storey in the building or any outbuildings connected therewith is such as to admit of complete drainage into an adjoining public or common sewer and that a sufficient connection 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 connection 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 to or from windows or openings towards any street or inhabited court:

That the plan shows no passage of less width than (A) five feet if such passage is through the building or between such building and any adjacent building and is intended to be used for passage on foot to more than one building (B) ten feet if such passage is through the building or between such building and any adjacent building and is intended to form part of a private street and to be used for passage on foot and in carriages or vehicles to any

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other building (c) three feet nine inches when finished if such passage is intended to be used as a common stair or passage and generally 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 this Act contained:

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

Wooden or other temporary erections.

220. The dean of guild may 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 dean of guild 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 to a penalty not exceeding five pounds and to a daily penalty of forty shillings The external walls of such buildings so far as they abut on any public street shall be constructed or covered with incombustible materials and the coverings of the roofs of all such buildings shall be of incombustible materials.

Additions to and alterations of buildings.

221. Every addition to or alteration of any building and any other work made or done for any purpose in to or upon any building which may affect its sanitary condition air space or structural security or increase its dimensions number of apartments or separate occupancies shall so far as regards such addition or alteration or other work be subject to the provisions of this Act and of the byelaws which may be made by the Corporation with respect to the construction of new buildings.

As to minor alterations of buildings.

222. 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 the section of this Act whereof the marginal note is "Penalty for erecting or altering any building without applying to dean of guild."

Erection of buildings to be at sight of master of works.

223. 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 dean of guild court or by the Corporation but neither the warrant of the dean of guild nor the superintendence of the master of works the inspector of buildings or other person so appointed shall imply or shall relieve the proprietor or any other person concerned from any legal responsibility in respect of the said building.

Power of inspection.

224. The master of works or inspector of buildings or other person so appointed may at any reasonable time inspect any building in progress of construction or any work connected therewith.

Restraining erections within a certain distance of roads.

225. It shall not be lawful for the dean of guild to grant a warrant to erect any building except a stone or brick wall not exceeding six feet in height within twenty feet of the centre of any road within the burgh which has been a statute labour road or within thirty feet of the centre of any road within the burgh which has been a turnpike road unless the said building could have been erected within a less distance of the centre of such turnpike road without contravention of the Acts relating to the said road.

Corporation may cause houses to be rounded off.

226. The Corporation may cause the corner of any house or building already erected or to be hereafter erected at the corner of any street within the burgh to be rounded off to the height of the first storey or floor at least and in such manner as the Corporation shall direct provided they give notice of such

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intended work to the owner and to the occupier of such house or building thirty days at least before such work is begun and the Corporation shall make compensation to any person who suffers damage thereby in manner provided in the Lands Clauses Consolidation (Scotland) Act 1845.

Heights of buildings.

227. No dwelling-house shall be erected or altered in or adjoining any street so as to be of a greater height than the width of such street measuring from the front wall of the buildings or intended buildings on each side thereof at the level of the surface of such street and in no case shall such dwelling-house contain more than four square storeys and no other building shall exceed a greater height than the width of the street in which it is built Provided always that where any road or street fronts any links or commons or other open area or in other exceptional circumstances the Corporation may allow buildings of a greater height.

No addition shall be made to any existing building or to any building erected subsequently to the commencement of this Act so as to increase the height of such building beyond the height specified in this section Provided always that in the event of any existing building being destroyed by fire or taken down to be rebuilt it may be re-erected to the same height as previously existing.

In each of the cases referred to in this section the height shall be measured from the level of the footpath opposite the centre of the front wall of such building to the square or eaves thereof and shall be exclusive of ornamental towers turrets or other architectural features or decorations.

Where a building abuts on two streets of different widths or levels the height shall be measured from the surface of the street which lies on the higher level and shall be regulated by the width of the wider of such streets to a distance of fifty feet along the narrower street from the point of junction.

Preventing building on ground filled up with offensive matter.

228. It shall not be lawful for any person to erect any building upon any site which shall have been filled up with any material impregnated with fœcal matter or with any animal or vegetable matter which in the opinion of the master of works and the medical officer may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such building or of any resident in the neighbourhood except upon a certificate of the master of works and medical officer that proper precautions in his opinion have been taken to obviate

any such result and every person who erects or causes to be erected either wholly or partially any building on any such site without a certificate as aforesaid shall for every such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

No building to be erected upon a lower level than will permit of sufficient drainage.

229. No new building shall be erected and no floor of any new or existing building shall be laid and no cellar or vault requiring drainage shall be formed upon or at a lower level than will allow the drainage thereof to pass to the satisfaction of the master of works into a sufficient sewer either then in existence or authorised to be constructed.

Ventilation of block buildings.

230. The dean of guild shall not grant warrant for the erection in any new street of any building forming part of a square or block of buildings of which any part is intended to be used as a dwelling-house without his being satisfied that provision is made for two openings each of not less than fifteen feet in width opposite to each other for the purposes of ventilation Provided that the said openings may be enclosed to a height not exceeding fifteen feet above the street level by a boundary wall or building but shall remain open above that height in all time coming.

As to drainage of cellars &c.

231. The Corporation shall not be liable to alter or lay sewers so as to provide for the drainage of cellars or vaults situate under the surface of any street or road or the footways thereof.

Adoption of Burgh Police (Scotland) Act 1903—Area attached to dwelling-houses.

232. Section 63 (Area to be attached to dwelling-houses) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Adoption of Burgh Police (Scotland) Act 1903—Cubic space in dwellings.

233. Section 66 (Cubic space in dwellings) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Foundations.

234. The foundations of all walls shall be constructed of large flat-bedded stones concrete bricks laid in cement or other suitable and substantial material and shall be laid at such depth

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as to secure a solid bed or stratum for building on Except where such foundations are in contact with an existing building or rest upon solid rock they shall project beyond the face of the wall on each side to the extent of one half of the thickness of the wall or to such greater extent as the dean of guild may consider necessary and where any foundations are laid at a lower level than the foundations of a wall contiguous thereto such contiguous wall shall be underbuilt and supported in a safe and satisfactory manner Where such contiguous wall has been built with projecting foundations or scarcements the person building against the same may in the absence of any contract or agreement with respect to the laying of such foundations or the removal of the projections thereof require the owner of such wall to cut off the scarcements of the foundations at and along the line of boundary and failing such owner complying with such requisition the person building may himself cut off such scarcements and charge the owner with the cost of the operation in so far as such cost exceeds the ordinary cost of excavating for a foundation of similar dimensions on such a site The diminution of the footing of every wall shall be formed in regular offsets.

Supports to be founded &c.

235. Every wall pier column and standard used or intended to be used as a support for any part of a building shall rest upon a sufficient foundation or upon a sufficient beam arch lintel or other support resting upon sufficient wall or piers and every such beam arch or lintel shall be of brick stone iron or other incombustible material and every column standard beam girder or other member forming part of any such wall or pier shall be firmly and truly laid on a sufficient bearing and securely fixed and attached to the other members of the structure All metal beams arches lintels or columns shall be sufficiently protected against fire to the satisfaction of the dean of guild.

Structure and thickness of walls.

236. Subject to any byelaws made under this Act walls shall be constructed of the material and in the manner and of not less than the thicknesses prescribed by this Act Provided that in buildings exceeding four storeys in height the dean of guild may sanction for the external walls of the storeys below the four uppermost storeys thicknesses less than the respective thicknesses prescribed in the Seventh Schedule to this Act if such walls are otherwise strengthened to his satisfaction by pilasters buttresses or counterforts.

Walls and stairs to be incombustible.

237. In every new building the external walls party walls and all walls and piers used or intended to be used to support any floor or roof and in tenements all passage walls between houses and all partition walls dividing separate houses shall be of stone brick or other approved incombustible material and in domestic buildings other than self-contained dwelling-houses and in buildings of the warehouse and office classes all staircases stairs and landings shall be constructed of stone brick or other approved incombustible material.

Strength of buildings.

238.—(A) All new buildings erected for use as dwelling-houses halls schools churches theatres music halls places for public meetings or public resort and warehouses stores factories and workshops and (B) all buildings erected after the commencement of this Act which may hereafter be altered or adapted for use as aforesaid shall be designed and constructed so that the completed structure shall in addition to the weight of the materials of which it is composed be able to carry as a safe load the following minimum weights (viz.) :—

Dwelling-houses one hundred pounds per square foot of floor :

Halls schools churches theatres music halls and places for public meetings or public resort one hundred and eighty pounds per square foot of floor :

Warehouses stores factories and workshops two hundred and twenty-four pounds per square foot of floor.

For the purposes of this Act a safe load shall be held to be upon timber one sixth upon wrought-iron one fourth and upon cast-iron columns one fifth of the breaking strain.

Weight on upper floors.

239. It shall not be lawful for any person hereafter to place or fit up on an upper floor of any existing or new building any heavy weight unless such building has been constructed or supported for the purpose and unless such weight is supported upon beams or columns of stone brick iron or other incombustible material.

"Heavy weight" for the purposes of this section means and includes all machinery material goods or merchandise the weight of which exceeds two hundred and twenty-four pounds per square foot of floor space occupied thereby.

Height of ceilings.

240.—(1) Every habitable room on the basement and on the street floors of any new building shall be at least nine feet

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six inches in height from floor to ceiling and every other habitable room in such dwelling-house or tenement except attic rooms shall be at least nine feet in height from floor to ceiling and every habitable attic room in such dwelling-house or tenement shall be at least eight feet in height from floor to ceiling throughout not less than one half of the area of the room and no part thereof shall be less than three feet in height from floor to ceiling Provided that the dean of guild may in his discretion alter or modify the foregoing rule as regards cottages or self-contained dwelling-houses or as regards the attics of any new building where the attics are to be occupied in connection with the flat immediately below There shall not be more than one habitable storey in any roof.

(2) Every workroom shall be at least ten feet in height from floor to ceiling except attic rooms which shall not be less than eight feet in height.

Street floor level of dwelling-houses.

241. The street floor level of all new dwelling-houses except those connected with shops shall be not less than twelve inches above the level of the adjoining street or ground Whenever the floor of any such dwelling-house is on or under the street level either the sleepers or joists of such floor shall be bedded on asphalt cement concrete or other impervious material or else the space under such floor shall be sufficiently ventilated Provided that in any case in which in the judgment of the master of works the nature of the subsoil renders it necessary the whole internal area of the site shall be covered with a sufficient layer of asphalt cement concrete or other impervious material.

Roofs.

242. The roof of every new building and every gutter dormer and other work or construction connected therewith except the doors door frames windows and window frames of such dormer and other constructions shall be formed of or externally covered with incombustible materials.

How height to be measured.

243. For the purpose of this Act except where otherwise specially provided the height of the front elevation of a building shall be measured from the level of the street (if any) or of the ground immediately adjoining the building to the eaves or square of the building.

Adoption of Burgh Police Acts—

244. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms

of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):— A.D. 1909.

Common stairs—Windows—Sleeping apartments.

Burgh Police (Scotland) Act 1892—

Section 171 (Limit to number of houses in common stairs).

Section 173 (Windows in rooms).

Burgh Police (Scotland) Act 1903—

Section 64 (Space in front of sleeping apartments).

Stairs to be supported.

245. In all new buildings every common stair having an open well-hole shall have the steps and landings supported by iron or steel beams and otherwise the whole stair shall be adequately supported.

Hoists.

246. Wherever in connection with any building a hoist or elevator is constructed within walls such walls shall be of fire-resisting material and if such hoist does not reach the topmost floor the space between such walls shall be provided at the top thereof with a ceiling of fire-resisting material and where any hoist reaches the topmost floor the walls thereof shall be carried up through the roof of the building to the height of not less than three feet.

Chimney stalks for furnaces.

247. Every new chimney stalk or flue connected with the furnace of a steam boiler or other furnace for commercial or manufacturing purposes shall be built as high as the highest of the chimney tops of any buildings situate within one hundred feet thereof The dean of guild may on the application of any person interested as owner tenant or occupier of any neighbouring building require any chimney stalk or flue connected with any such furnace to be carried up to a height sufficient to carry off the products of combustion without offence to the occupants of neighbouring buildings Any person before adding to the number of furnaces connected with a chimney stalk or flue situate within one hundred feet of any building belonging to a different owner shall give notice hereof to the master of works and if required by the master of works shall apply to the dean of guild for decree to add to the number of such furnaces and the dean of guild may grant such decree upon such conditions as he may think proper.

Construction &c. of chimneys.

248.—(1) All new chimney stalks chimneys and flues shall be constructed to the satisfaction of the dean of guild and shall be of such materials and dimensions as may be prescribed by him or by any byelaw to be made under this Act.

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(2) Every chimney head shall be sufficiently protected and where necessary shall be stayed to the roof of the building to the satisfaction of the dean of guild.

(3) No opening shall be made into any chimney or flue of any new or existing building for the purpose of inserting any ventilating valve or for any other purpose unless such opening is at least nine inches distant from any timber or other combustible substance.

(4) All chimneys and flues which are more than forty-five degrees off the perpendicular shall be provided with doors for inspection and cleaning which doors shall not be less than fifteen inches from any woodwork All such chimneys and flues shall be of incombustible material and shall be not less than six inches in thickness on their upper sides.

(5) No person shall place any timber joist beam or woodwork in any wall or chimney breast of any new or existing building nearer than four and a half inches to any chimney opening or to the inside of any smoke flue or chimney or nearer than four and a half inches to any pipe for conveying smoke or other products of combustion or under any chimney opening nearer than seven inches to the upper surface of the hearth thereof nor shall any person drive a wooden plug or pin into any wall or chimney breast nearer than four and a half inches to any chimney opening or to the inside of any smoke flue or chimney.

(6) Where any smoke flue or chimney has been originally constructed for domestic purposes or for an open fire or grate and is used or is about to be used in connection with a range or hot-plate or an hotel or eating-house or a furnace steam boiler baker's oven or close fire used for any commercial or manufacturing purpose the master of works may by notice require such operations to be executed upon such chimney or flue as may be necessary to prevent nuisance or risk of fire.

(7) A flue shall not be adapted to or used for any new oven furnace steam boiler or close fire used for any purpose of trade or business or to or for the range or cooking apparatus of any hotel or eating-house unless the flue be surrounded with brick-work or other incombustible material at least nine inches thick from the floor on which such oven furnace steam boiler or close fire is situate to the level of the ceiling of the room next above the same or higher if required by the dean of guild.

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(8) No pipe for conveying smoke or other products of combustion shall be placed in any new or existing building or be permitted to remain in any existing building nearer than six inches to any timber or other combustible substance Where any such pipe passes through a roof or floor or through any wall or partition which is not built of brick stone or other incombustible material it shall be adequately protected against risk of fire.

(9) The owner and the occupier of any existing building on which any pipe of the nature defined in the immediately preceding subsection shall have been fixed before the commencement of this Act shall remove such pipe within one month after notice from the master of works requiring them to do so.

(10) For the purposes of this section the master of works and the firemaster or any assistant appointed by either of them may at all reasonable times examine any chimney or flue.

Stoves &c. on floors.

249. No stove oven or steam boiler used for any commercial or manufacturing purpose shall be placed on a wooden floor of any new or existing building unless with the sanction of the master of works and subject to such conditions as are in this Act contained or may be prescribed in any byelaw to be made under this Act.

Rooms over stables &c.

250. Every dwelling-house or habitable room constructed over a stable bakehouse laundry washing house restaurant-kitchen or other premises from which effluvia vapours or fumes arise shall be separated from such stable or other premises by a floor consisting of concrete of good quality or of other solid material and properly supported The concrete or other solid material shall be of such thickness and the floor shall in all respects be such as the dean of guild shall determine.

Any staircase or gallery or structure by which such dwelling-house or habitable room shall be approached shall be separated by a wall of stone brick or other incombustible material not less than nine inches in thickness from any stable bakehouse laundry washing-house restaurant-kitchen or other premises as aforesaid to which it may adjoin.

The provisions of this section shall unless the dean of guild shall otherwise determine apply to new and existing buildings.

Theatres &c. to be isolated.

251. No theatre music hall or circus (all which places are in this Act included in the expression "theatre") shall be built to accommodate more than one thousand persons unless on three

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sides at least it is distant fifteen feet from the nearest building and is provided with sufficient exits giving direct access to at least two public streets.

Every wall and floor of any theatre in contact with any other building or premises separately occupied from such theatre shall be made fireproof.

No theatre shall be built with the principal floor of the auditorium more than three feet above the level of the street in which the principal entrance is situate.

Every passage of any theatre through or in contact with any other building or separately occupied premises shall be made fireproof and shall be provided or fitted with double iron doors separating it from such other building or premises.

No building shall be altered into or adapted for the purposes of a theatre unless the conditions of this Act are complied with.

Accesses &c. of public buildings.

252.—(1) The walls and floors of all lobbies corridors and staircases and all stairs in any new public building shall be built of stone brick or other incombustible material and shall be so placed that from every part of the building there is adequate and safe exit The treads of the steps of a stair from landing to landing shall be throughout of a uniform width and the risers of each of such steps shall be of a uniform height.

(2) All entrances passages corridors stairs and other means of ingress and egress to or from public buildings other than hotels shall while such buildings are being used be sufficiently lighted and be kept in good order and repair and free from impediment or obstruction and all exit doors shall open outwards and shall with all barriers be so constructed as to yield to slight pressure from within.

(3) In theatres every floor or section of a floor shall be provided with a separate exit Adequate and safe means of exit shall be provided for the performers and their rooms shall be constructed of incombustible material and shall be properly lighted drained and ventilated The word "exit" or the words "way out" shall be conspicuously exhibited at each exit door.

(4) The exits from public buildings other than hotels and from each floor or section thereof shall when taken together be not less than one foot in width for every fifty persons who can be seated within the building or floor or section thereof and the minimum width of any exit shall be four feet.

(5) In theatres the seats in the auditorium if arranged in rows shall be intersected by at least one passage four feet wide and side passages at least two feet six inches wide shall also be provided.

Inspection of public buildings.

253. The dean of guild may on the application of the master of works or sanitary inspector cause any new or existing public building to be inspected by one or more men of skill and may after hearing any person interested order or direct such works to be executed by the owner of such building for the adequate drainage and ventilation of such building and for providing sufficient means of access to and exit from such building and for the protection of the public from fire and other dangers as to the dean of guild shall seem fit The dean of guild may interdict prevent and stop the use of any such public building unless and until such works so far as relating to the protection of the public from fire and other dangers have been executed in terms of his order or direction and to his satisfaction Any person failing to comply with any such order or direction so far as relating to the protection of the public from fire and other dangers granted by the dean of guild under this section shall be liable to a penalty not exceeding twenty-five pounds and any person failing to observe or obey any interdict granted by the dean of guild under this section shall be liable to a penalty not exceeding twenty-five pounds for every occasion on which such building is used in contravention of any such interdict granted by the dean of guild Any person failing to comply with any such order or direction so far as relating to the adequate drainage and ventilation of such building or the providing of sufficient means of access to and exit from such building shall be liable in the penalties provided for in the section of this Act the marginal note of which is "Guild offences":

Provided that in any case where any such order or interdict has been granted and an appeal taken such order or interdict shall not be operative until the whole cause has been decided on the merits by the court of session and the court of session shall have power in any case where they may think proper to ordain the appellant to find caution as a condition of being allowed to insist on the appeal.

Houses above dangerous buildings.

254. Where any part of a building is occupied as a theatre music hall or other place of public amusement or as premises for making storing or selling hazardous goods no person shall let or

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take on lease or use or suffer to be used as a dwelling-house any part of such building situated above or abutting on such theatre or other premises unless such dwelling-house is completely separated therefrom by a fireproof floor and walls and the staircase stairs and passages leading to such dwelling-house are fireproof and completely disconnected from the other parts of the building.

For the purposes of this section premises for making storing or selling hazardous goods mean and include asphalt works benzine or benzole distilleries candle factories creosote works firework factories japan works lucifer-match works naphtha works petroleum works oil works pitch tar and resin works tarpaulin works turpentine and varnish works stores for all or any of the foregoing goods and any other premises of a hazardous nature that may be defined in any byelaw made under this Act The provisions of this section shall apply to all new and existing buildings but shall not apply (1) to any part of a building in which small quantities of all or any of the foregoing goods are kept for use or are sold or kept for sale by retail only along with other articles of merchandise or (2) to any building in which the only dwelling-house therein is that of the caretaker of such building.

above large warehouses.

255. Where [illegible] ples more than two floors of a building no person shall occupy or use in connection therewith any workrooms in which more than ten persons are employed if such workrooms are situated above the first floor and in direct communication with such warehouse unless such workrooms are provided with a passage and stair giving access to a street or court and are enclosed within walls of stone brick or other incombustible material Where such stair gives access to the ground floor of such warehouse at or near to an existing door or other satisfactory outlet the dean of guild may dispense with a separate fireproof access to a street or court.

Workrooms on upper floors.

256. Wherever more than forty persons are employed on any storey or storeys of any building above the first floor thereof and access to such storey or storeys is provided by a stair which is not enclosed within walls built of stone brick or other incombustible material and communicating direct with a street or court the owner or owners of such storey or storeys shall provide adequate and safe means of exit to be available in case of fire for the persons employed in such storey or storeys The provisions of this section and the section of this Act whereof the

marginal note is "Workrooms above large warehouses" shall not apply to factories as defined by the Factory and Workshop Act 1901. A.D. 1909.

Means of escape at top of high buildings.

257. Every building containing any storey the upper surface of the floor whereof is above sixty feet from the street level shall be provided on such storey with such means of escape in case of fire for the persons dwelling or employed therein as can be reasonably required under the circumstances of the case and no such storey of such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with.

Safety of platforms &c.

258.—(1) Every roof of a building and every platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for any person or persons shall be safely constructed and secured and provided with sufficient means of access and exit all to the satisfaction of the master of works.

(2) Any person who uses or allows to be used in contravention of this section any roof of a building or any platform balcony or structure not so safely constructed or secured or who neglects to comply with the provisions of this section or of any decree or any notice or requisition of the master of works in respect thereof shall be guilty of a guild offence and liable to a penalty not exceeding fifty pounds.

(3) No person shall erect any platform balcony or other structure which is intended to be let or used as aforesaid until he shall have obtained from the dean of guild a decree to authorise the erection of such platform balcony or other structure.

(4) Every person who intends so to let or use any such roof platform balcony or other structure or part thereof shall give written notice of such intention to the master of works at least three days before the date on which such structures are used or intended to be used.

Scaffolding &c.

259. The dean of guild shall on the application of the master of works have power to prohibit and stop the erection use or employment of any crane scaffolding staging or shoring in or connected with the construction and erection or demolition alteration repair or securing of any building house or structure or in or connected with any excavations in connection with any work authorised by the dean of guild where such crane scaffolding staging or shoring is in the judgment of the master of works

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liable to cause danger Any person contravening such prohibition whether interim or final shall be guilty of a guild offence and liable to a penalty not exceeding twenty pounds and to a penalty of five pounds for each day during which such contravention is continued after such prohibition.

Adoption of Burgh Police (Scotland) Act 1892—Hoardings.

260. Section 187 (Hoarding to be set up during repairs) of the Burgh Police (Scotland) Act 1892 as amended by subsection (2) (m) of section 104 (Portions of principal Act repealed or amended) of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Before hoarding is erected owner to give notice if street &c. requires any repair.

261. Before the erection of any hoarding or the laying down of any materials upon any street the owner or person to whom the warrant in that behalf is granted by the dean of guild shall take a note of any broken flags or kerb and any part of the pavement or street to be enclosed which may be requiring repair and shall send a note of the same to the master of works for verification at least twenty-four hours before erecting the hoarding or laying down materials and unless such requirement be complied with the whole pavement kerb roadway or other materials on the portion of street or space to be enclosed shall be held to have been in perfectly good condition and the owner or person to whom the warrant is granted shall be bound to replace or repair to the satisfaction of the master of works any pavement kerb roadway or other materials which may be found on the completion of the building awanting broken or out of repair and should he fail to do so within one week after the removal of the hoarding the requisite work may be done by the master of works at the expense of such owner or person.

Restoration of streets.

262. Every street or court on which a hoarding has been set up or on which materials have been laid down shall be restored to the satisfaction of the master of works on the expiry of the period fixed by the dean of guild and any person who omits to restore as aforesaid shall be guilty of a guild offence and shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day while such default is continued.

Adoption of Burgh Police

263. The following sections of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the

Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

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(Scotland) Act 1903—Advertising sites.

Section 30 (Advertisements on hoardings).

Section 77 (Licences for advertising sites) Provided that any expenses of the Corporation imposed on the owner under subsection (2) of the said section may be recovered as private improvement expenses in manner provided by section 365 (Assessment for private improvements) of the Burgh Police (Scotland) Act 1892.

Section 78 (Hoardings &c. for advertising sites to be sanctioned by dean of guild court).

Common stairs to be maintained by parties interested.

264. The master of works may require any owner of a building or part of a building to which access is obtained by means of a common stair or passage to repair the steps landings or railings or the foot pavement or window or the jaw-boxes and pipes of the said common stair or passage or the doors leading therefrom to his satisfaction and should the owner fail to comply with such requisition within seven days after the receipt of the same he shall be liable to a penalty not exceeding forty shillings and the master of works shall be entitled to place a watchman or to make such repairs as he may consider necessary at the expense of such owner or owners and to recover the same before the dean of guild court and that in addition to the penalty for non-compliance with such requisition Provided that if the owner shall consider himself aggrieved by any such requisition of the master of works such owner may within five days thereafter appeal to the dean of guild by delivering written objections signed by him which objections the dean of guild shall after allowing parties an opportunity of being heard dispose of and decide and he may cancel or vary such requisition or impose such conditions as he may think fit.

Adoption of Burgh Police Acts—Ruinous &c. buildings.

265. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 181 (Regulating construction of buildings intended as places for public meetings).

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Section 182 (Persons may appeal against determination of commissioners).

Section 186 (Bars to be erected across streets during repairs or alterations and lights placed at night).

Section 188 (Penalty for not lighting deposits of building materials or excavations).

Section 189 (Penalty for continuing deposits of building materials or excavations an unreasonable time).

Section 190 (Dangerous places to be repaired or enclosed).

Section 191 (Ruinous or dangerous buildings to be taken down or secured).

Section 192 (Expenses to be levied on owner).

Section 193 (If owner cannot be found commissioners may take the house or ground making compensation).

Section 194 (Commissioners may sell materials restoring to the owner surplus arising from sale).

Section 195 (Ruinous buildings belonging to two or more owners may be sold).

Section 196 (How sale to be carried through).

Section 197 (Completion of purchaser's title).

Section 198 (If purchaser do not fulfil conditions of sale tenement may be re-sold).

Section 199 (Apportionment of price).

Section 200 (Ruinous tenements may be sold) as amended by the schedule to the Burgh Police (Scotland) Act 1903.

Burgh Police (Scotland) Act 1903—

Section 15 (Owners to fence).

Power to purchase houses &c. for additional improvements.

266. The Corporation may at a meeting to be held for the purpose resolve to acquire lands or premises within the burgh for the purpose of widening enlarging or otherwise improving any of the streets or of extending altering or rebuilding any existing bridge and they may re-sell any parts of such lands or premises which shall not be required for such purposes and they may also drain repair or otherwise improve courts and places where there may be doubts as to the liability of owners to execute such works and in localities within the burgh where houses or

other buildings are in the opinion of the Corporation built too close to each other or have become waste and ruinous or are liable to other objections on sanitary grounds it shall also be lawful to the Corporation to resolve to acquire lands or premises for the purpose of reserving them as vacant spaces or of improving or taking down the buildings or of otherwise disposing of them so as to improve the sanitary condition of such localities or for the purpose of widening streets and closes and the expense of such acquisitions and improvements shall be a charge against the burgh general assessment and the cost of any operations under this section may be defrayed from money borrowed upon the security of the said assessment.

In order to acquire such lands and premises the Corporation shall have power to purchase and take the same by agreement under the Lands Clauses Acts and failing such purchase they may present a petition to the sheriff for authority to put in force the powers of the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement in manner hereinbefore provided and the expense of such acquisitions and improvements and procedure shall be a charge against the burgh general assessment.

It shall be lawful for any owner or occupier whose property may be affected or for the Corporation if dissatisfied with the decision of the sheriff to appeal to the Secretary for Scotland who may order further inquiry or take such other step or steps as he may think desirable in the circumstances and he may thereafter issue an order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite and may make such order as he thinks fit in reference to the costs charges and expenses incurred in connection therewith.

Houses projecting beyond line of street when taken down to be set back.

267. When any house or building has been taken down in whole or in part in order to be altered or is to be rebuilt or any new house or building is proposed to be erected the Corporation may require the same to be set backwards to or toward the line of the street or the line of the adjoining houses or buildings or such other line as may be fixed by the Corporation in such manner as the Corporation may direct for the improvement of such street Provided always that the Corporation shall make full compensation to the owner of any such house or building for any damage he may thereby sustain which compensation may be settled by mutual agreement or in the same manner as compensation for

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land to be taken under the provisions of the Lands Clauses Acts is directed to be settled and shall form a charge against the burgh general assessment.

Adoption of Burgh Police (Scotland) Act 1892—Naming of and obstructions in streets &c.

268. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 130 (Commissioners may place fences to footways).

Section 144 (Houses to be numbered and streets named).

Section 145 (Numbers of houses to be marked and renewed by owners).

Section 157 (Houses may be set forward for improving line of street).

Section 159 (Future projections of houses &c. to be removed on notice).

Section 160 (Commissioners may cause existing projections to be removed and compensation to be made).

Section 161 (Doors in future to be made to open inwards).

Section 162 (Doors opening outwards may be altered).

Section 163 (Coverings for cellar doors to be made by owner).

Section 164 (Rainwater to be conveyed from roofs of houses in pipes) as amended by the schedule to the Burgh Police (Scotland) Act 1903.

Section 165 (Parties aggrieved may appeal to sheriff).

Section 174 (Common stairs to be kept in repair).

Section 180 (New houses &c. to be surveyed before occupation) Provided that the said section shall be read and construed as if the words "clerk of the dean of guild court" had been enacted therein in lieu of the words "clerk of the Commissioners."

Section 183 (Ventilation of habitable rooms).

Power to relax certain statutory rules.

269. The dean of guild court may upon a report in writing by the medical officer and burgh surveyor that adequate provision is made for light and ventilation and with the consent of the Corporation in any special case relax or modify to such extent

and under such conditions as the court may think proper all or any of the provisions of this Act or of the Burgh Police Acts brought into force within the burgh by this Act with regard to the laying out of streets and the erection or alteration of buildings and the open space adjoining buildings provided the court is of opinion that there are exceptional circumstances justifying such relaxation or modification.

Proceedings under adopted sections of Burgh Police (Scotland) Act 1892.

270. The penalties set forth in sections 159 161 163 164 186 188 189 and 190 of the Burgh Police (Scotland) Act 1892 shall be enforceable before the police court as police offences in manner provided by the Summary Jurisdiction (Scotland) Act 1908 All other penalties specified in this Part of this Act shall be enforceable by the dean of guild in the manner provided by this Act for the enforcement of guild offences.

Guild offences.

271. Any person offending against any of the provisions of this Act and any byelaws made under this Act with reference to buildings and to streets and sewers or against the building regulations contained in the Seventh Schedule to this Act shall be guilty of a guild offence and except where other provisions are made shall be liable to a penalty not exceeding five pounds and in addition to a penalty not exceeding one pound for every day during which the offence shall continue after decree or conviction and such penalties may be recoverable as a civil debt.

Building regulations confirmed.

272. The building regulations contained in the Seventh Schedule to this Act shall be observed in all matters and respects but such regulations may from time to time after such public notice as may be prescribed by the sheriff be altered by the Corporation with the approval of the sheriff and any such alteration shall after it has been approved by the sheriff be published by the Corporation once in each of two successive weeks in a newspaper circulating in the burgh and shall take effect as from such time as may be ordered by the sheriff.

Saving for railway companies.

273. Without prejudice to any special statutory powers conferred upon any railway company the provisions of Parts XIII. and XIV. of this Act shall not except with respect to streets sewers drains and sanitary matters apply to the railways or stations of any railway company or to buildings connected with such railways or stations other than dwelling-houses.

"Streets" in this section shall not include (1) any road forming part of any railway station depôt or station yard (2) any

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road formed or laid out by a railway company and used as an approach to such station depôt or station yard or to land used for railway purposes and wholly maintained by such railway company or (3) any private street or road the lands abutting on which and having right of access thereto belong wholly to a railway company.

Saving for farm buildings.

274. The jurisdiction and powers conferred on the dean of guild by this Act shall not extend to farm buildings.

Part XV.

Water.

Incorporation of Waterworks Clauses Acts.

275. The Waterworks Clauses Act 1847 and the Waterworks Clauses Act 1863 (in so far as they are not inconsistent with the provisions of this Part of this Act) are incorporated with and form part of this Part of this Act except—

(A) The words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of "such owner" in section 44 of the Waterworks Clauses Act 1847:

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

Provided that the water to be supplied by the Corporation need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a pressure greater than that at which supplies can be afforded by gravitation from the existing service tanks and reservoirs.

Interpretation of water terms.

276. In this Part of 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 And the expression—

"The water undertaking" means the water undertaking of the Corporation.

Water undertaking to continue vested in Corporation.

277. The water undertaking including all lands streams reservoirs property rights powers and privileges of every description which at the commencement of this Act are under any Act

of Parliament or Order confirmed by Act of Parliament or otherwise vested in the Corporation in relation to waterworks and the storage and distribution of water or otherwise in relation to water shall subject to the provisions of subsection (2) (B) of the section of this Act whereof the marginal note is "Repeal of Acts and Orders" continue vested in the Corporation and be held exercised and enjoyed by them subject to the provisions of this Part of this Act.

Power to make subsidiary works.

278. The Corporation may upon any lands under this Act vested in or to be acquired by them for the purposes of or in connection with the water undertaking make extend and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the water undertaking but nothing in this section shall exonerate the Corporation from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to take water.

279. Subject to the provisions of this Part of this Act the Corporation may by means of the works which by this Part of this Act are subject to the provisions of this Act vested in them continue to collect impound store take use filter divert and appropriate for the purposes of their water undertaking the waters of the following streams (namely):—

Gryfe Water Garshangan Burn Wee Burn Kip Water Shaws Water North Rotten Burn Shepherd's Burn Red Burn Harestone Burn Horse Burn Kelly Burn Berry Burn Gimlet Burn West Burn Hole Burn Spango Burn Dellingburn Cartsburn and affluents and tributaries of the same;

and all such springs streams and waters as may be intercepted by such works but only to the extent to which they have already received statutory authority and have legal right or title thereto and subject to the whole conditions and obligations which now affect their rights.

Limits for supply of water.

280. The limits within which the Corporation are authorised to supply water (in this Part of this Act called "the limits of supply") shall be the burgh Provided that the Corporation shall not be bound to lay pipes in any street or part thereof or supply

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water within the limits aforesaid where such street or part is above the level which can be supplied by gravitation from the existing works.

Rights of fishing &c. saved.

281. Nothing herein contained shall prejudice the rights of the owners of the estates of which the lands occupied by and waters taken for the several reservoirs aqueducts cuts and works belonging to the Corporation originally formed part to the fishings belonging to such owners and such owners and those having right from them shall have and enjoy the exclusive right and privilege of fishing in and over the reservoirs cuts and aqueducts aforesaid situated on the lands acquired from their respective estates and it shall not be lawful for the Corporation or any person authorised by them to fish therein or to keep or use boats thereon except for the purpose of inspecting or repairing the works.

Corporation may alter and enlarge pipes.

282. The Corporation may from time to time alter enlarge or increase the number and size of the pipes for conveying water from their reservoirs and may also from time to time extend the existing works mains and pipes or any additional mains and pipes that may hereafter be constructed and laid by the Corporation whenever it shall be necessary for the purpose of supplying water under the powers of this Act Provided always that such alteration enlargement increase in number or extension shall be executed only on lands vested in the Corporation or to be acquired by them under this Part of this Act or in any roads or streets which they are authorised to open and break up Provided also that the Corporation shall not be entitled to increase the height of the embankment of any existing reservoir belonging to them further or otherwise than they are empowered to do under the recited Acts Provided further that it shall not be competent to the Corporation to raise or increase the height of the main embankment on the west side of Loch Thom without the previous consent in writing of Sir Michael Hugh Shaw Stewart Baronet or his heirs in the estate of Ardgowan and the authority of Parliament hereafter obtained.

Owners to provide and maintain service pipes &c.

283. For the purpose of providing for the better distribution of the water supply among the inhabitants of the burgh the Corporation may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the burgh in which the pipes of the Corporation are laid to take a supply of water for such house or

tenement by connecting a service pipe with the main pipe of the Corporation in any street or road and to provide lay and maintain in good and sufficient repair such service pipes stand pipes or taps cisterns and other means and apparatus and in such positions as shall appear to them to be necessary for that purpose and as shall be fixed by the Corporation and in the event of refusal or delay on the part of such owner to comply with such requisition the Corporation may enter such house or tenement and premises connected therewith and provide lay and maintain such service pipes stand pipes or taps cisterns and other means and apparatus and in such positions as shall appear to them to be necessary for the purpose aforesaid and recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act.

Corporation to supply water for sanitary purposes.

284. The Corporation may supply and maintain such a constant flow of water along any natural stream or water-course within the burgh and such a constant or occasional flow in and on the public sewers or streets as may be requisite for the health of the inhabitants of the burgh and for carrying away the sewage and drainage into the sea and keeping such streams or water-courses sewers and streets clean and the Corporation may also supply water for the use of public baths and wash-houses on such conditions as they may think fit and may from time to time cut off and withdraw such last-mentioned supply.

Public fountains or stand pipes to be put up.

285. The Corporation may erect and maintain in convenient situations within the burgh such drinking fountains drinking troughs or stand pipes as to them shall seem convenient and such fountains troughs or stand pipes shall be kept properly charged with water.

Restriction as to making cuts aqueducts &c.

286. It shall not be lawful for the Corporation to make or form any new aqueduct cut or course for the conveyance of water or to supply water except for domestic consumption upon any lands or to the owner or occupier of any lands situate between the reservoir at Cornalees and the reservoir at Overton Paper Mill without the previous consent in writing of Sir Michael Hugh Shaw Stewart Baronet and his successors so far as regards lands acquired from or forming part of the estates of Greenock and Ardgowan or of Duncan Darroch of Gourock Esquire and his successors so far as regards lands acquired from or forming part of the estate of Gourock.

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Power to acquire and hold lands for protection of water supply and prevention of pollution.

287. The Corporation may hold any lands acquired by them for the purposes of or in connection with the water undertaking and by agreement purchase acquire and hold any other lands within the area from which water drains or might drain into the reservoirs aqueducts works or pipes of the Corporation or take servitudes or restrictions over any such lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the said drainage area and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Corporation shall not create or permit any nuisance on the lands which may be so acquired and shall not erect or permit the erection of any buildings on such lands except such as are required in connection with the water undertaking or for farm buildings.

The Corporation may let for such period as they think fit or sell or feu any lands acquired under this section on such terms conditions and restrictions as regards its use as to the Corporation may seem fit and to secure that such lands shall not be manured or broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of any lands by the Corporation shall only be applied to purposes of this Act to which capital is properly applicable:

Provided that before selling leasing or renting such lands to others the Corporation shall first be bound to offer them in sale or to lease or rent them to the owner from whom they shall have purchased feued or leased the same at such price or rent and subject to such conditions or servitudes as they shall be willing to sell lease or rent them to such other person or persons and the said owner shall have two months from the date of such offer within which to exercise his option of purchasing leasing or renting the said lands.

Byelaws for preventing pollution of water.

288.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) The provisions with respect to byelaws to be made by a local authority contained in sections 183 to 186 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the Corporation under this section.

(4) All byelaws made under this section shall be subject to the approval of the local authority of every district comprising any part of the area within which it is proposed that they shall be in force Provided that such consent shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld.

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration.

Notice of discontinuance.

289. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the town clerk.

Supply by measure.

290. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided further that in the event of any difference arising either as to the ability of the Corporation to give the supply from existing sources without interference with the sufficiency of the supply for domestic purposes or as to the terms or conditions on or in respect of which the supply is to be given such difference shall be determined or such terms and conditions shall be fixed by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final Provided further that when water is supplied under this section it shall not be lawful for the Corporation to levy the domestic

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water rate in respect of the premises for which such supply is given and also to charge the parties for the supply of water obtained by them but the Corporation may either charge the domestic water rate leviable on such premises or charge for the supply of water furnished to the same as they shall think fit.

Power to sell meters &c.

291. The Corporation may sell meters and any fittings connected therewith upon such terms (pecuniary or otherwise) and conditions as they think fit.

Corporation may contract to supply water to mills &c.

292. The Corporation may contract with and undertake to supply with water every such person as may erect or construct mills manufactories bleachfields printfields or other works or machinery requiring a supply of water along the course of the aqueducts cuts or runs of the Corporation or near the same and for other than domestic purposes and that at such rent rate or duty for such water as may be agreed upon by and between such persons and the Corporation Provided always that the Corporation shall in all contracts to be entered into by them in virtue of this Part of this Act provide against the liability of the Corporation for damage or loss arising in consequence of a failure of supply of water by inevitable accident or the like.

Corporation may supply mills &c. not on line of aqueducts.

293. Subject to the provisions of this Act the Corporation may treat and contract for a supply of water from their reservoirs and may supply such water to any person or persons desiring the same for the use of any mills manufactories machinery bleachfields printfields or other works not situated or erected upon the course of the aqueducts cuts or runs vested in the Corporation for such price or rent as shall be mutually agreed upon between such person or persons and the Corporation Provided always that in making any aqueduct cut or run or laying the pipe for the supply of such water the consent in writing of the occupiers and owners of the ground through which such aqueduct cut or run is to be made or such pipe is to be laid shall be first had and obtained thereto.

Persons not to make aqueducts &c. without consent.

294. If any person shall make or cause to be made any aqueduct cut or run or lay or cause to be laid any leaden or other pipe to communicate with any reservoir aqueduct cut run or pipe belonging to the Corporation or any aqueduct or pipe communicating therewith without the consent of the Corporation having first been obtained in relation to the same as aforesaid every such person shall forfeit and pay to the Corporation the sum of forty shillings for every day the said aqueduct cut run or pipe

shall have so remained and the Corporation shall have right to stop fill up or cut off the same Provided always that such person as shall have laid any such pipe as aforesaid shall be at liberty to remove and take away the same and the cocks thereto belonging Provided further that subject to the provisions of the Waterworks Clauses Act 1847 for guarding against fouling the water of the undertakers nothing in this section contained shall be construed to prevent or interfere with the drainage of lands adjoining any reservoir aqueduct or other work belonging to the Corporation.

Portion of conduit to be covered in.

295. The portion of the conduit described as No. 4 on the plans and sections deposited in reference to the Bill for the Greenock Water (Additional Works) Act 1866 extending from the northern termination of the tunnel described on the said plans and sections to the termination of the said conduit at the Whinhill Reservoir shall be covered over and shall be kept covered over in all time coming and the ground above the said portion of the said conduit shall remain the property of Sir Michael Hugh Shaw Stewart Baronet and his successors in the estate of Greenock subject to the right and servitude of constructing maintaining and using the said conduit by the Corporation Provided that the Corporation may open up the said ground for the purpose of cleansing and repairing the said conduit as often as may be necessary.

Access to works on estates of Greenock and Newark.

296. With respect to the right of access through or over the lands of Sir Michael Hugh Shaw Stewart and his successors in the estates of Greenock and Newark to the reservoirs conduits and other works constructed under the powers of the Greenock Water (Additional Works) Act 1866 on lands belonging to or acquired from the said Sir Michael Hugh Shaw Stewart or his successors in the said estates the Corporation shall be subject to the following provisions:—

(1) The Corporation shall have right of access by themselves their officers servants and workmen to the said reservoirs conduits and other works for all necessary purposes connected therewith through and over the lands of the said Sir Michael Hugh Shaw Stewart and his successors aforesaid in such manner as shall be agreed upon between the Corporation and the said Sir Michael Hugh Shaw Stewart or his successors aforesaid or as in case of difference shall be fixed by

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an engineer to be appointed by the sheriff on the application of the Corporation or of the said Sir Michael Hugh Shaw Stewart or his successors aforesaid:

(2) The Corporation shall not by themselves or their officers servants or workmen have or be entitled to access to the said reservoirs conduits and other works or any of them in any other manner than as shall be agreed upon or fixed as aforesaid except in the case of any accident to the said reservoirs conduits or other works requiring immediate repair:

(3) The Corporation shall make compensation to the owners and occupiers of the said lands for all damage to be occasioned from time to time in obtaining access to the said reservoirs conduits or other works or in opening up the covered portion of the conduit described as No. 4 on the plans and sections deposited in reference to the Bill for the Greenock Water (Additional Works) Act 1866 and in case of difference such compensation shall be determined by an engineer or surveyor to be appointed by the sheriff on the application of the Corporation or of the owners or occupiers of the said lands for the time being or any of them.

For protection of landowners and millowners on River Gryfe.

297. Whereas it is expedient that provision be made for compensating the owners and occupiers of lands and heritages including the owners and occupiers of water power and other persons interested in the waters of the water or river of Gryfe (in this section referred to as "landowners") and also the owners and occupiers of factories and mills situated on the said water or river of Gryfe (in this section referred to as "millowners") in respect of the waters of the said water or river of Gryfe that may be intercepted or taken by the Corporation Therefore the following provisions in that behalf shall be binding (that is to say):—

(A) The Corporation shall as compensation to the landowners provide and cause to flow at all times in a constant and uniform stream down the said water or river of Gryfe from or out of the reservoirs shown on the plans deposited in reference to the Bill for the Greenock Water (Additional Works) Act 1866 or either of them a quantity of water not less than one thousand gallons per minute:

(b) The Corporation shall subject to the provisions hereinafter contained and as compensation to the millowners provide and cause to flow in a constant and uniform stream down the said water or river of Gryfe from and out of the reservoirs shown on the said plans or either of them during Monday Tuesday Wednesday Thursday and Friday of each week in the six months of May June July August September and October in every year a quantity of water in addition to the one thousand gallons immediately before mentioned of not less than nine hundred and thirty-three gallons per minute:

(c) The Corporation shall within one week after service on them of any notice in writing signed by any two or more occupiers of factories and mills (in this section referred to as "occupiers") requiring them so to do in lieu and stead of providing and causing to flow down the said water or river of Gryfe in a constant and uniform stream during the then next ensuing six months of May June July August September and October or such part of them as may still be to run the said quantity of water of not less than nine hundred and thirty-three gallons per minute store up that quantity of water continuously for such period of fourteen hours or for such lesser number of hours during every twenty-four hours as shall be specified in that notice and during the whole or such part of the said six months as shall be to run and as shall be specified in that notice and shall cause the water so stored to flow in a constant and uniform stream down the said water or river during the remainder of every such twenty-four hours:

(d) Any two or more of the other occupiers may at any time thereafter if dissatisfied with any such notice given to the Corporation convene a meeting at Greenock of the occupiers to consider the terms of the notice so given to the Corporation with reference to the storing and supply of such last-mentioned quantity of water of not less than nine hundred and thirty-three gallons per minute such meeting to be convened by advertisement inserted in some newspaper published in the county not less than three days before the holding of

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such meeting and such advertisement shall state the time and place of the said intended meeting and the object for which it is to be held and if the meeting are unanimously of opinion that the said notice should be amended and agree on the terms of such amended notice such amended notice signed by a chairman elected by the meeting shall thereupon be given to the Corporation and be given effect to by them during the whole or such part of the said months of May June July August September and October as may be still to run and as shall be specified in said amended notice Provided that three occupiers at least shall be present in order to constitute a meeting:

(E) If at any such meeting any difference arise the same shall be referred to and determined by the sheriff on the written application of any one or more of such occupiers or in case of his declining to act as referee then such other person as the sheriff shall appoint as referee and the sheriff or other referee as the case may be may call the occupiers before him and after hearing them in such form as he shall deem expedient and making such further inquiry as he shall deem necessary summarily and finally and conclusively determine and settle the terms of the amended notice to be given to the Corporation and sign the same and the amended notice so signed shall be given to the Corporation and shall be given effect to by them during the whole or such part of the said months of May June July August September and October as may still be to run and as may be specified in said amended notice:

(F) No notice or amended notice shall make it obligatory on the Corporation to supply water further or otherwise than as in this section provided:

(G) The Corporation shall not divert or take any water for the supply of the burgh under the authority of this Act unless and until they have made provision for the obligations by this section imposed on them for the supply of compensation water to the landowners and millowners:

(H) The Corporation shall erect and construct and for ever maintain proper and sufficient measuring gauges over

or through which the said respective quantities of water from the said reservoirs for the supply of the said River Gryfe shall flow or be discharged and shall make and maintain such other works as shall be necessary for the regulation of the supply of water to the said river and such gauges and other works shall be open to the inspection and examination of all parties interested in the water so to flow or be discharged through or over the same and their respective agents and the Corporation shall permit the landowners and millowners and their respective agents at all times to have access to and to examine and test the efficiency of such gauges:

(1) If any dispute arise between any of the parties aforesaid concerning any of the matters specified in this section the same shall be determined by the Lord Ordinary on the Bills in the court of session on an application made to him by any one of the said parties and the decree of the Lord Ordinary after hearing the parties interested and in such form as he shall deem expedient shall be final and not subject to review in any way and may be extracted and enforced according to law Provided that the Lord Ordinary shall have power if he sees fit before proceeding to pronounce the said decree to appoint some competent person to report to him as to the facts out of which such dispute has arisen.

Compensation provided for Cartsburn Burn.

298. And whereas by the Act 8 & 9 Vict. c. lxxii. on the statement that for the then last ten years and upwards the waters naturally belonging to the Cartsburn had been diverted from that stream and run into the filters of the Shaws Water Joint Stock Company (in this section called "the water company") in the west parish of Greenock while on the other hand an amount of water had been run into the channel of the Cartsburn at a point immediately above the Flint Mill in the east parish of Greenock in lieu and compensation for what had been diverted in manner aforesaid compensation was by the said Act provided in manner therein mentioned And by the said Act it was enacted that so long as the water company should continue to divert the waters of the Cartsburn they should be bound to run into the channel thereof at some point above the said Flint Mill daily on the day on which they furnish water to the mills on the main aqueduct of the water company a quantity of water equal

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in amount to what they might divert from the Cartsburn and in the event of any dispute arising with regard to the amount of water so to be supplied in compensation the same should be determined by the sheriff upon a petition to be presented to him at the instance of any party interested and after hearing parties thereupon and taking such proof as to him should seem necessary with the assistance of such persons of skill as he should think fit to whom he was thereby authorised to remit the matter for a report thereon the said sheriff should decide such question and should fix and decern the amount of water to be daily run into the channel of the Cartsburn in compensation for the water which might be diverted therefrom by the water company as aforesaid and the decree of the sheriff thereupon should be final and conclusive and should not be subject to appeal or review advocation suspension or reduction and the water company should daily during every day that they run water to the mills or falls on their main aqueduct aforesaid run into the channel of the Cartsburn the amount of water to be thus fixed by the sheriff as long as they should continue to divert from the Cartsburn the waters naturally belonging thereto under the penalty of twenty shillings for every day they should fail to run into the channel of the Cartsburn the amount of water to be so fixed by the sheriff to be paid by the water company to the parties interested in the water of the Cartsburn Provided always that on their ceasing to divert the waters naturally belonging to the Cartsburn they should be relieved from the obligation of furnishing thereto any supply of water from their aqueduct as aforesaid And whereas under the recited provision the sheriff did so fix and determine the quantity of water to be run daily into the channel of the Cartsburn in compensation as aforesaid but the regularity of the proceedings were questioned by certain of the parties Be it enacted that the Corporation as coming in place of the water company shall be bound to fulfil the obligations imposed on the water company by or in pursuance of the recited provision in the same way and manner and to the same extent to all intents and purposes as the water company were liable to do Provided always that nothing herein contained shall operate to prevent the parties interested from entering into agreements for the supply of a larger amount of compensation water than is allowed by the determination of the sheriff.

Water for shipping.

299. The Corporation shall make or continue such arrangements as may be convenient for the supply of water to the

shipping frequenting or calling at the port and harbours of Greenock and shall be entitled to charge for such supply any rates or prices not exceeding the rates and prices specified in the Third Schedule to this Act.

Supply to houses partly used for trade &c.

300. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Notice to Corporation of connecting or disconnecting meters.

301. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

302.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage sustained by them.

(2) And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper

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registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Byelaws for preventing waste &c. of water.

303.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangement and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation supply or are prepared on demand to supply water.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

Corporation not bound to supply several houses by one pipe.

304. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

As to laying pipes along roads.

305. If and whenever after the commencement of this Act the lines or levels of any road in which the pipes of the

Corporation are laid are proposed to be altered by the authority having the management of such road the Corporation shall on receiving two months' notice of such intention lift and relay at their own expense in the road as altered such pipes to the satisfaction of such authority or in case of difference to the satisfaction of the sheriff.

Contracts for supplying water in bulk.

306. The Corporation may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the district within which the Corporation are for the time being authorised to supply water to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district.

Part XVI.

Gas.

Incorporation of Gasworks Clauses Acts 1847 and 1871.

307. The Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit is hereby incorporated with this Part of this Act and sections 4 5 6 9 to 34 and 36 to 46 of the Gasworks Clauses Act 1871 shall except in so far as otherwise expressly provided by this Act apply to the gas undertaking Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such "contract entered into by the Corporation shall be alike in "terms and amount under like circumstances to all consumers" were added at the end of that section Provided further that gas supplied in bulk for illuminating premises other than domestic premises may be charged at such rate as may be agreed upon between the Corporation and the other party to any such agreement but shall at all times be charged equally to all such parties regard being had to the consumption respectively Provided however that gas supplied to consumers for heating cooking or motive power warming ventilating and other purposes shall not be held to be supplied under like circumstances as to terms and amount as gas supplied for illuminating purposes:

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And this Part of this Act shall be deemed to be a special Act within the meaning of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871.

Interpretation of gas terms.

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

The expression "the works" "the gasworks" and "the gas undertaking" shall respectively mean and include the gasworks and works connected therewith by this Part of this Act vested in or authorised to be made or maintained by the Corporation and any improvement thereof which they may construct under the powers of this Part of this Act and the lands buildings estate right title property privileges and effects and the gas undertaking of the Corporation and every part thereof respectively.

Limits for supply of gas.

309. The limits of this Part of this Act shall be (except as is elsewhere in this Part of this Act provided) the burgh which limits are in this Part of this Act referred to as "the gas limits."

Gas undertaking to continue vested in Corporation.

310. The gas undertaking as it exists at the commencement of this Act including all property rights powers and privileges of every description which at the commencement of this Act are vested in the Corporation in relation to the manufacture storage and supply of gas and otherwise in relation to gas shall continue vested in the Corporation and be held exercised and enjoyed by them subject to the provisions of this Act.

Power to maintain gasworks and supply gas.

311. Subject to the provisions of this Act the Corporation may upon the lands described in the Fourth Schedule to this Act erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other residual products or refuse of any materials employed in or resulting from the manufacture of gas:

Provided that no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products other

than the lands described in the Fourth Schedule to this Act or lands which the Corporation may hereafter be authorised by Parliament to use for such purpose. A.D. 1909.

Power to require consumption by meter.

312. Every consumer of gas supplied by the Corporation shall on being required by the Corporation consume the gas by meter the meter to be provided by the Corporation free of expense to the consumer.

Limit of gas charges.

313. The price to be charged by the Corporation for gas supplied by them to persons who shall take the same by meter shall not at any time exceed five shillings per thousand cubic feet.

Supply of gas for heating and other purposes.

314. The Corporation may supply gas for heating cooking or motive power warming ventilating and other purposes and for the particular requirements of any trade undertaking industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Corporation and the person to whom such supply shall be given (regard being had in each case to the consumption) Provided that the rate charged for gas supplied for any of such purposes shall be the same to all persons under like circumstances.

Charge for gas supplied by means of prepayment meters.

315.—(1) The Corporation may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

(2) The Corporation shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meters and fittings and the cost of collection and other costs incurred by the Corporation in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

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(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Quality of gas.

316. The prescribed number of candles shall be not less than fourteen.

Testing place.

317. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place which has been provided by the Corporation on the lands of the island of Inchgreen in the east parish of Greenock presently used as the gasworks of the Corporation.

Testing for quality.

318.—(1) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer (or the table photometer) the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Corporation shall within three months after the commencement of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

319.—(1) All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Corporation shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

320. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Corporation Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Corporation.

As to construction and placing of pipes &c. between mains and meters.

321. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) A copy of the specification shall be kept exhibited in the gas office of the Corporation:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed to the approval of the gas manager at a height for convenient inspection and as near as reasonably practicable to the Corporation's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the

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service of such notice on the Corporation Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to the sheriff against such refusal and the sheriff may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to him proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Period of error in defective meters.

322. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding period for which gas rates and rents were charged unless it be proved to have first arisen during the then current period The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Power to supply gas fittings &c.

323. The Corporation may purchase supply hire sell let lay down and place but shall not manufacture gas fittings meters pillars pipes lamp posts lamps burners and other articles and things connected with gasworks or with the supply of gas for public or private consumption in such manner as the Corporation think proper and generally may carry on such operations and business in relation thereto as are for the time being usually carried on by gas companies.

Power to supply non-illuminating gas.

324. The Corporation may manufacture and supply non-illuminating gas and the provisions of the sections of this Act of which the marginal notes are "Quality of gas" and "Pressure" shall not apply to non-illuminating gas.

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Power to use existing works &c. for non-illuminating gas.

325. For the purposes of the manufacture and supply of non-illuminating gas the Corporation may use their existing gas-works apparatus plant and appliances and may exercise all the powers they now possess of laying down mains and pipes.

Power to supply gas fittings &c. for non-illuminating gas.

326. The Corporation may buy or hire and may supply sell or let to consumers of non-illuminating gas within the limits of supply for use upon premises belonging to or occupied by such consumers meters burners tubes stoves ranges fittings engines machines and other things for heating or cooking by means of such gas and any other materials or fittings for the use of such gas for domestic or other purposes and also engines and machines for domestic agricultural manufacturing industrial or any other purposes whatsoever to be worked by means of such gas for the production of motive power and any materials or fittings to be used in connection therewith.

Charge for gas fittings &c. for non-illuminating gas.

327. The Corporation may charge for non-illuminating gas supplied and for any meters burners tubes stoves ranges fittings engines machines or other things supplied sold or let under the powers of this Act for use in connection therewith such price rent or sum as may be agreed upon between the Corporation and the other party to any such agreement.

Appliances let by Corporation not subject to execution.

328. Any meters burners tubes stoves ranges fittings engines machines or other things let by the Corporation under the powers of this Act shall not be subject to poinding or to the landlord's hypothec or remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that the same shall have upon them respectively a distinguishing brand or other mark impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Power to lay pipes &c. against buildings.

329. The Corporation with the consent of the owner or occupier of any building may lay any pipe or other apparatus into through or against such building for the purpose of lighting it and may with the like consent provide and set up on or against any such building any apparatus necessary for securing to such building a proper supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter or discontinue and remove any such pipe or apparatus.

Power to carry private pipe across

330. Notwithstanding anything contained in section 7 of the Gasworks Clauses Act 1847 where any building belongs in portions

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intervening building.

to different owners the owner of any portion shall be entitled to carry a pipe for supplying such portion with gas across or along any other portion of such building where such supply cannot be otherwise obtained Provided always that where any damage shall be caused by such operation the person performing the operation shall be bound to pay such damage as the amount thereof shall be fixed and ascertained by arbitration.

Gas consumers to give notice to Corporation before removing.

331. At least twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

Notice to discontinue supply of gas.

332. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office of the Corporation.

Power to refuse supply to persons in debt for other premises.

333. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying all gas charges and meter rent due to the Corporation they may refuse to supply additional gas until he pays such charges and rent.

Accounts.

334. The Corporation shall furnish accounts for gas supplied as often and at such times as they shall think fit and the persons contracting for or using or liable for the expense of the gas so supplied shall make payment of the sums charged in such accounts within three days after the account has been delivered to them or left at their dwelling-houses or places of business or sent to them by post.

Recovering of accounts.

335. In case any person to or for whom such account shall have been so delivered or left or sent by post shall fail to make payment of the sum therein charged within the time specified the collector employed by the Corporation who shall be styled "the gas collector" or any other officer of the Corporation may

recover the same in his own name either according to the ordinary procedure before any competent court or by obtaining from the sheriff or from any one of the magistrates a summary warrant to recover the same from the person liable in payment thereof with the addition of ten per centum thereon in lieu of any costs which have been or may require to be incurred which warrant the sheriff or magistrate shall grant on production of a certified list by such collector or other officer setting forth the names of the persons indebted the amount due by them and that the accounts have been delivered or left or sent by post in manner before provided at least three days previously and that the sums due have not been paid which certified list and warrant and the subsequent proceedings on such warrant shall be in the form and subject to the conditions in this Act provided with respect to the recovery of the burgh general assessment.

The powers conferred on the Corporation by this section shall be in addition to and not in substitution for any powers which they possess under any other Act or Order.

Corporation may contract with local authority &c. for supply of gas in bulk.

336. The Corporation may contract with any local authority company or person supplying gas under parliamentary powers in any district adjacent to the Corporation's limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond their limits of supply.

Part XVII.

Electricity.

Incorporation of Electric Lighting (Clauses) Act 1899.

337. This Part of this Act shall be deemed to be a "special Order" within the meaning of the Electric Lighting (Clauses) Act 1899 and the provisions contained in the schedule to that Act except—

Section 8 (Purchase and use of lands by local authority);

Section 84 (Application to Ireland);

are incorporated with and form part of this Part of this Act Provided that the provisions of section 4 of the said schedule shall not be deemed to prohibit the supply by the Corporation under the Local Acts and Orders not repealed by this Act or

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the provisions of this Act or any agreement in force at the commencement of this Act of energy to or the use of such energy by any company or person beyond the area of supply of the Corporation.

Interpretation of electricity terms.

338. In this Part of this Act the several words and expressions to which meanings are assigned by the Acts applying to or incorporated with this Part of this Act shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the works" and "the electricity undertaking" shall respectively mean and include the works relating to the supply of electricity which are by this Part of this Act vested in or authorised to be made or maintained by the Corporation and any improvement thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects connected therewith and the electricity undertaking of the Corporation and every part thereof respectively.

Electricity undertaking to continue vested in Corporation.

339. The electricity undertaking of the Corporation as it exists at the commencement of this Act including all property rights powers and privileges of every description which at the commencement of this Act are vested in the Corporation in relation to the manufacture and supply of electric energy and otherwise in relation to electric energy shall continue vested in the Corporation and be held exercised and enjoyed by them subject to the provisions of this Act.

Generating stations.

340. The Corporation may continue and may from time to time maintain repair extend and use the works for generating electricity and for repairing fittings and appliances upon the lands or part of the lands described in the Fifth Schedule to this Act with all proper and necessary engines dynamos batteries accumulators machinery and other electrical plant apparatus buildings and works upon such lands but the Corporation shall not create or permit any nuisance on such lands.

Undertakers.

341. The Undertakers for the purposes of this Part of this Act and within the meaning of section 2 of the schedule to the Electric Lighting (Clauses) Act 1899 are the Corporation.

Area of supply.

342. The area of supply for the purposes of this Part of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the burgh.

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Maximum prices.

343. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Sixth Schedule to this Act.

Stand-by supply.

344. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 or in this Act a person shall not be entitled to demand or continue to receive from the Corporation a stand-by supply of electrical energy for any premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed with the Corporation to pay such minimum annual sum as will give them for such period as may be agreed upon a reasonable return on the capital expenditure in addition to such standing charges as may be incurred by the Corporation in order to meet the possible maximum demand for those premises In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of the minimum annual sum to be paid by such person and the period of years for which it shall be paid the amount of such minimum annual sum and such period of years shall be fixed by an arbiter to be appointed by the sheriff on the application of either party.

Corporation may refuse to supply electrical energy in certain cases.

345. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Consumers of electrical energy to give notice before removing.

346. At least twenty-four hours' notice in writing shall be given to the Corporation by every consumer of electrical energy before he shall quit any premises supplied with electrical energy by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of the premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur Notice of the purport of this provision shall be endorsed upon every demand note for charges for electrical energy payable to the Corporation.

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Agreements for supply of electricity.

347. The Corporation may make agreements with the local authority of any district adjacent to the area of the Corporation for the supply of electrical energy and with any tramway company owning leasing or working tramways within such district and with the county council for the supply of electrical energy by the Corporation to such local authority company or council for all or any of the purposes for which such local authority company or council are or may be authorised to use the same Provided always that the Corporation shall not supply electrical energy to such company or for any purpose whatever within the district of any local authority without the consent of such local authority under their common seal but nothing in this section shall affect the agreement set forth in the schedule to the Greenock and Port Glasgow Tramways Order 1902.

Corporation may take transfers of Electric Lighting Orders.

348.—(1) The Corporation may by agreement acquire or take upon such terms as may be agreed upon a transfer or lease of the powers duties and liabilities conferred or imposed on and the works constructed by and the undertaking of any local authority company or person under any Provisional Order under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 or under any Act empowering such local authority company or person to generate and supply electrical energy for lighting or other public or private purposes within a district or place contiguous to the burgh but any such agreement shall be subject to the approval of the Board of Trade and as regards the purchase transfer or lease of the undertaking of a company or person to the consent in writing of the local authority of the district affected being first obtained Provided that such purchase transfer or lease so agreed shall be by deed to be approved by the Board of Trade and for such period and upon such terms as may be agreed and specified in the deed and that during such period (but always subject to the provisions of the Order or Act so empowering such local authority company or person to generate and supply electrical energy) the Corporation shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of such Order or Act.

(2) In the event of any Provisional Order and the undertaking thereby authorised being acquired by the Corporation under this section the provisions of the Electric Lighting Act 1888 shall subject to any provisions contained in any such Order or in any deed of transfer apply to that undertaking and when the

undertakers are a local authority the undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 Provided that the periods at which the local authority may under the provisions of the said section repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Corporation.

Part XVIII.

Police Force.

Appointment of chief constable.

349.—(1) The Corporation shall 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 depute or in case of their differing in opinion of the Secretary for Scotland but he may be suspended by the magistrates with the consent of the sheriff depute for a definite period pending any inquiry instituted with a view to his removal The Corporation shall with the consent of the Secretary for Scotland fix the number of constables which they shall judge to be necessary for the burgh and the rank pay and designation of such constables.

(2) If the Corporation fail of their own accord or on the requisition of the sheriff depute within three months after such requisition to appoint a chief constable or to fix the number of constables for the burgh or should the chief constable if appointed fail from any cause to appoint a sufficient number of constables for the burgh the sheriff depute shall in any such case make a representation to the Secretary for Scotland who shall inquire and report thereon to His Majesty in Council and it shall be lawful for His Majesty with the advice of His Privy Council by Order in Council to ordain the Corporation to appoint a chief constable and to fix the number of constables for the burgh and otherwise to give effect to this enactment.

Duties of chief constable.

350. The chief constable shall appoint proper persons as constables subject so long as any contribution is made from the 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 shall have power to direct their distribution within the burgh and to suspend or remove them at pleasure The chief constable may with the consent of the Corporation hold in addition the appointment of chief constable of any contiguous burgh.

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Rules to be made for regulating duties of constables.

351. The chief constable may from time to time with the concurrence of the magistrates make rules for regulating the conduct and duties of the constables and other persons placed under his control The chief constable shall have the power of imposing a fine not exceeding twenty shillings on any constable under the rank of a lieutenant where he shall not consider it necessary that such constable should be dismissed.

Magistrates may appoint special constables.

352.—(1) The magistrates may on occasions of emergency for the purpose of aiding the constables appointed by the chief constable and of suppressing or preventing any tumult or riot that may take place or be reasonably apprehended appoint any of the owners or occupiers of lands or heritages or other persons residing within the burgh to act as special constables and may recall such appointment at pleasure and the special constables so appointed shall emit the requisite statutory declaration before any one of the magistrates and have the same powers and privileges as constables appointed by the chief constable.

(2) A roll of the names and addresses of all special constables shall be kept by the chief constable and the expenses of providing them with batons or otherwise equipping and employing them shall be paid by the Corporation.

(3) Every special constable when on duty shall be under the direction of the chief constable but the magistrates may make such regulations for their organisation and training as they think proper.

Corporation may provide houses or barracks for constables police offices &c.

353. The Corporation may by agreement purchase or rent any building or land and convert such building into or build on such land dwelling-houses or barracks for the accommodation of constables and offices police stations houses and other places for the purposes of this Part of this Act with all proper conveniences thereto and may furnish fit up and repair the same and the Corporation may grant or allow the use of the same to constables on such terms and conditions with regard to rent and otherwise and subject to such regulations as the Corporation may think fit and employ proper persons to take care thereof.

Adoption of Burgh Police (Scotland) Act 1892—Powers of constables.

354. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 79 (Declaration by constables).

Section 80 (Powers of constables).

Section 83 (Power to detach constables to other places).
Section 84 (Constables may execute warrants).
Section 85 (Constables to account for fees).
Section 86 (Duties of chief constable and constables).
Section 88 (Constables not to resign without leave or notice).
Section 89 (Commissioners to fix salaries of constables).
Section 90 (Chief constable may appoint temporary substitute).
Section 91 (Constables dismissed to deliver up accoutrements).
Section 93 (Penalty for neglect of duty).
Section 383 (Power to remove articles placed in streets).
Section 388 (Removal of furniture).
Section 401 (Constables may enter certain premises).
Section 467 (Officers or owners of property on which offences are committed may take offenders into custody).
Section 468 (Horse carriage &c. of persons taken into custody may be secured).
Section 469 (Persons in custody in or passing through burgh may be detained).
Section 470 (Watchmen may be placed in charge of shops &c. left open).

Part XIX.

Theatres and Places of Public Resort.

Adoption of Burgh Police Acts—Theatres &c.

355. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 395 (Theatres &c. to be licensed).
Section 396 (Terms of licence).
Section 397 (Public shows &c. not to be opened or set up in burgh without sanction of magistrates).
Section 398 (Burden of proof of licences).

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Section 400 (Penalty for breach of byelaws).

Section 402 (Unlicensed theatres may be entered and occupants removed).

Burgh Police (Scotland) Act 1903—

Section 80 Byelaws for theatres and other places of amusement).

Section 81 (Billiard rooms &c. to be licensed).

As to licence from justices under Theatres Act 1843.

356. In the event of any person obtaining a licence from the magistrates for the purposes and in pursuance of the provisions of section 395 (Theatres &c. to be licensed) of the Burgh Police (Scotland) Act 1892 it shall not be necessary for such person to apply for or to obtain a licence from the justices in terms of the provisions of the Theatres Act 1843.

Part XX.

Articles found or stolen or fraudulently obtained.

Adoption of Burgh Police (Scotland) Act 1892—Articles found &c.

357. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 412 (Goods &c. found to be reported to police office.)

Section 413 (Goods stolen or fraudulently disposed of to be delivered up to owner).

Section 414 (How stolen or unclaimed goods to be kept).

Section 415 (Unclaimed stolen property &c. to be disposed of).

Part XXI.

Brokers Pawnbrokers &c.

Adoption of Burgh Police (Scotland) Act 1892—Brokers and pawnbrokers.

358. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 433 (Brokers to be licensed).

Section 434 (Brokers to furnish a description of their premises and keep books).

Section 435 (Brokers to retain articles for fourteen days after having received them).
Section 436 (Brokers to produce articles and books on demand).
Section 437 (Pawnbroker to produce his book on demand).
Section 438 (Brokers &c. to report stolen goods under a penalty for neglect).
Section 439 (If stolen articles be altered or defaced by broker he shall be held to be re-setter of stolen goods).
Section 440 (Brokers not to carry on business of publicans nor to purchase tickets of pawnbrokers).
Section 441 (Pawnbrokers not to act as brokers and brokers not to take articles in pledge).
Section 442 (Pawnbroker and broker not to carry on business in the same premises).
Section 443 (Penalty on brokers transacting business with persons under fourteen years of age).
Section 444 (Penalty on brokers transacting business between certain hours).
Section 445 (Penalty on pawnbrokers &c. purchasing tickets or clothing issued by charitable institutions).
Section 446 (Pawnbrokers not to keep smelting pots).
Section 447 (Brokers to have their names painted over shop doors).
Section 448 (Brokers &c. may detain suspected persons offering goods for pledge or sale).
Section 449 (Provisions applicable to a dealer in marine stores).
Section 450 (Penalty on carrying on business without licence and other offences).
Section 451 (Licences may be suspended or revoked).
Section 452 (Saving for ship chandlers or ropemakers).

Buyers of old metal.

359. Any person not holding a licence as a broker or dealer in marine stores from the magistrates who shall in any premises occupied or used by him within the burgh purchase or receive for use in trade or manufacture (*a*) any scrap iron (whether malleable iron or cast iron) in weight not exceeding ten hundredweight and (*b*) any broken old or disused metal of

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the class of metals mentioned in the list of metals in the schedule annexed to the Prevention of Crimes Act 1871 in quantity less in weight than the quantity therein set forth opposite each class of metal shall be liable to a penalty not exceeding five pounds in each of the following cases:—

(1) If he shall not prior to the date of such purchase or receipt have notified the chief constable that he intends to purchase old iron or metal when opportunity occurs and to keep in such premises a book in which to enter such purchases and such purchases only:

(2) If having so notified the chief constable he shall not on the day of such purchase or receipt enter or cause to be entered in such book the particulars relating to the purchase or receipt including the day and hour when purchased or received the name occupation and residence of the seller the weight of the metal and the price paid or agreed to be paid for the same:

(3) If he shall not on demand show the book in which the entry relating to the purchase or receipt of any such metal shall have been made or should have been made to an officer of police authorised in writing by the chief constable to require the exhibition thereof:

(4) Where the exhibition of an entry relating to any such metal is required as above if he shall at any time not being more than four days after the purchase or receipt of the same fail to produce to such authorised officer on demand the metal purchased or received in the state or condition in which it was when purchased or received by him.

Sellers of second-hand goods.

360. In any complaint charging a person with exercising or carrying on the trade or business of a broker within the meaning of section 433 (Brokers to be licensed) of the Burgh Police (Scotland) Act 1892 without a licence from the magistrates to exercise or carry on such trade or business it shall be sufficient to constitute the offence to prove that the person charged had during the time charged not being less than one calendar month occupied or used the premises within the burgh specified in the complaint and had exposed therein for sale second-hand goods or articles Provided always that nothing herein shall be held to apply to premises occupied by any licensed pawnbroker for the sale of articles pledged with him and forfeited in terms of the Pawnbrokers Act 1872.

Part XXII.

Public Carriages.

Adoption of Burgh Police (Scotland) Act 1892—Public carriages.

361. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 270 (Hackney carriages to be licensed).

Section 271 (Regulations for hackney carriages) and Schedule V. (Regulations for hackney carriages).

Section 272 (Regulations as to omnibuses or carriages plying within burgh).

Section 273 (Cabmen's shelters).

Regulation of carriages plying for hire.

362.—(1) The owner of any omnibus brake char-a-banc tramway car motor car steam car job carriage or other similar carriage kept within the burgh to be let for hire or used in carrying persons for hire who shall within the burgh so let or use or permit to be used any such carriage without a licence from the magistrates in that behalf shall be liable to a penalty not exceeding forty shillings per day for each carriage so let used or allowed to be used.

(2) Every such licence shall expire on the twenty-seventh day of May next following the day on which it is granted.

Corporation may appropriate portion of street as a stand.

363. The Corporation may appropriate any portion of a public street which they think expedient as a stand for carriages for hire and make provision for a supply of water at such stand.

Part XXIII.

Porters.

Licensing of porters.

364.—(1) The magistrates may licence all persons who may be desirous of becoming porters (that is to say persons following the business of carrying parcels or luggage for hire) within the burgh after being satisfied as to their character and qualifications and grant them a licence badge which badge shall be held during their good behaviour and any person who shall solicit employment for hire as a porter or act as a porter for hire within the burgh without having been licensed by the magistrates in that behalf shall be liable to a penalty not exceeding twenty shillings.

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(2) A charge of one shilling may be made for any licence so granted and every such licence unless previously revoked shall expire on the twenty-seventh day of May following the date on which granted.

(3) Every licence so granted may be suspended or revoked by the magistrates on conviction of the holder of any crime or offence or of a breach of any byelaw or condition embodied in his licence.

Byelaws as to porters.

365. The magistrates may by byelaws—

(1) Regulate the conduct and duties of licensed porters and fix the charges which they may make for the conveyance of goods or articles and the places where they may stand and wait for employment when not engaged:

(2) Determine what badges (if any) licensed porters shall wear in the pursuit of their calling:

(3) Fix a penalty not exceeding twenty shillings for each breach of any such byelaws.

Part XXIV.

Prevention of Fraud.

Inspector of weights to have powers of constables.

366. Any inspector of weights and measures for the burgh shall have and exercise all the powers conferred upon the chief constable or any officer of police or constable under the provisions of sections 419 420 and 422 of the Burgh Police (Scotland) Act 1892 and any person resisting or obstructing any such inspector in the enforcement of any of the provisions above mentioned shall be liable to a penalty not exceeding five pounds.

Adoption of Burgh Police (Scotland) Act 1892—Prevention of fraud.

367. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 416 (Weighing machines to be erected).

Section 417 (Duty of keepers of weighing machines).

Section 419 (Power to provide portable machines for weighing coals).

Section 420 (Retailers of coals to keep scales and weights for weighing at the time of delivery).

Section 421 (Regulations as to sale of coals of half a ton weight).

Section 422 (Carter to deliver memorandum).

Section 423 (Penalty on driver refusing to weigh).

Section 424 (Small quantities of coals to be sold from carts and in labelled bags).

Section 425 (Penalty on fraudulent weighing).

Section 426 (Regulations may be made for preventing fraud in weight of hay straw &c.).

Section 427 (Penalty on committing frauds in weight of bread).

Section 428 (Power to seize diseased cattle).

Section 430 (Chief constable or inspector to have power to enter premises and require articles to be weighed).

Part XXV.

Police Offences and Penalties.

Adoption of Burgh Police (Scotland) Act 1892—Police offences and penalties.

368. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say) :—

Section 87 (Penalty on persons obstructing constables in their duty).

Section 92 (Penalty for unlawful possession of accoutrements or for assuming the dress of constables).

Section 100 (Penalty for wilfully breaking lamps).

Section 289 (Penalty for wilfully setting chimneys on fire).

Section 290 (Penalty for allowing chimneys to catch fire).

Section 302 (Precautions in skating and bathing).

Section 380 (Penalties for offences).

Section 381 (Penalties for certain police offences) (excepting subsections (23) and (47) thereof) as amended by section 104 (2) (x) and (y) of the Burgh Police (Scotland) Act 1903.

Section 386 (Power to impound stray cattle).

Section 387 (Power to sell stray cattle for penalty and expenses).

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Section 389 (Dogs or other animals if a nuisance or annoyance to be removed &c.).

Section 391 (Street musicians).

Section 394 (Rules for persons using bicycles &c.).

Section 404 (Remedy where room used for meetings becomes a nuisance).

Section 405 (Penalty on persons keeping places for baiting animals and on persons found therein).

Section 406 (Penalty against practising games of hazard &c.).

Section 407 (Gaming houses).

Section 408 (Vagrant beggars &c. to be apprehended and upon conviction imprisoned).

Section 409 (Known or reputed thieves may be apprehended &c.).

Section 410 (Procedure against persons sending out children to beg).

Section 411 (Beggars and vagrants to be handed over to parochial authorities).

Prevention of nuisance arising from smoke.

369. Every person who so uses or causes or permits or suffers to be used any furnace or fire (except a household fire) as that smoke issues therefrom unless he proves that he uses the best practical means for preventing smoke and has carefully attended to and managed the said furnace or fire so as to prevent as far as possible the escape of smoke therefrom shall be liable to a penalty not exceeding forty shillings in respect of any such act or omission and to a further penalty not exceeding five pounds in respect of every day or part of a day during which such act or omission continues after the imposition of the first-mentioned penalty or in respect of every act or omission of a like nature which occurs within one month after such imposition Provided that in regard to any person in charge of a steamer the provisions of this section shall only apply to a person in charge of a steamer lying at any of the quays piers and wharves or in any of the harbours or docks of the port and harbours of Greenock.

Byelaws as to certain matters.

370. The Corporation may from time to time make byelaws as they think fit for the following purposes (that is to say):—

(1) For preventing the whistling emptying of cylinder taps and blowing off of steam of locomotive engines in any street:

(2) For preventing or regulating bathing in any dock harbour or basin or along or near the shores of the river or

firth of Clyde and prescribing the places and hours at and conditions under which such bathing may take place :

(3) For preventing or regulating the leading or driving in any street of two or more horsed waggons carts or carriages any one of which is drawn by more than one horse or animal :

(4) For making provision for persons in charge of any vehicle giving their name and place of abode when required by any person injured endangered or obstructed or by a constable on any such occasion :

(5) For providing against the leaving of cattle at large and unattended in any street or public place :

(6) For preventing loud shouting or the use of horns bells whistles or other like instruments at or near any building in which persons reside or are employed or assembled :

(7) For preventing obstructions nuisances and annoyances in any street court passage close entry or common stair :

(8) For regulating the cleansing of windows and doors abutting on streets by means of water directed thereon by a hose or thrown thereon by any instrument or vessel.

Penalty for exhibiting notice placard &c. causing obstruction on streets.

371. No person shall in or at any building or premises continue to exhibit or cause to be exhibited any picture notice placard advertisement or announcement or to play or cause to be played any musical instrument so as to occasion persons to assemble so as to obstruct or incommode the free passage along any street after he has been requested by an officer of police not under the rank of inspector to take down or remove such picture notice placard advertisement announcement or musical instrument and every person contravening the provisions of this section shall be liable to a penalty not exceeding five pounds.

Adoption of Burgh Police Acts— Jurisdiction of magistrates.

372. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say) :—

Burgh Police (Scotland) Act 1892—

Section 431 (Offences under Weights and Measures Acts or Criminal Law Amendment Act).

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Section 454 (Jurisdiction of magistrates of police).
Section 458 (Punishment of abettors).
Section 461 (Magistrates of police may appoint burgh prosecutor).
Section 462 (Interim burgh prosecutor).
Section 465 (Previous convictions of contraventions may be libelled and proved).
Section 499 (Penalty where no penalty is otherwise stated).
Section 500 (Penalties on repetition of offences).
Section 507 (Provisions as to proceedings brought against burgh prosecutor).
Section 509 (Jurisdiction of sheriffs and courts of guild to be preserved).

Burgh Police (Scotland) Act 1903—
Section 56 (Power to appoint depute officers).

For recovery of forfeited bail.

373. When any money or other article shall be deposited by any person as a security for his appearance and such person shall fail to appear it shall be competent to the magistrate to declare such deposit to be forfeited and if it be money it shall be forthwith ordered by the magistrate to be paid to the clerk and if it be not money such article so deposited shall be ordered by the magistrate to be sold by public auction then or at some periodical sale and the free proceeds shall be paid to the clerk and in both cases accounted for by him along with the forfeitures penalties and fines to the collector and applied in the same manner as forfeitures penalties and fines are by the provisions of this Act directed to be applied.

Register to be kept of crimes and police offences.

374. The chief constable shall cause registers to be kept in which shall be entered the name the description where practicable the nature of the crime or offence the date or dates of the crime or offence and the time place and manner of disposal of all persons apprehended or cited to answer to crimes or offences alleged to have been committed within the burgh or within the jurisdictions conferred on the magistrates by this Act and the Summary Jurisdiction (Scotland) Act 1908 and the entries in such registers or any extracts therefrom certified by the chief constable shall be received as primâ facie evidence of the particulars of any previous conviction and unless the same be

disputed it shall not be necessary to produce the complaint on which such previous conviction proceeded or the sentence thereon or an extract thereof.

Returns to be made for such register.

375. For the purpose of making up such register the procurators fiscal of the sheriff and justice of peace courts of the counties of Renfrew and Bute shall make a return to the chief constable of the particulars hereinbefore directed to be entered therein of every conviction in such courts respectively.

Application of fines &c.

376. All forfeitures penalties fines fees and expenses imposed by the magistrates recovered and received shall be applied to the purposes to which the burgh general assessment is applicable.

Part XXVI.

Fire Brigade.

Fire engines &c. may be provided and certain expenses to be recovered.

377.—(1) The Corporation may purchase provide maintain and use such motor or other engines for extinguishing fire and such water buckets pipes and other appurtenances for such engines and such fire escapes and other implements for safety or use in case of fire as they think fit.

(2) The Corporation if and so far as they deem it expedient may purchase or hire and keep horses for drawing such engines escapes or implements and may build provide or hire places for keeping such engines escapes or implements with their appurtenances and horses.

(3) The Corporation may employ a proper number of persons to act as firemen to be named the fire brigade and may appoint a firemaster to be the superintendent of the fire brigade and may make such rules for their regulation as they think proper and give such firemaster and firemen such salaries and wages and such rewards for their exertions in cases of fire as the Corporation think fit.

(4) The Corporation shall be entitled to recover from the owners or occupiers of the premises where any fire shall happen such reasonable sums of money as they shall consider just not exceeding in the whole fifteen pounds or whatever less sum is equal to one half of the actual expenses of extinguishing any such fire:

Provided that any self-propelled engine or other vehicle used by the fire brigade for fire purposes shall not be deemed to be

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a locomotive or motor car within the meaning of any Act relating to locomotives on highways or to motor cars or either of them.

Corporation may provide houses or barracks for members of fire brigade.

378. The Corporation may by agreement purchase or rent any building or land and convert such building into or build on such land dwelling-houses or barracks for the accommodation of members of the fire brigade and may furnish fit up and repair the same and the Corporation may grant or allow the use of the same to members of the fire brigade on such terms and conditions with regard to rent and otherwise and subject to such regulations as the Corporation may think fit.

Duties of firemaster.

379. The firemaster shall be responsible to the Corporation for the maintenance of the fire establishment in a complete state of efficiency and for the good conduct of the fire brigade and shall make provision for securing a speedy attendance of the fire brigade on every alarm of fire.

Firemaster and fire brigade to be enrolled as constables.

380. The firemaster and all members of the fire brigade shall be enrolled as constables and shall be entitled to act as constables on all occasions of fire.

Firemaster may employ additional men.

381. The firemaster may employ any additional persons he thinks proper on the occasion of any fire although not regular members of the fire brigade or enrolled as constables but shall as soon as may be report the names of such persons to the Corporation.

Power to control street traffic at fires.

382. The officer in charge of the police at any fire shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Police may retain possession of premises till case reported to procurator fiscal.

383. The chief constable shall if he consider it necessary for the ends of justice be entitled to retain possession of the premises in which the fire has occurred until twenty-four hours after the circumstances of the fire have been reported to the procurator fiscal of the sheriff court for the lower ward of the county of Renfrew.

Adoption of Burgh Police (Scotland) Act 1892—

384. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come

into force in the burgh at the commencement of and as part of this Act (that is to say):—

Fire and fire establishment.

Section 292 (Index plates showing position of fire plugs).

Section 293 (Power to enter and break open premises in case of fire).

Section 294 (Senior officer of fire brigade to have control of operations).

Section 298 (Fire police permitted to go beyond the limits of the burgh in certain cases).

Section 299 (Statement of expenses attending fires to be made up by firemaster).

Part XXVII.

Lighting.

Adoption of Burgh Police (Scotland) Act 1892—Lighting.

385. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 101 (Persons accidentally breaking lamps to repair the damage).

Section 106 (Commissioners may remove &c. lamp-post &c. where not lighted according to regulations).

Streets to be lighted.

386. The Corporation shall make provision for lighting in a suitable manner all the streets and all other places within the burgh which in their judgment should be lighted at the public expense and shall provide erect and maintain such a number of lamps lamp posts and lamp irons and other appurtenances as may be necessary for that purpose and shall light or shall enter into contracts for lighting and cause to be lighted such lamps by means of gas or such other light of an improved kind subject as the case may be to the provisions of the Electric Lighting Act 1882 the Gasworks Clauses Acts 1847 and 1871 the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 or any Act or Acts amending or superseding the same as they may find expedient and the Corporation are hereby authorised to order the lamp irons lamp posts and lamps to be fixed either upon the sides of the causeways streets and roads or upon the kerb-stones of the pavements or footways or at or upon the rails or

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in or upon the walls or buildings on the sides of the streets as they shall think proper without being liable to any claim for compensation thereanent.

Lighting of common stairs.

387. The following provisions shall apply to the lighting of common stairs passages and private courts (namely):—

(1) The owner or owners of all common stairs passages or private courts or of lands or premises having a right of access by any common stair or passage or private court or a right to use any such passage or court for any purpose shall provide fit up alter maintain repair or renew when necessary in such common stairs passages and private courts such lamps brackets burners or other lighting and light extinguishing appliances and fittings as the Corporation shall by order require him or them to provide fit up alter maintain repair or renew and on failure of such owner or owners so to do within seven days next after the service of such order they shall be liable to a penalty of forty shillings in default of compliance with each such order:

(2) The Corporation shall provide the necessary supply of gas or electric light for the lamps brackets burners or other appliances for lighting fitted up in such common stairs passages and private courts and shall daily by their servants light all such lamps prior to the expiration of the first hour after sunset and shall in like manner daily extinguish all such lights as soon as the necessity for lights shall cease and for such purposes the inspector of lighting or any other officer or servant of the Corporation shall be entitled to require and shall have access to and from all such common stairs passages and private courts at all times and the Corporation may charge the owner or owners of such common stairs passages and private courts or of lands or premises having a right of access by or use of the same for the supply of gas or electricity and for lighting and extinguishing such lights a sum not exceeding ten shillings per light or burner per annum:

(3) Where there are more owners than one having a right of access by or use of any such common stairs passages

or private courts lighted as above the sum payable per light or burner per annum as above shall be apportioned to and payable by each in proportion to the annual rent or value of his heritage entered by or having a common use of any such common stairs passages or private courts and each such owner or owners shall in respect of any sum or sums so paid for lighting any common stair or passage within a building or premises have a right of recovery against the occupier of such building or premises or where there are more occupiers than one against each in proportion to the annual rent of the premises occupied by him:

(4) Where the lights in any such common stairs or passages within buildings or premises are covered or protected by glass or other transparent substance the occupier of such buildings or premises shall clean or cause the same to be cleaned at least once every week and where there are more occupiers than one such cleaning shall be done by such occupiers in weekly rotation to be fixed in case of dispute by the inspector of lighting and any occupier failing to clean or cause to be cleaned any such lamp as above shall be guilty of an offence and shall be liable to a penalty not exceeding ten shillings:

(5) The Corporation shall cause to be cleaned weekly all lamps in courts passages and stairs attached to but outwith buildings or premises and in respect of such cleaning shall be entitled to charge the owner or owners liable to maintain such lights as above a sum not exceeding five shillings per lamp per annum in addition to the sum chargeable for the supply of gas or electricity and for lighting and extinguishing such lights:

(6) The Corporation shall annually fix the sum payable per light or burner by the owner or owners of heritages having common stairs passages or private courts lighted as above in respect of supplying light and of lighting and extinguishing lights and also the sum payable per lamp in respect of cleaning as above and such charges shall be payable forthwith.

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Part XXVIII.

Cleansing.

Adoption of Burgh Police (Scotland) Act 1892—Cleansing.

388. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 108 (Commissioners may provide lands &c. for deposit of soil and materials).

Section 109 (Removal of dust ashes and other refuse).

Section 110 (Public conveniences) as amended by section 104 (2) (*b*) of the Burgh Police (Scotland) Act 1903).

Section 111 (Streets to be watered and wells pumps &c. provided).

Section 113 (Penalty for obstructing scavengers).

Section 114 (Penalty on persons other than scavengers removing dirt).

Section 115 (Sweeping and washing of common stairs).

Section 117 (Common stairs and houses let for short periods to be cleansed by owners) as amended by section 104 (Portions of principal Act repealed or amended) of and the schedule to the Burgh Police (Scotland) Act 1903.

Section 120 (Areas &c. to be cleansed by occupiers).

Section 125 (Penalty for conveying offensive matter at improper times).

Section 126 (As to laying down dung on fields nursery or garden grounds).

Scavengers.

389. The Corporation shall employ a sufficient number of scavengers or contract with any person for sweeping cleansing and watering the streets and for removing all dust ashes rubbish and filth therefrom and for emptying privies and cesspools in the manner by this Act directed and every such contractor who in any instance fails to discharge any duty imposed on him by his contract shall for every such offence be liable to a penalty not exceeding five pounds.

Dungsteads &c. to be cleaned out.

390. It shall be lawful for the Corporation after inspection and report by the chief constable or inspector of cleansing or sanitary inspector to regulate and limit the time within which all

common necessaries and dungsteads shall be emptied and cleaned out and if any person under obligation by contract or otherwise to empty or clean out such places shall fail so to do within the time so limited such person shall be liable to a penalty not exceeding twenty shillings besides forfeiture of any dung in such place which dung the inspector of cleansing or sanitary inspector or any officer authorised by the Corporation may remove or dispose of.

Dust &c. collected to be vested in Corporation.

391. The dust night soil dung ashes rubbish filth and manure including slaughter-house manure (excepting always 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 breweries tan works soap or chemical or other works) within the burgh shall be vested in the Corporation who shall have power to sell and dispose of the same as they think proper and the money arising therefrom shall be applied to the purposes of the burgh general assessment and the Corporation shall cause all the roadways of public streets from time to time to be properly swept and cleansed and all the dust night soil dung ashes rubbish filth and manure which is found on them or in privies sewers cesspools houses or other premises to be collected and removed at such convenient hours and times as they shall consider proper and in all cases where there is insufficient access for a cart or wheelbarrow to the dungstead ashpit or privy the owner thereof shall be bound to provide such access to the satisfaction of the Corporation and failing his doing so he shall be bound to pay the extra expenses of the removal as the same shall be fixed by the Corporation.

As to depositing manure in streets.

392. Any person who shall lay or cause to be laid in any street any manure whether in course of removal of the same from any house building or other premises or from any dungstead or for the purposes of delivering the same for use in any nursery or other garden or land between eight of the clock of the morning and midnight from the first day of October to the first day of April and between seven of the clock of the morning and midnight from the first day of April to the first day of October shall forthwith remove such manure and take the same away and shall immediately thereafter clean the portion of the street on which such manure was so laid and if any person as aforesaid fails so to do or fails to remove before the said hours respectively from any street any manure laid down in hours other than the hours

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above specified such person shall be liable to a penalty not exceeding forty shillings for each occasion on which he so makes default and any manure allowed to remain on any street in contravention of the provisions of this section shall be the property of the Corporation who may take possession of and sell the same and apply the proceeds to the purposes of the burgh general assessment without prejudice to the right of the Corporation to proceed as aforesaid against the person so offending.

Cleansing of footpaths.

393. The respective occupiers of houses and buildings with the courts yards gardens pleasure grounds and other appurtenances next adjoining the several streets the proprietor of any feued or vacant piece of ground (not used as arable meadow or pasture ground only) the trustees Deacon's Court treasurer and minister of every church chapel meeting-house or place of public worship and the person for the time being the ostensible director or manager of every hospital school theatre or other public building in the streets and other public places shall cause to be well and sufficiently swept or cleansed the several footways and foot pavements along the whole length of the fronts of the respective houses buildings courts yards gardens pleasure grounds feued or vacant pieces of ground churches and churchyards chapels and chapelyards meeting-houses hospitals schools theatres and other public buildings (except as aforesaid) and to the full extent of the said footways and foot pavements and on the side or sides of the same respectively before the hour of nine of the clock in the morning of every day (Sunday excepted) and shall also cause the dirt soil snow or ice arising from such sweeping and cleansing to be put together so as not to obstruct either the carriageway or footway in order that the same may be removed by the scavengers or other persons employed by the Corporation and if any such occupier or other person makes default or fails in any of the cases aforesaid he shall be liable to a penalty not exceeding ten shillings for each offence.

Order in which occupiers &c. are liable to cleanse footway.

394. The obligations imposed by the immediately preceding section upon occupiers of houses and buildings shall if there be more occupiers than one be incumbent upon the occupiers of the ground and street floor and if there shall be no occupier on the ground or street floor of such building then upon the occupier of the next higher floor on which there shall be an occupier or if there is no occupier then upon the proprietor of such lands and heritages.

Part XXIX.

Sanitary.

Adoption of Burgh Police (Scotland) Act 1903—Supply of milk from diseased cows.

395. The following sections of the Burgh Police (Scotland) Act 1903 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 83 (Interpretation of terms).

Section 84 (Penalty for selling milk of diseased cows—Penalty on failing to isolate diseased cows—Obligation to notify cases of tuberculosis).

Section 85 (Power to take samples of milk).

Section 86 (Power to inspect cows and procedure where tuberculosis due to milk within the burgh).

Section 87 (Procedure when milk supplied from outside the burgh).

Section 88 (Penalties).

Section 89 (Compensation where order made without due cause).

Section 90 (Expenses how to be charged).

Section 91 (Notice to be given).

Section 92 (Mode of recovering penalties).

For regulating manufacture and sale of ice cream &c.

396.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the burgh—

(A) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any sleeping-room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

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(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity for materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow or stand and any person who shall fail to comply with this subsection shall for every such offence be liable to a penalty not exceeding forty shillings.

Ice-cream shops &c. to be registered.

397.—(1) Every person who shall keep or suffer to be kept or used or use any house building part of a building or other premises as an ice-cream shop or aerated water shop without being registered in a register to be kept by the Corporation who are hereby required to keep a register for that purpose in which they shall enter the names of applicants without charge shall be liable to a penalty not exceeding five pounds and in the event of such premises being continued to be kept or used for such purpose after conviction to a continuing penalty not exceeding five pounds for every day during which the offence is committed or continued.

(2) Section 316 (Byelaws) of the Burgh Police (Scotland) Act 1892 shall be deemed to confer power on the Corporation to make byelaws in regard to the hours of opening and closing of premises registered under this section the hours for business not being more restricted than fifteen hours daily and the provisions of the said Act relating to byelaws and the confirmation and enforcement thereof shall apply accordingly.

(3) The Corporation may at any time authorise the inspection of any house building part of a building or other premises used or suspected of being used as an ice-cream shop or aerated water shop and the occupier keeper or other person having charge thereof shall give admission thereto at any time to the medical officer sanitary inspector constable or any other person authorised in writing by the Corporation and every occupier or keeper or other person having the charge of such premises who shall not admit such authorised person on exhibition of his authority shall be liable to a penalty not exceeding two pounds.

(4) In this section the expression "ice-cream" shall include any preparation sold under the name of ice-cream or any similar title whether containing milk or cream or not. A.D. 1909.

Adoption of Burgh Police (Scotland) Act 1892—Urinals at public-houses.

398. Section 256 (Urinals &c. attached to public-houses &c.) of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Manure loaded into railway waggons to be removed out of burgh within twenty-four hours.

399. Any waggon which may at any of the railway stations or sidings within the burgh be loaded with town manure or with stable or byre dung shall be sent out of the burgh within twenty-four hours from the time when it was so loaded and for every failure to send a waggon loaded as aforesaid beyond the burgh within the period specified the railway company upon whose ground or line such waggon shall be detained shall be liable to a penalty not exceeding forty shillings.

Penalty for keeping dwelling-houses watercloset &c. in a dirty condition after notice.

400.—(1) Every person occupying any dwelling-house who keeps the same or any building or place appurtenant thereto and every person who keeps any watercloset 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 on conviction 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 watercloset 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.

Corporation may require householders to report cases of infectious or contagious disease to medical officer.

401. The Corporation may on its being certified to them by the medical officer that epidemic contagious or infectious disease exists within the burgh issue an order requiring every householder within the burgh or any particular district thereof to notify to the medical officer within twenty-four hours from the time when the existence of such disease in his house has come to his knowledge any case of such disease which may occur in such house and public notice of such order shall be given by means of placards posted in public places within the

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burgh and also by advertisement in a newspaper circulating in the burgh and any householder failing to comply with such order of the Corporation shall be liable to a penalty not exceeding twenty shillings.

Protection against infection of books from public library.

402.—(1) If any person knows he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from any public or circulating library in the burgh.

(2) A person shall not permit any book which has been taken from a public or circulating library in the burgh and is under his control to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library in the burgh any book which he knows to have been exposed to infection from infectious disease or permit any such book which is under his control to be so returned but shall give notice to the Corporation that the book has been so exposed to infection and the Corporation shall cause the book to be disinfected and returned to the library or to be destroyed.

(4) The Corporation shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the powers given by this section.

(5) If any person acts in contravention of or fails to comply with this section he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

(6) For the purposes of this section the expression "infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the burgh.

Corporation may remit certain expenses on ground of poverty.

403. The Corporation may out of the proceeds of the public health general assessment defray the expense of any of the sanitary operations which under the provisions of this Act or of the Public Health (Scotland) Act 1897 an owner or occupier of a private dwelling-house may be required to perform if from the poverty of such owner or occupier it shall seem expedient so to do.

Application of Public Health (Scotland) Act 1897 to common lodging-houses.

404. The provisions of the Public Health (Scotland) Act 1897 relating to common lodging-houses shall apply to any house or part thereof within the burgh where lodgers are housed at an amount not exceeding eightpence per night for each person whether the same be payable nightly or weekly or for any period

not longer than one calendar month and shall include any place where emigrants are lodged and all boarding houses for seamen irrespective of the rate charged for lodging or boarding. A.D. 1909.

Notification by common lodging-house keepers of fever &c.

405. Every common lodging-house keeper within the burgh shall in respect of any of the following acts or omissions be liable to a penalty not exceeding forty shillings:—

(1) If he does not give immediate notice to the medical officer of any case of fever or other serious disease which occurs in his house or of any illness which causes any lodger to be confined to his bed for twenty-four hours:

(2) If he does not every third day during which such disease or illness continues give a new notice thereof to the medical officer unless he prove that such lodger has been seen and has been during his illness and is duly and sufficiently attended by a regular medical practitioner.

Sleeping apartments must contain a window of certain size.

406. No owner shall let and no person shall take on lease or use or suffer to be used as a habitable apartment in which there is not at least one window or in which each window is not so constructed or hung as that at least one third of it may be conveniently and easily opened from the top or in which the area of glass in the sash of such window or the sashes of the several windows therein are not of the dimensions hereinafter provided (namely):—

If the apartment contains less than two thousand five hundred cubic feet of space unless the area of glass in the sash or sashes gives superficial area in the proportion of one square foot for every hundred of such cubic feet:

If the apartment contains more than two thousand five hundred cubic feet of space unless the area of glass in the sash or sashes gives a superficial area in the proportion of one square foot for every one hundred and fifty of such cubic feet.

Fixing minimum cubic contents of small dwelling-houses.

407. It shall not be lawful for any owner to let or for any person to take on lease as a separate dwelling-house any existing building or part of an existing building which exclusive of lobbies closets presses or concealed or press beds is not at least of the following dimensions (namely):—

If such dwelling-house consists of only one apartment and shall have been used as a separate dwelling-house previous

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to the twelfth day of July one thousand eight hundred and seventy-seven unless it contains at least seven hundred cubic feet of space or if it shall not have been so used unless it contains at least nine hundred cubic feet of space:

If such dwelling-house consists of only two apartments and shall have been used as a separate dwelling-house previous to the said day unless it contains at least twelve hundred cubic feet of space or if it shall not have been so used unless it contains at least fifteen hundred cubic feet of space:

If such dwelling-house consists of only three apartments and shall have been used as a separate dwelling-house previous to the said day unless it contains at least eighteen hundred cubic feet of space or if it shall not have been so used unless it contains at least two thousand cubic feet of space.

Penalty for letting or using any prohibited apartment.

408. Any person who shall let or take on lease any dwelling-house which shall not be in conformity with the said provision shall be liable to a penalty not exceeding five pounds.

Small dwelling-houses to be ticketed.

409. It shall be lawful for any person appointed by the Corporation from time to time to enter any dwelling-house which shall consist of not more than three apartments for the purpose of measuring in cubic feet the space contained therein exclusive of lobbies closets presses or concealed or press beds and to mark on or over the outside of the door of any such dwelling-house if the cubic contents thereof do not exceed two thousand feet or to affix thereto a ticket on which are marked in such position and style as the Corporation shall see fit the number of such cubic feet and the number of persons exceeding the age of eight years who without a breach of the provision next hereinafter contained may sleep therein and from time to time to renew such marking or ticket and any person who shall obliterate deface remove or alter such marking or ticket shall be liable to a penalty not exceeding ten shillings.

Penalty for exceeding number of persons marked on ticket.

410. If any dwelling-house which may consist of not more than three apartments is used for the purpose of sleeping in by a greater number of persons than in the proportion of one person of the age of eight years or upwards for every three hundred cubic feet of space or of one person of an age less than eight years for every one hundred and fifty cubic feet of space contained therein exclusive of lobbies closets presses and concealed or press

beds or by a greater number of persons than is marked thereon in pursuance of the provisions hereinbefore contained every person so using or suffering it to be used shall be liable to a penalty not exceeding five shillings for every day or part of a day during which it is so used or suffered to be used by him.

Power to enter and ascertain number of persons marked on ticket.

411. The medical officer the sanitary inspector the inspector of lodging-houses or any persons authorised by the Corporation may from time to time and at any time in the day or night enter any such dwelling-house and may inspect and examine every apartment therein in order to ascertain whether the provisions of the immediately preceding section are complied with or not and if any person refuses to admit resists or obstructs or incites any other person to resist or obstruct any officer or person authorised by the Corporation for that purpose in so entering examining or inspecting as aforesaid he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Cases in which two convictions have occurred within three months.

412. Where two convictions against the provisions of this Act relating to the overcrowding of any house shall have taken place within the period of three months whether the persons so convicted were or were not the same it shall be lawful for the sheriff to direct the closing of such premises for such time as he may deem necessary.

Adoption of Burgh Police Acts—Sanitary provisions.

413. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 118 (Surveyor medical officer or inspector may enter and cleanse dwelling-houses &c. at expense of owners).

Section 121 (Stables and byres to be kept clean).

Section 185 (Common stairs &c. to be properly lighted and ventilated).

Section 243 (Inspection of drains and cesspools).

Section 249 (Penalty for introducing ashes into soil pipes).

Section 250 (Owners of flats of houses may erect waste-pipes to communicate with drains).

Section 251 (Construction of waterclosets &c.).

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Section 252 (Construction of cesspools &c.).
Section 253 (Construction of ashpits &c. and use of same).
Section 254 (Owners to remove cesspools after notice).

Burgh Police (Scotland) Act 1903—
Section 21 (Private courts to be paved).
Section 53 (Prevention of unnecessary noises during illness).

Water and water-closets.

414. Within one month after notice given by the Corporation in writing for that purpose the owner of every house or part of a house occupied by a separate family into which water has not been already introduced shall subject to the provisions of any byelaws made by the Corporation introduce water thereto and shall fit up in some window recess or other well-lighted and ventilated place a sink sufficient to carry off the whole foul water and after a like notice every such owner shall also subject as aforesaid provide for such house or part of a house occupied by a separate family wherever practicable a sufficient watercloset Provided always that if in the opinion of the Corporation it is not advisable to introduce waterclosets into each house or part of a house they after a like notice may subject as aforesaid require the owners of a tenement to construct on each flat or in some convenient place or places adjacent to such tenement wherever practicable a sufficient number of waterclosets for the separate use of each sex of the inmates and occupiers of the said tenements.

Soil-pipes may be carried through different houses.

415. Where there are two or more houses in any tenement the owner and occupier of each house shall permit soil-pipes if unavoidably necessary to be carried through the same and the owner and occupier of the lowest storey shall permit such soil-pipes if necessary to be carried through and under the same and all such owners and occupiers shall at all reasonable times afford access to all such houses for the construction of the works and for making all repairs necessary thereon without any claim for compensation Provided always that the work shall be so executed at the sight of the burgh surveyor and so as to occasion the least inconvenience to any such owner and occupier and that any injury done to such houses in the execution of the works shall be forthwith repaired and that authority shall first be obtained from the magistrate which authority may be granted summarily on hearing the parties concerned without written pleading.

Part XXX.

Slaughter-House.

Definition of "cattle."

416. For the purposes of this Part of this Act "cattle" means bulls cows oxen heifers calves sheep goats and all other ruminating animals and swine.

Slaughter-house to continue vested in Corporation.

417. The slaughter-house vested in the Corporation at the commencement of this Act shall continue vested in the Corporation.

No cattle to be slaughtered elsewhere than in Corporation slaughter-house.

418. No person shall slaughter any cattle or scald or dress the carcases of any slaughtered cattle or cause the same to be done within the burgh elsewhere than within the slaughter-house of the Corporation under a penalty of five pounds for each offence and the Corporation may charge for the use of the said slaughter-house such reasonable rate or sum having regard to the cost of construction maintenance and working thereof as may be agreed on between them and the persons using the same and in case of difference as to the rate to be taken for the use of such slaughter-house the same shall upon the application of either party and after seven days' previous notice to the other party of such intended application be fixed by the sheriff in a summary manner and the decision of the sheriff shall be final Provided that nothing in the foregoing part of this section shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1903 or of any order licence or act of the Board of Agriculture and Fisheries made granted or done thereunder.

Common carriers to give information.

419. Every common carrier into the burgh of carcases or parts of carcases of cattle or beasts killed without the burgh shall if required by the Corporation give such reasonable information as the Corporation may require as to the place to which and the person to whom such carcase or part carcase has been consigned and every person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Adoption of Burgh Police (Scotland) Act 1892—Slaughter-houses.

420. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 278 (Commissioners may license slaughter-houses) as amended by section 104 (1) of the Burgh Police (Scotland) Act 1903.

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Section 280 (Officer of health to report on sanitary condition of slaughter-houses) as amended by the Burgh Police (Scotland) Act 1903.

Section 281 (Commissioners may make byelaws for regulation of slaughter-houses &c.) as amended by section 104 (1) of the Burgh Police (Scotland) Act 1903.

Section 285 (Places for slaughtering horses to be licensed) as amended by section 104 (1) of the Burgh Police (Scotland) Act 1903.

Section 287 (Offences under 29 & 30 Vict. c. 16) (The Cattle Sheds in Burghs (Scotland) Act 1866).

Prohibition of blowing or inflating carcases.

421. It shall not be lawful to blow or to inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the burgh and any person offending against this enactment or exposing or depositing for sale within the burgh a carcase blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Power to provide refrigerators &c.

422.—(1) The Corporation may provide maintain and manage in connection with the slaughter-house of the Corporation—

(A) A refrigerator and cold store:

(B) Suitable apparatus or appliances for disposing of any carcase or part thereof condemned as diseased unsound or unfit for the food of man.

(2) The Corporation may from time to time charge and recover for the use of the said refrigerator cold store apparatus and appliances and for any services rendered by the Corporation thereat such rates or sums as may be fixed by the Corporation or by the sheriff in a summary manner on the application of any person liable thereto and the decision of the sheriff shall be final Provided that until such rates or sums have been so fixed by the sheriff the Corporation may charge and recover the existing rates or sums for the use of the said refrigerator cold store apparatus and appliances.

Part XXXI.

Byelaws Regulations &c.

Adoption of Burgh Police Acts—Byelaws.

423. The following sections of the Burgh Police Acts shall be deemed to have been duly adopted by the Corporation in terms of those Acts and shall come into force in the burgh at

the commencement of and as part of this Act and shall apply to all byelaws made by the Corporation and dean of guild under the powers of this Act (that is to say):—

Burgh Police (Scotland) Act 1892—

Section 316 (Byelaws) except (3) (4) (6) (8) and (9) of A —For general purposes.

Section 317 (Byelaws may be enforced by imposition of penalties) except in regard to byelaws for the enforcement of which a higher penalty than forty shillings may be imposed.

Section 318 (Byelaws to be confirmed).

Section 319 (Notice of confirmation to be given).

Section 320 (A copy of proposed byelaws to be open to inspection).

Section 321 (Publication of byelaws).

Section 322 (Byelaws to be binding on all parties).

Section 323 (Evidence of byelaws).

Burgh Police (Scotland) Act 1903—

Section 93 (Power to make byelaws).

Magistrates may prohibit party processions &c.

424. The magistrates may from time to time issue orders prohibiting party processions or bands of music from gathering on using or passing along the streets of the burgh or any of them and every breach of such order shall be an offence against this Act and every person committing or assisting to commit any such offence shall be liable to a penalty not exceeding five pounds.

Magistrates may divert traffic to side streets.

425. The magistrates shall have power on all occasions when it shall appear to them to be necessary for the safety or convenience of the public temporarily to divert the traffic of goods carried on vehicles of every kind or of such particular kinds as may be specified in their order from a main into a side street and may make or issue orders for that purpose.

Magistrates may make regulations for certain purposes.

426. 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 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:

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(3) For regulating the mode of conveyance of heavy goods and machinery along any particular street and for prescribing suitable carriages and width of tyres having regard to the nature and weight of the goods to be conveyed :

(4) 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 :

(5) For regulating public processions :

(6) For regulating the hawking selling or offering or exposing for sale in streets and public places of goods or articles of any description whatever :

Provided always—

(i) That the magistrates shall advertise any regulation notice or order made under the provisions of this section once in a newspaper published within the burgh ;

(ii) 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 ;

(iii) 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 :

And every breach of any such regulation notice or order shall be deemed an offence and every person committing such an offence shall be liable to a penalty not exceeding forty shillings.

Part XXXII.

General.

(A)—*Notices.*

Adoption of Burgh Police (Scotland) Act 1892—Power to cancel &c. notice.

427. Section 337 (Power to cancel or vary notice) of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

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Form and service of notices &c.

428. Unless otherwise herein expressly provided the following provisions shall apply to the making giving delivering or service of any petition complaint notice order resolution requisition demand or other instrument under this Act or any byelaws in force :—

(1) It may be in print or writing or partly print and partly writing and may be authenticated by the name of the clerk or other proper officer being affixed thereto in print or writing :

(2) It shall be sufficiently given to any owner or occupier of any property if addressed simply to the "owner" or "occupier" of the premises (naming them) to which it relates :

(3) It may be served upon the person to whom it relates either personally or through the post office addressed to him at his usual or last known place of abode or business or by delivering the same to some inmate there or in case of an occupier to an inmate of the building to which the document relates or if the building is unoccupied and the place of abode of the person after due inquiry cannot be found by affixing the same or a copy thereof upon some conspicuous part of such building or in case of a person employed on any ship or vessel by leaving it in the hands of a person on board thereof and connected therewith and where any owner resides beyond the jurisdiction of the magistrates such owner may be cited by delivering the citation to his known factor or agent or person drawing the rents or if there be no factor agent or person drawing the rents the occupier of the premises or any of them may be cited and shall take burden for the owners and have right of relief against them.

Notices by advertisement.

429. All notices required by this Act to be given by advertisement shall be advertised in a newspaper circulating in the burgh.

Authentication of notices &c.

430. Every order summons notice or other such document requiring authentication by the Corporation shall be sufficiently authenticated if signed by two members of the Corporation or by the town clerk and it need not be under the common seal and the same may be in writing or in print or partly in writing and partly in print.

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Proof of debts in bankruptcy.

431. If any person against whom the Corporation have any claim or demand become bankrupt or take the benefit of any Act for the relief of insolvent debtors the town clerk or chamberlain in all proceedings against the estate of such bankrupt or insolvent or under any fiat sequestration or act of insolvency against such bankrupt or insolvent may represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of such town clerk or chamberlain and not of the Corporation.

(B)—*Execution of Works by Corporation.*

Adoption of Burgh Police (Scotland) Act 1892—Execution of works by Commissioners.

432. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 325 (Commissioners empowered to enter upon premises for purposes of this Act).

Section 326 (Penalty on persons obstructing commissioners or workmen employed by them).

(C)—*Execution of Works by Owners or Occupiers.*

Adoption of Burgh Police (Scotland) Act 1892—Works by owners or occupiers.

433. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act (that is to say):—

Section 327 (Commissioners in default of owner or occupier may execute works and recover expenses).

Section 328 (Occupier in default of owner may execute works and deduct expenses from his rent).

Section 332 (Commissioners may allow time for repayment by owners).

Section 333 (Proceeding in case of occupiers opposing execution of Act).

Section 334 (Respecting existing contract for building).

Section 335 (Respecting contracts for leases).

How expenses are to be recovered from owner.

434. If the owner of any premises made liable by the provisions of this Act for any sum for use of sewers or for private improvement expenses or any charge for the repayment to the Corporation of any expenses incurred by them do not as soon as

the same become due and payable from him pay such sum or charge or repay all such expenses to the Corporation the Corporation may without prejudice to the preferable right and summary mode of recovery and the power herein contained recover such sum charge or expenses with the legal interest thereof from the time when the same was due and payable from such owner in the same manner as any debt may be recovered by the law and practice of Scotland.

Power to levy charges on occupier who may deduct same from his rent.

435. The Corporation may by way of additional remedy require the payment of all or any part of such sum charge or expenses and interest payable by the owner for the time being from the person who then or at any time thereafter occupies any such premises under such owner and in default of payment thereof by such occupier on demand the same may be levied by seizure and sale of the goods and effects of such occupier in the same manner as the burgh general assessment may be recovered from him under this Act and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such charge or expenses and interest.

Occupier not to be liable for more than amount of rent due.

436. No occupier of any premises shall be liable to pay more money in respect of any sums charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such sum charge or expenses and interest are payable at the time of the demand or which at any time after such demand shall have accrued and become payable by him unless he neglect or refuse upon application made to him for that purpose by the Corporation truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded of any such occupier is greater than the rent which is due by him at the time of such demand or which has since accrued shall lie upon such occupier Provided further that nothing herein contained shall be taken to affect abridge or alter any claim of relief or otherwise competent to such owner or occupier respectively against each other under any special contract made between them respecting the payment of the expenses of any such works as aforesaid.

Joint owners or occupiers to relieve each other rateably.

437. Where several persons are interested jointly as owners or as occupiers of the same lands or heritages they shall relieve each other from any liability imposed on them by this Act and

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from any expense incurred in the fulfilment of such liability according to the extent of their respective interests therein.

Claim of relief to be fixed by valuation roll as regards work in a street.

438. Where any work in under or upon a street shall be by this Act directed to be executed maintained or cleansed by any owner or occupier of lands or heritages adjoining it and where there are several owners or occupiers who in respect of flats or portions of the same building or otherwise are jointly interested in the said work and might be called on to fulfil the said liability and there shall be no special provision or agreement with respect thereto all of such owners or occupiers as the case may be shall relieve each other from the expense incurred in the fulfilment of such liability according to the extent of their respective interests as shown by the last completed valuation roll at the date when the expense shall have been incurred.

Claim of relief to be fixed as regards works in private lands and heritages.

439. Where any work in under or upon any lands or heritages is by this Act directed to be executed maintained or cleansed by any owner or occupier thereof and where there are several owners or occupiers who in respect of flats or portions of the same building or otherwise are jointly interested in the said work or in the solum in under or upon which it is to be executed maintained or cleansed and might be called on to fulfil the said liability and there is no special provision or agreement with respect thereto all of such owners or occupiers as the case may be shall relieve each other from the expense incurred in the fulfilment of such liability according to the extent of their respective interests therein as shown by the last completed valuation roll at the date when the expense was incurred.

Principle of apportioning other claims of relief.

440. Every other liability imposed by this Act with respect to which there shall be no special provision or agreement shall in any question of relief be equitably apportioned among the several persons on whom the obligation shall be laid.

How said claims to be enforced.

441. Every claim of relief under the foregoing provisions may be made and sued for as damages.

(D)—*Miscellaneous.*

Power to lay pipes in streets not dedicated to public use.

442. The Corporation may upon the application of the owner or of the occupier with consent of the owner of any premises abutting on or being erected in any street road court passage or other access to such premises laid out or made but not dedicated to public use within the statutory limits of the Corporation for

the supply of gas electrical energy or water respectively supply such premises with gas electrical energy or water and may lay and from time to time take up alter relay or renew in across or along such street road court passage or other access such pipes cables service lines and other works as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 and the Electric Lighting (Clauses) Act 1899 and the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Adoption of Burgh Police (Scotland) Act 1892—Appeal.

443. Section 339 (Appeal) of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Burgh Police Acts and shall come into force in the burgh at the commencement of and as part of this Act.

Rescission of adoption of Burgh Police Acts.

444. The adoption by the Corporation prior to the commencement of this Act of any of the provisions of the Burgh Police Acts shall from and after the commencement of this Act be deemed to be rescinded and such provisions shall not in virtue of such adoption apply to the burgh.

Repeal of Acts and Orders.

445.—(1) Subject to the provisions of this Act the Local Acts and Orders specified in Part I. of the Eleventh Schedule to this Act (in this section referred to as "the repealed Acts and Orders") are hereby repealed to the extent mentioned in that schedule Provided that all provisions of the repealed Acts and Orders with reference to any assessments rates rents tolls and other sums leviable by or due to the Corporation shall continue in force until the fifteenth day of May one thousand nine hundred and ten and all such provisions shall as and from that date be repealed Provided further that the sections of the repealed Acts and Orders mentioned in Part II. of that schedule as excepted from repeal shall have and continue to have the same effect as if this Act had not been passed.

(2) Notwithstanding the repeal of the repealed Acts and Orders as aforesaid—

(A) All existing bonds mortgages or other securities granted payable or created by the Corporation under any of the repealed Acts or Orders shall be and continue

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valid and available for all purposes and for and against all parties and the holders of all such bonds mortgages or other securities shall be in the like position and entitled to the like powers rights and remedies as if the same had been respectively granted or issued under this Act:

(b) All property vested in and trusts administered by the Corporation at the commencement of this Act shall continue vested in and to be administered by the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or Orders or any of them and which were at the commencement of this Act valid and available or in progress and all existing decrees arbitral notices notices to treat agreements awards conveyances contracts covenants deeds instruments leases obligations restrictions servitudes rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed:

(c) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the repealed Acts or Orders or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed:

(d) All existing byelaws rules regulations orders and licences and the sections of the Acts or Orders under which they were made and granted shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act:

(e) All assessments rates rents tolls and other sums on the fifteenth day of May one thousand nine hundred and ten due part due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed:

(f) All books and documents which under any of the repealed Acts or Orders or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

Saving for corporation of city of Glasgow.

446. Nothing in this Act contained shall affect or diminish or shall extend or enlarge the powers and jurisdiction of the corporation of the city of Glasgow and the bailie of the river and firth of Clyde or the powers rights or privileges conferred or the duties or obligations imposed on the said corporation as port local authority of the port of Glasgow under the Order dated the seventh day of August one thousand nine hundred and three of the Local Government Board for Scotland constituting the said corporation as the local authority of the burgh of Glasgow in terms of the Public Health (Scotland) Act 1897 the port local authority of the port of Glasgow.

Saving rights of harbour trustees.

447. The police jurisdiction and police powers in this Act conferred upon the magistrates shall extend over and include the whole territory comprehended within the police boundaries of this Act as before defined Provided that—

(1) Nothing in this Act contained shall lessen or injure the rights of the trustees of the port and harbours of Greenock for putting into execution the Greenock Port and Harbours Acts 1866 to 1895 in and to the harbours and quays or other property of the said trustees or to maintain the said harbours or quays or other property or to levy dues or rates or shall relieve them from any obligation or deprive them of any power imposed or conferred by the said Acts or any of them or shall interfere with or affect the powers and privileges rights duties and obligations of the said trustees in any way or shall impose upon them any tax or other burden to which they are not at present liable by law:

(2) All offences under the said Greenock Port and Harbours Acts 1866 to 1895 or the Acts incorporated therewith or any byelaw made or to be made thereunder shall and may be tried under the authority of this Act in the same way and manner in all respects as if they were police offences under this Act:

(3) The chief constable and constables appointed and acting under this Act shall in conformity with the Greenock

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Port and Harbours Act 1866 be the chief constable and constables within the said port and harbours and all the rights powers privileges and duties conferred and imposed by this Act on the chief constable and constables shall be possessed and performed by them within the said port and harbours.

For protection of Postmaster-General.

448.—(A) Notwithstanding anything in the Greenock Corporation Act 1893 or this Act contained if any of the works authorised to be executed by the Greenock Corporation Act 1893 or by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(1) The Corporation 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 His 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 Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) 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) the Corporation 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 Corporation 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 Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation 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:

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section

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if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

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

(10) 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 sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

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

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Crown rights.

449. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject

to the provisions of this Act any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree. A.D. 1909.

450. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of any funds rates or revenues belonging to them or under their control or out of any moneys borrowed for that purpose under this Act. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LOCAL ACTS AND ORDERS RELATING TO THE BURGH OF GREENOCK.

The Greenock Police and Improvement Act 1865.
The Greenock and Shaws Water Transfer Act 1866.
The Greenock Water (Additional Works) Act 1866.
The Greenock Water Act 1869.
The Greenock Police Improvement and Gas Act 1871.
The Greenock Street Tramways Act 1871.
The Greenock Police and Improvement Act 1875.
The Greenock Water Act 1875.
The Greenock Police Act 1877.
The Greenock Improvement Provisional Order Confirmation Act 1877.
The Greenock Burgh Extension Act 1882.
The Greenock Electric Lighting Order 1883.
The Greenock Corporation Act 1893.
The Greenock Corporation Order Confirmation Act 1901.
The Greenock Corporation Order Confirmation Act 1904.

THE SECOND SCHEDULE.

PART I.

DISTRICT ANNEXED.

The lands and heritages in the parishes of Inverkip and Greenock in the county of Renfrew bounded by an imaginary line drawn from a point situate in the Inverkip Road at the intersection of the north line of that road and the western boundary of the burgh thence for a distance of one thousand eight hundred and twenty feet or thereabouts in a northerly direction along the said western boundary to the north boundary fence of field No. 704 on the $\frac{1}{2500}$ Ordnance survey map of the county of Renfrew (1897 edition) thence westward along the northern side of the said fence and continuation thereof to and across Auchneagh Road and thence westward along the northern side of the north boundary fence of field No. 719 on the said Ordnance survey map and continuation of the boundary fence last mentioned to the western side of the eastern

fence of Larkfield Road thence in a southerly direction along the western side of the eastern fence of said road to a point one hundred and fifty yards or thereby from the south side of the Inverkip Road thence across the Larkfield Road to the eastern side of the western fence thereof thence southward along said fence and in continuation thereof to the south side of Inverkip Road thence eastward along south side of that road to the western boundary of the lands of Smithston belonging to the parish council of Greenock thence in a southerly direction to and across the Caledonian Railway (Wemyss Bay Branch) to and across the road giving access to Branchton Farm thence along the western boundary of the said lands of Smithston to the south side of the aqueduct belonging to the Corporation thence in an easterly direction to and into the parish of Greenock along the south side of said aqueduct and following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the western face of the western boundary wall of plot No. 356 on the said Ordnance survey map to the south-west corner thereof thence in an easterly direction along the south face of the south boundary wall of the said plot and of the wall enclosing the ground on south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a southerly direction along the western side of the said road to a point about one hundred and twenty feet south from the Ordnance survey bench mark 597·9 on the east side of the said road thence eastward across the said road to the south side of the north fence of field No. 344 on the said Ordnance survey map thence eastward along said fence to west boundary wall of Whinhill Reservoir thence southward along said west boundary wall and fence to south boundary wall or fence of said reservoir thence in an easterly direction following the wall and fence enclosing the ground of the said reservoir and of the filters to the southern side of the fence on the south side of Auchmountain Glen thence in a north-easterly direction along the southern side of the said fence to a point about two hundred and ten feet south-west from the existing municipal and parliamentary boundary of the burgh thence in a straight line in a north-easterly direction to the burgh boundary stone on the south-west side of the Kilmacolm Road thence turning and running in a westerly southerly westerly and northerly direction along the burgh boundary to the point hereinbefore described as situate in the Inverkip Road.

Part II.

Municipal Boundaries.

The limits are as follows namely Beginning at the point on the west of the burgh at which the shore of the Firth of Clyde is met by the march between the parishes of Greenock and Inverkip thence

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southward along the said march to the north boundary fence of field No. 704 on the $\frac{1}{2500}$ Ordnance survey map of the county of Renfrew (1897 edition) thence westward along the northern side of the said fence and continuation thereof to and across Auchneagh Road and thence westward along the northern side of the north boundary fence of field No. 719 on the said Ordnance survey map and continuation of the boundary fence last mentioned to the western side of the eastern fence of Larkfield Road thence in a southerly direction along the western side of the eastern fence of said road to a point 150 yards or thereby from the south side of the Inverkip Road thence across the Larkfield Road to the eastern side of the western fence thereof thence southward along said fence and in continuation thereof to the south side of Inverkip Road thence eastward along south side of that road to the western boundary of the lands of Smithston belonging to the parish council of Greenock thence in a southerly direction to and across the Caledonian Railway (Wemyss Bay Branch) to and across the road giving access to Branchton Farm thence along the western boundary of the said lands of Smithston to the south side of the aqueduct belonging to the Corporation thence in an easterly direction to and into the parish of Greenock along the south side of said aqueduct and following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the western face of the western boundary wall of plot No. 356 on the said Ordnance survey map to the south-west corner thereof thence in an easterly direction along the south face of the south boundary wall of the said plot and of the wall enclosing the ground on south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a southerly direction along the western side of the said road to a point about 120 feet south from the Ordnance survey bench mark 597·9 on the east side of the said road thence eastward across the said road to the south side of the north fence of field No. 344 on the said Ordnance survey map thence eastward along said fence to west boundary wall of Whinhill Reservoir thence southward along said west boundary wall and fence to south boundary wall or fence of said reservoir thence in an easterly direction following the wall and fence enclosing the ground of the said reservoir and of the filters to the southern side of the fence on the south side of Auchmountain Glen thence in a north-easterly direction along the southern side of the said fence to a point about 210 feet south-west from the existing municipal and parliamentary boundary of the burgh thence in a straight line in a north-easterly direction to the burgh boundary stone on the south-west side of the Kilmacolm Road thence in a straight line eastward to the southmost corner of Maukinhill Farm steading thence eastward in a straight line in the direction of the waterfall of the Devol's Glen Burn on the existing parliamentary boundary of the burgh of Port Glasgow

to a march stone fixed at the point where the said straight line is intersected by a line the prolongation of which in a north-easterly direction runs along the centre of Boundary Street thence in a north-easterly direction to and along the centre of Boundary Street to the line of low-water mark of the Firth of Clyde thence westward along the line of low-water mark till it reaches a point opposite the north-west corner of the lands on which the gasworks of the Corporation are situate thence in a straight line in a north-westerly direction across the entrance to the Great Harbour to the north side of the existing or authorised works of the trustees of the port and harbours of Greenock thence northward and westward along the line of those works till it meets the existing boundary of the burgh near Garvel Point thence along that boundary and the north line of the said works till it reaches the point where the boundary commences all in the county of Renfrew.

Part III.

Police Boundaries.

The limits are as follows namely Beginning at the point on the west of the burgh at which the shore of the Firth of Clyde is met by the march between the parishes of Greenock and Inverkip thence southward along the said march to the north boundary fence of field No. 704 on the $\frac{1}{2500}$ Ordnance survey map of the county of Renfrew (1897 edition) thence westward along the northern side of the said fence and continuation thereof to and across Auchneagh Road and thence westward along the northern side of the north boundary fence of field No. 719 on the said Ordnance survey map and continuation of the boundary fence last mentioned to the western side of the eastern fence of Larkfield Road thence in a southerly direction along the western side of the eastern fence of said road to a point 150 yards or thereby from the south side of the Inverkip Road thence across the Larkfield Road to the eastern side of the western fence thereof thence southward along said fence and in continuation thereof to the south side of Inverkip Road thence eastward along south side of that road to the western boundary of the lands of Smithston belonging to the parish council of Greenock thence in a southerly direction to and across the Caledonian Railway (Wemyss Bay Branch) to and across the road giving access to Branchton Farm thence along the western boundary of the said lands of Smithston to the south side of the aqueduct belonging to the Corporation thence in an easterly direction to and into the parish of Greenock along the south side of said aqueduct and following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the western face of the western boundary wall of plot No. 356 on the said Ordnance survey map to the south-west corner thereof thence in an easterly direction along the south face of

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the south boundary wall of the said plot and of the wall enclosing the ground on south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a southerly direction along the western side of the said road to a point about 120 feet south from the Ordnance survey bench mark 597·9 on the east side of the said road thence eastward across the said road to the south side of the north fence of field No. 344 on the said Ordnance survey map thence eastward along said fence to west boundary wall of Whinhill Reservoir thence southward along said west boundary wall and fence to south boundary wall or fence of said reservoir thence in an easterly direction following the wall and fence enclosing the ground of the said reservoir and of the filters to the southern side of the fence on the south side of Auchmountain Glen thence in a north-easterly direction along the southern side of the said fence to a point about 210 feet south-west from the existing municipal and Parliamentary boundary of the burgh thence in a straight line in a north-easterly direction to the burgh boundary stone on the south-west side of the Kilmacolm Road thence in a straight line eastward to the southmost corner of Maukinhill Farm steading thence eastward in a straight line in the direction of the waterfall of the Devol's Glen Burn on the existing parliamentary boundary of the burgh of Port Glasgow to a march stone fixed at the point where the said straight line is intersected by a line the prolongation of which in a north-easterly direction runs along the centre of Boundary Street thence in a north-easterly direction to and along the centre of Boundary Street to the line of low-water mark of the Firth of Clyde thence in a north-easterly direction into the Firth of Clyde in continuation of the line last mentioned for a distance of 1,700 lineal yards and there turning at a right angle and running north-westward in a straight line to a point in the Firth of Clyde opposite to the march between the parishes of Greenock and Inverkip and there turning at a right angle and running in a south-west direction till it reaches the point where the boundary commences.

Part IV.

Wards and Boundaries of Wards.

First Ward.

That part of the burgh comprehended within a boundary line commencing at a point at low-water mark of the Firth of Clyde in continuation of the centre line of Boundary Street thence westward along the line of low-water mark till it reaches the north-west corner of the lands on which the gasworks of the Corporation are situate thence in a straight line in a north-westerly direction across the entrance

to the great harbour to the north side of the existing or authorised works of the trustees of the port and harbours of Greenock (hereinafter called "the harbour works") thence along the north line of those works to a point on those works hereinafter called point A on a line in continuation of the line of the centre of Ratho Street thence south-westward from point A to East Hamilton Street at its junction with Ratho Street thence along the centre of Ratho Street to Belville Street thence westward and south-westward along the centre of Belville Street to Crescent Street at the point where the Glasgow and South Western line of railway crosses over the same thence along the north side of the said line of railway to the centre of the Cartsburn stream thence up the centre of said stream to the present burgh and parliamentary boundary thence eastward and northward along said boundary and along the centre of Boundary Street to the point first described.

Second Ward.

That part of the burgh comprehended within a boundary line commencing at a point hereinafter called point B where the Cartsburn stream joins the Firth of Clyde thence southward along the centre of the said stream to the point where it is crossed by the Glasgow and South Western line of railway thence eastward along the north side of said line of railway to Crescent Street at its junction with Belville Street thence north-eastward along the centre of Belville Street to Ratho Street thence north-eastward along the centre of Ratho Street and in a straight line in continuation thereof to point A thence westward along the north line of the harbour works to point B.

Third Ward.

That part of the burgh comprehended within a boundary line commencing at point B thence westward along the north line of the harbour works to a point hereinafter called point C in the north-east quay wall of the East India Harbour in a line in continuation of the west side of Bogle Street thence in a straight line south-westward to Rue End Street at its junction with Bogle Street thence along the centre of Bogle Street to Regent Street thence westward along the centre of Regent Street to Lynedoch Street thence southward along the centre of Lynedoch Street and a straight line in continuation thereof to the present burgh and parliamentary boundary of the burgh thence westward and southward along said boundary and continuation thereof to the western side of the old road leading to Largs thence in a south-easterly direction along the western side of said road to a point about 120 feet south from the Ordnance survey bench mark 597·9 on the east side of said road thence eastward across the said road to the south side of the north fence of field No. 344 on the $\frac{1}{2500}$ Ordnance survey map of the county of Renfrew (1897 edition) thence eastward

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along said fence to the west boundary wall of Whinhill Reservoir thence southward along said west boundary wall and fence to the south boundary wall of fence of said reservoir thence in an easterly direction following the wall and fence enclosing the ground of said reservoir and of the filters to the southern side of the fence on the south side of Auchmountain Glen thence in a north-easterly direction along the southern side of said fence to a point about 210 feet south-west from the existing parliamentary boundary of the burgh thence in a straight line in a north-easterly direction to the boundary stone on the south-west side of the Kilmacolm Road thence turning and running in a westerly direction along the existing burgh and parliamentary boundary of the burgh to the Cartsburn stream thence along the centre of said stream to the Firth of Clyde at point B.

Fourth Ward.

That part of the burgh comprehended within a boundary line commencing at the east side of the entrance to the west harbour hereinafter called point D thence in a south-westerly direction to the northern extremity of the mid quay thence along the centre of said quay to William Street thence along the centre of William Street to the centre of Cathcart Square thence in a straight line southward to the north-east end of Bank Street thence along the centre of Bank Street to Shaw Place thence along the centre of Shaw Place to Mearns Street thence along the centre of Mearns Street and a straight line in continuation thereof southward to the existing burgh and parliamentary boundary thence eastward along said boundary to a point in said boundary in continuation of the centre line of Lynedoch Street thence in a straight line northward to Drumfrochar Road at its junction with Lynedoch Street thence along the centre of Lynedoch Street to Regent Street thence eastward along the centre of Regent Street to the centre of Bogle Street thence north-eastward along the centre of Bogle Street and a straight line in continuation thereof to the Firth of Clyde at point C thence westward along the north line of the harbour works to point D.

Fifth Ward.

That part of the burgh comprehended within a boundary line commencing at a point hereinafter called point E on the north-west quay of the west harbour in a line with the centre of the Vennel thence in a south-westerly direction along said line and along the centre of the Vennel to Buccleuch Street thence along the centre of Buccleuch Street to Ann Street thence along the centre of Ann Street to Drumfrochar Road thence in a straight line to a point at the north-west angle in the existing burgh and parliamentary boundary thence eastward along said boundary to a point in continuation of the centre line of Mearns Street thence northward in a straight line to Drumfrochar

Road at its junction with Mearns Street thence along the centre of Mearns Street to Shaw Place thence along Shaw Place to Bank Street thence along the centre of Bank Street to the centre of Cathcart Square thence across Cathcart Square to the centre of William Street thence along the centre of William Street and mid quay to the northern extremity thereof thence in a straight line to the east side of the entrance to the west harbour at point D thence westward along the north line of the harbour works to point E.

Sixth Ward.

That part of the burgh comprehended within a boundary line commencing at a point hereinafter called point F in the Firth of Clyde at its junction with a line in continuation of the centre of the west quay thence southward along the centre of the west quay and West Quay Lane to Dalrymple Street thence westward along the centre of Dalrymple Street to Charles Street thence southward along the centre of Charles Street to the Vennel thence along the centre of the Vennel to Inverkip Street thence along the centre of Inverkip Street to Mount Pleasant Street thence along the centre of Mount Pleasant Street and a straight line in continuation thereof to the north side of the line of the Caledonian Railway (Wemyss Bay Branch) thence south-westward along the north side of said railway to the point where that railway crosses the existing burgh parliamentary and parish boundary thence southward along said boundary to the south side of the aqueduct belonging to the Corporation thence in an easterly direction along the south side of said aqueduct following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the western face of the western boundary wall of plot No. 356 on the $\frac{1}{2500}$ Ordnance survey map of the county of Renfrew (1897 edition) to the south-west corner thereof thence in an easterly direction along the south face of the south boundary wall of said plot and of the wall enclosing the ground on the south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a northerly direction to and along the existing burgh and parliamentary boundary till it reaches the north-west angle in the said boundary thence in a straight line northward to Drumfrochar Road at its junction with Ann Street thence along the centre of Ann Street to Buccleuch Street thence along the centre of Buccleuch Street to the Vennel thence along the centre of the Vennel and line in continuation thereof to point E thence westward along the north side of the harbour works to point F.

Seventh Ward.

That part of the burgh comprehended within a boundary line commencing at a point hereinafter called point G on the margin of the Firth of Clyde at the north-east corner of the east quay of Albert Harbour

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Eighth Ward.

That part of the burgh comprehended within a boundary line commencing at point G thence southward along the east side of the east quay of the Albert Harbour to Laird Street thence along the centre of Laird Street to West Blackhall Street thence along the centre of West Blackhall Street to Argyle Street thence along the centre of Argyle Street to George Square thence along George Square to Nelson Street West thence along the centre of Nelson Street West to the point where the West Burn crosses under that street thence along the centre of the West Burn to the point where it crosses the existing burgh parliamentary and parish boundary thence westward to the south side of the Inverkip Road thence along the south side of the said road till it reaches a point in line with the west side of the Larkfield Road thence in a north-westerly direction along the west side of the Larkfield Road to a point 150 yards or thereby distant from the south side of Inverkip Road thence eastward across the Larkfield Road to the east side thereof thence in a north-westerly direction along the east side of Larkfield Road to a point where the continuation of the line of the north boundary fence of field No. 719 on the $\frac{1}{2500}$ Ordnance survey

map of the county of Renfrew (1897 edition) cuts the east side of said road thence in an easterly direction along said line and fence to the west side of Auchneagh Road thence across said road and continuing in an easterly direction to and along the north boundary fence of field No. 704 on the said Ordnance map to the existing burgh parliamentary and parish boundary thence north-westward along said boundary to low-water mark of the Firth of Clyde on that boundary thence northward and eastward along said low-water mark and north line of the harbour works to point G. A.D. 1909.

THE THIRD SCHEDULE.

Tables of Rates or Prices to be charged for the Supply of Water to Shipping.

(1) For a supply of pure and wholesome water for drinking purposes —At the rate of 1*s.* 0*d.* per 100 gallons or any fraction of 100 gallons.

(2) For a supply of water for ballast or for seasoning or testing tanks—At the rate of 6*d.* per 100 gallons or any fraction of 100 gallons.

(3) For a supply of water for boilers—

For the first 10,000 gallons or under—At the rate of 4*s.* 0*d.* per 1,000 gallons thereof:

For next quantity above 10,000 gallons—At the rate of 3*s.* 0*d.* per 1,000 gallons thereof.

(4) For washing the holds of ships—10*s.* 6*d.* for first half-hour or part of half-hour during which the hose may be used and 21*s.* 0*d.* per hour or part of an hour exceeding half an hour.

THE FOURTH SCHEDULE.

Lands upon which the Corporation are authorised to manufacture Gas.

Certain lands belonging to the Corporation in the east parish of Greenock in the county of Renfrew bounded as follows namely On the north-north-east by ground belonging to the trustees of the port and harbours of Greenock for a length of eight hundred and forty-five feet or thereby on the north-west for a further length of one hundred and five feet or thereby on the west-south-west for a further length of one hundred and ninety-two feet or thereby on the south-west and south-south-west in a curved line for a further length of five hundred and fifty-nine feet or thereby on the south-south-east in a curved line for a length of two hundred and eighty-five feet or thereby by ground formerly belonging to the trustees of Robb and Fullarton

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timber merchants in Greenock till it reaches the west line of Inchgreen Street and on the east-south-east by a passage or canal in continuation of the line of Inchgreen Street for a length of three hundred and eighty-eight feet or thereby which lands contain an area of eight acres and thirty-six poles or thereby forming the site of the Corporation Inchgreen Gasworks.

THE FIFTH SCHEDULE.

Electricity.

Generating Station Lands.

(A) Certain lands in the west parish of Greenock in the county of Renfrew belonging or reputed to belong to the Corporation bounded on the north by Dalrymple Street on the south-east by Harvie Lane on the south-west by Hunter Place and on the north-east by Union Court and containing two thousand one hundred and thirty-eight square yards or thereby.

(B) Certain lands in the east parish of Greenock in the county of Renfrew belonging or reputed to belong to the Corporation lying on the south side of Dellingburn Street and containing eight thousand six hundred and eighteen square yards or thereabouts bounded on the north partly by Dellingburn Street partly by lands belonging or reputed to belong to Messieurs Alexander Hogg and Company partly by land belonging or reputed to belong to Messieurs P. MacCallum and Sons iron merchants Greenock and partly by Dellingburn Square on the west by property belonging to the said Messieurs Alexander Hogg and Company on the south-west partly by land belonging or reputed to belong to Messieurs Rankin and Blackmore engineers Greenock and partly by land belonging or reputed to belong to the Distillers Company Limited and on the south-east partly by property belonging or reputed to belong to the Port Glasgow Heritable Company Limited partly by lands belonging or reputed to belong to the said Distillers Company Limited and partly by property belonging or reputed to belong to Malcolm Campbell spirit merchant.

THE SIXTH SCHEDULE.

Electricity.

Maximum Prices.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the Board of Trade regulations.

THE SEVENTH SCHEDULE.

Building Regulations for new Buildings and for existing Buildings where Drainage and Sanitary Arrangements are altered.

Site.

Site. 1. The whole area within the walls of dwelling-houses shall be dug out to such depth as may be considered necessary by the dean of guild court but in no case to a less depth than 6 inches prior to the foundations being laid and shall be covered with asphalt or other approved impervious material The flooring of ground floor shall not be laid before this covering has been inspected All debris shall be removed from top of impervious covering before the flooring is laid.

Drainage and Sanitary Arrangements.

Drain connections to sewers. 2. The connections of all drains into public sewers shall be made by the Corporation after twenty-four hours' notice at least shall have been given to the master of works A charge of five shillings for each connection (labour only) shall be paid to the chamberlain by the party making application.

Intimation for inspection. 3. After each drain or part thereof has been laid and constructed the proprietor shall give intimation thereof to the master of works The drain shall be left exposed for twenty-four hours to be approved by the Corporation and if any drain which has not been approved of within the said twenty-four hours is covered up the proprietor shall in addition to any penalty that may be imposed be bound to open up said drain and if required to relay it.

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Tests.

4. The smoke or other approved test shall be applied to every drain from all buildings and also to all soil-pipes and connections throughout such buildings. Any defects in the drains or soil-pipes that may be discovered in course of inspection shall be remedied by the proprietor before the pipes or drains are covered or the trench filled up.

Ventilation.

5. Provision shall be made for the efficient trapping and ventilation of all drains. The position and method of ventilation with ventilating gratings and covers proposed to be provided shall be shown and described on the plans deposited with the application.

Position of w.c.'s &c.

6. The position of all waterclosets baths wash-hand basins privies ashpits ashbins and cesspools in or connected with any new building or building proposed to be altered shall be clearly shown upon the plan accompanying the application. All waterclosets shall be placed next to an external wall of the building and shall be lighted and ventilated to the satisfaction of the dean of guild court. Each separate house shall wherever practicable be provided with a separate water-closet.

Dimension and position of ashpits &c.

7. Ashpits or portable dustbins shall be of the dimensions and structure approved of by the sanitary inspector and shall be placed in an approved position before the certificate for occupancy is granted by the Corporation. Concrete seats of sufficient dimensions shall be provided in every case and should the dean of guild court consider it necessary suitable recesses or coverings shall also be provided.

Size of drains.

8. No drain for conveying sewage to the main sewer shall be less than 6 inches internal diameter except in short branches where it may be allowed to be 4 inches and no such drain shall have a less fall than one in fifty or three fourths of an inch to the yard towards the main sewer except drains which do not carry soil the gradient of which may be half an inch to the yard.

Drains under tenement.

9. No person shall lay any drain underneath any part of a tenement except under the common close or passage or as the same may be authorised under Regulation No. 10.

Iron drains underneath buildings.

10. Where a drain conveying sewage is permitted to be laid under a building other than a common close or passage the pipes shall be 4 inches in diameter of heavy cast-iron jointed with lead and coated inside with approved anti-corrosive material. If the pipes convey waste water only they shall be not less than 3 inches in diameter but otherwise as herein stated. Inspection eyes or access openings shall be provided at all places considered necessary by the Corporation.

Trenches.

11. Trenches shall wherever practicable be excavated the whole length before the pipes are laid. Where the bottom is likely to cause subsidence of pipes a layer 6 inches in depth of Portland cement concrete (1 of Portland cement to 5 of other approved material) shall be formed the whole width thereof and the pipes firmly bedded on it.

12. All stoneware or fireclay pipes shall be of the best quality salt or lead glazed of true circular section throughout and with whole sockets made with the pipes in one piece and the pipes shall be in lengths of not less than 3 feet except bends curved pipes and fitting pieces. Fireclay pipes.

13. Provision shall be made for the drainage of the subsoil of buildings whenever the dampness of the site appears to the Corporation to make this necessary. Drainage of subsoil.

14. All stoneware or fireclay pipes shall be jointed all round with Portland cement mortar (1 of Portland cement to 1 of sand or other approved material) The inside of each pipe shall be scraped and cleared of all debris immediately after it is laid and jointed No fireclay or stoneware pipe shall be laid during frost unless authorised by the Corporation. Laying and clearing of pipes.

15. All junctions shall be made with properly bevelled eyes or curved pipes where practicable. Junctions.

16. All soil and waste pipes shall be taken direct to the outside walls and connected to the drain outside the building and the joints made perfectly air tight Where soil pipes are allowed to be carried inside the building they shall be made of extra heavy metal jointed with lead and made perfectly air tight. Junction of soil and waste pipes to drain.

17. All soil pipes shall be of not less internal diameter than 4 inches and waste pipes of not less than $2\frac{1}{2}$ inches. Diameter of soil pipes.

18. Two untrapped ventilation openings at least shall be provided for all drains in the following manner One opening shall be at or near the level of the surface of the ground adjoining such opening and shall communicate with the drains by means of a pipe shaft or disconnecting chamber It shall be situated near a trap which shall be provided between the nearest junction into the drain of the building and the sewer or other means of drainage with which such drains communicate such opening shall be situated on that side of the trap which is nearer to the building The second opening shall be made by carrying up from a point in the drain as near as possible to the inner end of the drain system a pipe or shaft vertically to such a height and in such a manner as to effectually prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof Every such opening shall have a suitable grating or cover and the aggregate area of the perforations in such grating or cover shall not be less than 12 square inches. Ventilation of house drains.

19. No ventilating pipe or shaft shall be less than four inches in diameter except where specially authorised by the Corporation and shall be made with air-tight joints. Size of ventilating pipes.

20. All soil pipes shall be carried up without diminution of diameter and ventilated above the top of the highest window in the building and not less than 5 feet therefrom. Ventilation of soil pipes.

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Water supply.

21. The water supply for drinking and culinary purposes shall be led direct from the main water pipe and shall not be drawn from cisterns supplying waterclosets or circulating hot-water tanks.

Waste pipes to discharge outside building.

22. All waste pipes from sinks baths and lavatories shall be carried out through an external wall and discharged into a suitable ventilating trap All traps shall be fitted with perforated covers having an aggregate area of the apertures of not less than 12 square inches.

Roof-water.

23. Every building shall have rhones or gutters along the eaves thereof with down spouts or conductors to carry all water falling on the roofs to the drains so as to prevent dampness on the ground beneath or on the walls.

Construction.

Damp course.

24. Every wall of a new building shall have a damp-proof course throughout its entire thickness and such damp-proof course shall be of durable material impervious to moisture and shall be laid below the level of the sleeper joists of the lowest floor and above the level of the ground or above the level of any open area which adjoins such wall and so as effectually to prevent damp and shall be stepped to suit the different levels of the building Where so stepped vertical damp courses shall be provided so as to make a continuous damp course.

Strapping of external walls.

25. All external walls of dwelling-houses other than hollow walls shall be strapped and lathed or finished in such other method as may be approved of by the dean of guild court.

Thickness of external walls.

26. No external wall of a dwelling-house shall in any part thereof be of less thickness than 12 inches when built of stone or 9 inches when built of brick except at presses and vents where it may be allowed to be 6 inches of stonework or $4\frac{1}{2}$ inches of brickwork.

Thickness of party walls.

27. Party walls shall in no part be less than 9 inches in thickness except at vents fireplaces bed recesses and presses where the thickness shall not be less than $4\frac{1}{2}$ inches pointed and rendered with approved material on both sides The combined area of such fireplaces bed recesses and presses shall in no case exceed one half the total area of the wall in each storey in which they are placed.

Party walls in villas.

28. Party walls of semi-detached villas or cottages shall be brought up to underside of slates the sarking cut away for at least 6 inches in width over same and the slates bedded on cement.

Hollow walls.

29. Hollow walls if built of brick may be allowed of the following height thickness and construction The height of each storey shall not exceed 11 feet The width of the air space in the case of buildings of one or two storeys in height shall not exceed $2\frac{1}{2}$ inches In the case of buildings of three or four storeys the width of the air space shall not exceed $4\frac{1}{2}$ inches The minimum thickness of the external walls including the air space shall be as follows :—

Buildings of one or two storeys—First storey 16 inches Second storey 16 inches:

Buildings of three or four storeys—First storey 22 inches Second storey 18 inches Third storey 18 inches Fourth storey 18 inches:

The bonding cementing and rough casting of all external hollow walls shall be done in the best manner with approved materials and workmanship a sample of the bonding irons to be submitted for the approval of the Corporation along with a detail plan showing the positions and number of the same for each square yard:

No recesses shall be allowed in hollow walls and the air space shall be ventilated and drained to the approval of the Corporation.

Thickness of walls.

30. The minimum thickness of the external walls of buildings shall be as follows:—

(1) If built of stone or ordinary concrete—

Buildings one storey in height - - -	16 inches.
Buildings two storeys in height - -	18 „
Buildings three storeys in height - - -	20 „
Buildings four storeys in height - -	24 „

In such buildings if exceeding four storeys in height the thickness of the external walls of the four uppermost storeys shall be 24 inches and the thickness of the external walls of the next storey below the four uppermost storeys shall be 28 inches and the thickness of the external walls of each succeeding storey below shall respectively and in succession be 4 inches more than the thickness of the external walls of the storey immediately above unless where such walls are otherwise strengthened to the satisfaction of the dean of guild court:

(2) If built of solid brick—

Buildings one storey in height - - -	9 inches.
Buildings two storeys in height first storey -	14 „
Buildings two storeys in height second storey	9 „
Buildings three storeys in height first storey -	18 „
Buildings three storeys in height second storey	14 „
Buildings three storeys in height third storey	14 „
Buildings four storeys in height first storey -	18 „
Buildings four storeys in height second storey	18 „
Buildings four storeys in height third storey -	14 „
Buildings four storeys in height fourth storey	14 „

In such buildings if exceeding four storeys in height the thickness of the exterior walls of the four uppermost storeys shall be as hereinbefore fixed in the case of such buildings of four storeys in height and the thickness of the external walls of the next storey below the four uppermost storeys shall be 27 inches and the thickness of the external walls of each succeeding storey below shall respectively and in succession

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be $4\frac{1}{2}$ inches more than the thickness of the external walls of the storey immediately above unless where such walls are otherwise strengthened to the satisfaction of the dean of guild court:

(3) If built of hollow brick—

The width of the air space in buildings of one or two storeys shall not exceed $2\frac{1}{2}$ inches In buildings of three or four storeys the width of the air space shall not exceed $4\frac{1}{2}$ inches The minimum thickness of the external walls including the air space shall be—

Buildings of one or two storeys—	
First storey - - - - -	16 inches.
Second storey - - - - -	16 „
Buildings of three or four storeys—	
First storey - - - - -	22 „
Second storey - - - - -	18 „
Third storey - - - - -	18 „
Fourth storey - - - - -	18 „

The thickness of walls specified in this byelaw shall apply to storeys not exceeding 11 feet in height and such height shall be measured from the centre of the floor joists to the centre of the ceiling joists The walls of any buildings containing storeys of a greater height than 11 feet shall be increased in thickness in the case of the first storey of a four-storey building to 22 inches.

At the top of each storey in solid brick walls where the respective thicknesses of the walls vary as specified in this regulation a header course shall be provided under the joisting.

Any wall or part of a wall not exceeding 14 inches in thickness which is longer than 30 feet measured from one return wall to the next return wall shall be increased in thickness or sufficiently strengthened by pilasters buttresses or counterforts at intervals of 15 feet apart and any such wall which is a bearing wall for a floor or roof with a span of more than 30 feet shall be increased in thickness or sufficiently strengthened as aforesaid at intervals of 15 feet apart.

Stairs and passages.

31. The walls of newal stairs shall be not less than $4\frac{1}{2}$ inches thick The walls of hanging stairs shall be not less than 9 inches thick where such hanging stairs are not supported by iron or steel beams The minimum width of all common stairs passages and landings to be used by not more than six tenants shall be 3 feet 9 inches clear and the width for any number above that shall be determined by the court Wheeling stairs shall be made one fourth wider than square stairs.

W.C. shafts.

32. The walls of watercloset shafts erected behind the back walls of a building shall be properly tied into said walls and shall be of not less than the following thicknesses viz. For shafts of two storeys

first storey 9 inches second storey $4\frac{1}{2}$ inches For shafts of three storeys first storey 9 inches two upper storeys $4\frac{1}{2}$ inches For shafts of four storeys first two storeys 9 inches two upper storeys $4\frac{1}{2}$ inches For erections projecting not more than 7 feet from the main wall and of not greater length than 10 feet the sizes for such walls if formed of brick or concrete shall be not less than the following thicknesses viz. One or two storeys 9 inches Three storeys—first storey 14 inches second and third storeys 9 inches Four storeys—first and second storeys 14 inches third and fourth storeys 9 inches Sizes of doors and windows and the bonding into the main walls as approved by the Corporation.

Formation of hearths.

33. The joists under every hearth shall be bridled and where practicable the hearth shall be supported by a brick or concrete arch under the whole area of the hearth Every fireplace shall have jambs and lintels or arches of incombustible material projecting to at least the flush of the plaster work.

Where brick arches are not used all hearths shall be formed by angle irons fixed on joists and bridles and an iron or other approved carrying plate laid on angle irons to carry concrete of hearth Plan of this may be seen at the master of works' office.

Timber in proximity to fireplaces.

34. In cases where it is not practicable to keep timber joists beams bridles safety lintels wall plates or other timber work at least $4\frac{1}{2}$ inches clear of any fireplace or vent these shall be thoroughly protected by fireclay shods or other approved fireproof material.

Deafening.

35. The floors between each flat of a dwelling-house shall be deafened.

Fixing of straps.

36. The straps or other woodwork on gables or other walls carrying chimney flues shall be fixed with iron holdfasts wherever required by the Corporation.

Plaster work.

37. All apartments in every dwelling-house shall be plastered with three coats of plaster unless they are lined with wood or tiles or otherwise covered to the satisfaction of the Corporation.

Height of ceilings.

38. The height of ceilings in dwelling-houses shall be measured from the floor of each room to the flat part of the ceiling Where the height of the room is the minimum specified in the section of this Act of which the marginal note is "Height of ceilings" the windows are to be made to open to within 6 inches of the ceiling.

Bed recesses.

39. Bed recesses are to be open in front for three fourths of their length and from floor to lintel or carrying beam at ceiling.

Public Buildings.

Occupancy of public buildings.

40. No public building shall be used until the Corporation shall grant a certificate for the use of such buildings The master of works shall be afforded every facility for inspecting same at all reasonable

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hours and no addition or alteration shall be made without the authority of the dean of guild court.

Plans to show position of meters.

41. All plans for the erection or alteration of such buildings shall show the position of the gas or electric meters and stopcocks and such meters and stopcocks shall be so situated as to be at all times readily accessible.

Separate stopcocks.

42. A separate stopcock shall be provided for the stage platform and each floor of the building.

GENERAL.

Materials &c.

43. All the work prescribed in the foregoing regulations shall be done to the satisfaction of the Corporation.

THE EIGHTH SCHEDULE.

FORM OF PETITION AND CERTIFICATE BY COLLECTOR AND APPLICATION TO SHERIFF AND SUMMARY WARRANT TO BE GRANTED THEREON.

UNTO THE HONOURABLE THE SHERIFF OF RENFREW AND BUTE AT GREENOCK.

The petition of [*A.B.*] collector of [*here state name of assessment*] assessments for the Burgh of Greenock HUMBLY SHEWETH [that the Petitioner hereby certifies] that the preceding list is a true extract from the [*here state name of assessment roll*] assessment roll made up in pursuance of the provisions of the according to which assessment roll the [*here state the assessment or assessments*] assessments are leviable from the persons and others therein named for the year from to and that the said assessments became due and payable on the day of and that the persons and others assessed in the said roll and specified in the extract therefrom hereunto prefixed have failed to pay the said assessments due by them respectively notwithstanding that the same has been demanded from them by notice served on them respectively and on failure to pay by second notice to make payment within fourteen days and that the said period has expired and the said amounts have not yet been paid but are still truly due:

May it therefore please your lordship to grant Summary Warrant to officers of court to enter into any premises in the occupancy of any of the said persons or others so in arrear and to poind seize remove or secure any goods and effects therein belonging to or in the lawful possession of such persons or others or so much thereof as will fully satisfy the arrears of assessments due by them respectively with the

addition of ten per centum thereon and warrant also to officers of court after the lapse of four days in the event of non-payment of said arrears and ten per centum thereon to sell and dispose of said goods and effects by public auction on three days' notice of the sale [*by the common crier or by such mode as the sheriff may prescribe*] either on the premises or at the market cross [*or other such public place as may be fixed by the sheriff*] and apply the proceeds in payment of the said arrears and ten per centum returning any balances to the owners and the petitioner further craves your lordship to decern and to ordain instant execution by arrestment of the goods debts and sums of money of the said persons or companies in satisfaction of the said assessments due by them respectively and of ten per centum thereon. A.D. 1909.

[*Place and date.*] The sheriff [*or sheriff-substitute*] grants warrant as craved.

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THE NINTH

STATEMENT OF BORROWING POWERS EXERCISED

Assessments Rates or Revenues upon which Loan charged or chargeable.	Purpose for which Loan authorised.	Acts or Orders authorising and regulating Loan.
(1)	(2)	(3)
1. Municipal purposes assessment.	(a) Municipal buildings -	The Greenock Corporation Act 1893 -
	(b) Palmerston buildings and other properties.	The Greenock Corporation Order Confirmation Act 1904.
	(c) Cemetery - - -	The Greenock Corporation Order Confirmation Act 1904.
2. Police assessment -	(a) Watching lighting cleansing maintenance of streets and sewers tramways &c.	The Greenock Police Act 1877 - -
	(b) Slaughterhouse - -	The Greenock Police Act 1877 - -
	(c) Refrigerator - - -	The Greenock Police Act 1877 - -
	(d) Police buildings - -	The Greenock Corporation Act 1893 -
3. Special and police assessment.	Expenses of formation of streets and sewers.	The Greenock Police Act 1877 - -
4. Water rates - -	Acquisition of Shaws waterworks and waterworks subsequently constructed under various Acts of Parliament.	The Greenock Water Acts 1866 1869 and 1875.
		The Greenock Corporation Act 1893 -
		The Greenock Corporation Order Confirmation Act 1901.
5. Roads and bridges assessment.	Maintenance of roads - -	The Roads and Bridges (Scotland) Act 1878.
6. Public health—General assessment.	Hospital at Craigieknowes and washing and disinfecting station and reception house.	The Public Health (Scotland) Amendment Act 1871 and
	Combination hospital at Gateside.	The Public Health (Scotland) Act 1897 -
7. Artizans' &c. dwellings improvement rate.	Improvement of artizans' &c. dwellings.	The Greenock Improvement Provisional Order Confirmation Act 1877 the Artizans and Labourers Dwellings Improvement (Scotland) Act 1875 and any Acts consolidating and amending the same.
8. Public library rate -	Purposes of Libraries Acts -	The Public Libraries (Scotland) Acts 1887 and 1894.
9. Gas revenues and gas guarantee rate.	Gas - - - -	The Greenock Police Improvement and Gas Act 1871.
		The Greenock Burgh Extension Act 1882.
		The Greenock Corporation Act 1893.
		The Greenock Corporation Order Confirmation Act 1901.
10. Electricity revenues and police assessment.	Electricity - - -	The Greenock Electric Lighting Order 1883 and the Electric Lighting Act 1882.
11. Police assessment -	Cattle depôt - - -	The Greenock Corporation Act 1893 -
12. Police assessment -	Tramways - - -	The Greenock Corporation Act 1893 -
13. Public health—General assessment.	Hospitals - - -	The Greenock Corporation Act 1893 -

SCHEDULE.

AND EXERCISEABLE (AS AT 30TH JUNE 1908).

Amount authorised. (4)	Amount borrowed. (5)	Period for or Annual Rate of Repayment prescribed. (6)	Amount outstanding. (7)	
£ s. d.	£ s. d.		£ s. d.	
100,000 0 0 20,000 0 0	118,377 12 9	60 years from 1893 -	106,568 3 7½	1. (a) (b)
5,600 0 0	5,582 5 11	30 years from 1904 -	4,129 0 8½	(c)
220,000 0 0	222,052 18 0	50 years from 1883 -	146,991 13 4	2. (a)
Amount required -	8,374 5 8	- - - -	7,851 7 7	(b)
Amount required -	1,876 8 4	20 years from 1896 -	740 19 4	(c)
40,000 0 0	37,750 0 0	60 years from 1893 -	33,174 14 2	(d)
21,812 11 6 and 5,000 0 0	21,978 6 8	- - - -	21,628 6 8	3.
415,000 0 0 20,000 0 0	435,000 0 0	60 years from 1893 -	310,003 9 2	4.
50,000 0 0	16,335 1 5	50 years from date of borrowing.	14,684 13 5	
- - - -	- - -	- - - -	——	5.
Amount required -	9,746 19 2	35 years from date of borrowing.	8,497 7 11	6.
Amount required -	47,643 3 3	30 years from date of borrowing.	45,661 4 4	
Amount required -	185,694 7 5	According to method of repayment.	173,840 14 2	7.
6,420 0 0	5,300 0 0	50 years from date of borrowing.	5,300 0 0	8.
130,000 0 0 20,000 0 0	130,000 0 0 20,000 0 0	4,000*l.* per annum -	34,162 5 10	9.
100,000 0 0	54,617 12 2	2 per cent. on sum borrowed.	46,707 12 2	
100,000 0 0 50,000 0 0	100,000 0 0 50,000 0 0	30 years from date of borrowing of the various instalments of the loan.	77,000 0 0 48,719 0 0	10.
10,000 0 0	- - -	30 years from date of borrowing.	——	11.
10,000*l.* and such sum as may be required if tramway undertaking is purchased by Corporation.	- - -	30 years from date of borrowing.	——	12.
10,000 0 0	- - -	60 years from date of borrowing.	——	13

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THE TENTH SCHEDULE.

CORPORATION OF GREENOCK.

[DEPARTMENT.]

FORM OF BOND.

Number [*here state the number*].

By virtue of the [*cite the Act under which the money is borrowed*].

We the provost magistrates and councillors of the Burgh of Greenock in consideration of the sum of [*insert the sum in words*] instantly advanced and paid to us for the purposes of the said Act by *C.D.* of *E.* do hereby bind and oblige the said burgh out of the first and readiest of the moneys to be raised under the annual assessments by the said Act authorised to be imposed and levied and designated the assessment [or rate *as the case may be*] to pay at the term of [*insert term of payment*] to the said *C.D.* his executors or assignees the said sum of [*state the sum*] and also the interest thereof at the rate of [*insert the rate of interest*] per centum per annum from the date hereof at the terms of Whitsunday and Martinmas in each year till the said sum is paid and for the further security of the said *C.D.* we do hereby assign to him his executors or assignees such proportion of the said moneys to be raised under the said annual assessment [*or* rate] as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid from the date hereof to the term of payment and we consent to the registration hereof for preservation and execution In witness whereof [*insert testing clause*].

MINUTE OF RENEWAL—No. .

190 .—It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within bond shall be postponed and the same shall not be due and exigible until the day of nineteen hundred and and that interest shall become due on the said principal sum to the date last mentioned at the rate of per centum per annum and shall be paid half-yearly on presentation of the interest warrants in number issued herewith.

Signature of bondholder _____ *Provost or Chairman.*

_____ _____ *Town Clerk.*

FORM OF TRANSFER.

I [*C.D.*] within designed [*or* I [*C.D.*] executor dative *or otherwise as the case may be*] of [*E.F.*] within designed do transfer this bond with all right title or interest which I have under the same to [*G.H.*]

his [*or* her *or* their *as the case may be*] executors and assignees In witness whereof [*insert testing clause in common form*]. A.D. 1909.

DISCHARGE.

Received from the Corporation of Greenock the within sum of sterling which sum with all interest due thereon is hereby discharged.

Dated at the day of nineteen hundred and .

THE ELEVENTH SCHEDULE.

PART I.

ENACTMENTS REPEALED.

POLICE ACTS AND ORDERS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
28 & 29 Vict. c. ccc.	The Greenock Police and Improvement Act 1865.	The whole Act so far as not heretofore repealed except section 216 (Board may agree with proprietors in Clyde Street for adjustment of line) section 218 (Providing funds for execution of esplanade) section 220 (Future feuars to contribute) and section 223 (Wellpark and Wellington Park to be taken over by the board).
38 & 39 Vict. c. cxiii.	The Greenock Police and Improvement Act 1875.	The whole Act so far as not heretofore repealed and the Schedules thereto.
40 & 41 Vict. c. cxciii.	The Greenock Police Act 1877.	The whole Act so far as not heretofore repealed.
45 & 46 Vict. c. cliv.	The Greenock Burgh Extension Act 1882.	The whole Act so far as not heretofore repealed.
56 & 57 Vict. c. clxxx.	The Greenock Corporation Act 1893.	The whole Act so far as not heretofore repealed with the exception of sections 43 to 45 and 47 to 53 all inclusive and the First Schedule thereto.
1 Edw. 7 c. cclxxix.	The Greenock Corporation Order Confirmation Act 1901.	The whole of the provisions of the Order scheduled thereto except section 84 (Electric fittings).
4 Edw. 7 c. clxxii.	The Greenock Corporation Order Confirmation Act 1904.	Section 46.

WATER ACTS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
29 & 30 Vict. c. cccviii.	The Greenock and Shaws Water Transfer Act 1866.	The whole Act and the Schedules thereto so far as not heretofore repealed except section 102 (Saving rights of Sir Michael Robert Shaw Stewart and others).
29 & 30 Vict. c. cccix.	The Greenock Water (Additional Works) Act 1866.	The whole Act so far as not heretofore repealed.
32 & 33 Vict. c. xxxii.	The Greenock Water Act 1869.	The whole Act so far as not heretofore repealed and the Schedules thereto.
38 Vict. c. xxxvi.	The Greenock Water Act 1875.	The whole Act and the Schedule thereto.

GAS ACT.

34 Vict. c. xliv.	The Greenock Police Improvement and Gas Act 1871.	The whole Act so far as not heretofore repealed except section 59 (Not to light &c. Port Glasgow and Gourock without consent of police authorities).

ELECTRIC LIGHTING ORDER.

46 & 47 Vict. c. ccxiii.	Electric Lighting Orders Confirmation (No. 1) Act 1883.	The whole Act in so far as it confirms the Greenock Electric Lighting Order 1883 scheduled thereto and the whole of the provisions of the said Order.

PART II.

PARTS AND SECTIONS OF LOCAL ACTS AND ORDERS EXCEPTED FROM REPEAL.

THE GREENOCK POLICE AND IMPROVEMENT ACT 1865.

SECTIONS 216 218 220 AND 223.

Board may agree with proprietors in Clyde Street for adjustment of line.

216. And whereas the proprietors of lands and heritages on the line of Clyde Street have built walls and erected fences and buildings on and covering parts of the line of Clyde Street as laid down in the feuing plan and the southern boundary of the existing road or passage along the shore is irregular and it is desirable that the same should be brought to a uniform line corresponding more or less directly with the curves of the river It shall be in the power of the board to

agree with such proprietors of lands and heritages for adjusting the boundaries of their respective lands and heritages to form the southern boundary of the said public walk or esplanade in a suitable line and to make such arrangements as they may think fit in reference to such portions of the solum of Clyde Street as may be beyond the southern boundary of the esplanade on such terms and subject to such conditions as may be agreed on.

Providing funds for execution of esplanade.

218. And whereas the feuars on the south side of Clyde Street are under the recited Act [3 & 4 Vict. c. xxvii.] bound to pay their several proportions of the expense of making levelling and causewaying the said street opposite to their respective houses buildings grounds and other tenements to the extent of one half of the breadth of the said street and to make level and pave the necessary sideways or footpaths with flat hewn stones or otherwise and it is just and expedient that the expense which they are so bound to pay should be applied in and towards the construction of the sea wall and esplanade by this Act authorised And whereas the expense of executing such works in the said street is estimated to be equal to a sum of eleven shillings and three pence for each lineal foot of frontage of the lands and heritages of such feuars Be it enacted that for the purpose of the execution of the said sea wall and esplanade the said feuars shall be bound to pay and relieve the board of and to contribute a sum equal to eleven shillings and three pence for each lineal foot of frontage to the line of Clyde Street of their several lands and heritages which sums shall be ascertained and decerned for by the dean of guild and recovered as by this Act provided in regard to the proportions of expenses of making foot pavements and causeways in any uncompleted street Provided always that such of the said feuars as shall have already paid or subscribed under agreement a proportion of the expenses of making the said sea wall and esplanade shall not be liable in the relief and payments hereby imposed on the feuars aforesaid.

Future feuars to contribute.

220. Where ground on the line of the said esplanade shall be still unfeued when this Act shall come into operation any person who shall thereafter take in feu any part of such unfeued ground shall be bound to free and relieve the board and to make payment to the board of a proportion of the expenses which the board shall contribute towards forming the esplanade at the aforesaid rate of eleven shillings and threepence for each lineal foot of frontage to the line of Clyde Street or as nearly as possible to the line of Clyde Street as may be of the ground feued by him as such proportion of expense shall be ascertained and decerned for by the dean of guild and recovered in manner before provided.

Wellpark and Wellington Park to be taken over by the board.

223. And whereas by feu charter granted by Sir Michael Robert Shaw Stewart of Greenock and Blackhall Baronet he conveyed to the provost magistrates and town council of the burgh of Greenock certain lands and heritages within the town called the Wellpark and the

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Wellington Park to be kept and used as public parks for the benefit of the community of Greenock of which the provost magistrates and town council of the said burgh of Greenock have received possession and which have been improved at the public expense and have been laid out as public parks and have been for some time used and enjoyed as such by the community And whereas it is expedient that the said lands and heritages should be vested in and maintained at the expense of the board Therefore it shall be lawful for the said Sir Michael Robert Shaw Stewart and the heirs of entail succeeding to him in his said estates or for the provost magistrates and council to grant to the board and for the board to accept a proper feudal title to the said lands and heritages on the same trusts and for the same purposes and with the same right of relief from feu duty and other burdens and generally with the same rights and privileges and otherwise subject to the same conditions and to be held in the same manner as such lands and heritages are or could have been taken possessed used and held by the said provost magistrates and town council and the board shall have power to impose collect recover and apply all assessments necessary for so maintaining such lands and heritages according to the law applicable to such cases.

The Greenock Corporation Act 1893.

Sections 43 to 45 and 47 to 53 and First Schedule.

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 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.

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 the construction of the works of the board of police this subsection 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:

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(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 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 byelaws 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 Vale of Clyde Tramways and Greenock and Port Glasgow Tramways.

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.

(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

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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 hereinbefore 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 43 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.

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.

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. As to 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. Inspection of engines and carriages.

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. As to speed.

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

The Greenock Corporation Order Confirmation Act 1901.

Section 84.

84.—(1) The Corporation may within their area of supply under the Greenock Electric Lighting Order 1883 agree with the owner lessee or occupier of any house building or premises (in this section called "the consumer") to wire and fit up on and in such house building or premises the necessary wires fittings and apparatus for the supply of electric energy (hereinafter in this section called "the installation") free of cost to the consumer. Electric fittings.

(2) The installation shall be the property of the Corporation unless and until paid for as hereinafter provided.

(3) The consumer may in his option at or after the expiration of five years from the date of installation purchase the installation on payment of the original cost price thereof with an addition of twenty per centum and a deduction of one and a half per centum per annum from the date of installation for depreciation and such original cost price shall be taken to be such price as shall be certified by the town clerk or by some other officer of the Corporation duly authorised in that behalf provided that the option to purchase shall not include any main fuse switch or meter.

(4) The Corporation shall not be liable for any repairs to or maintenance of the installation except that they shall without charge make good or cause to be made good all defects in materials or workmanship during a period of six months from the date of installation.

(5) The consumer shall until purchase as aforesaid pay quarterly to the Corporation for the use of the installation such sum not exceeding (subject to a minimum payment in any year of one shilling for each eight-candle power lamp or its equivalent installed) one penny per

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Board of Trade unit for every unit of energy supplied to the said house building or premises as may be fixed by the Corporation and such sum may be collected and recovered by the Corporation along with the charges for energy supplied by them.

(6) If the consumer or other occupier for the time being of the said house building or premises shall cease to take a supply of energy to the said house building or premises from the Corporation or shall neglect or refuse to pay for the use of the installation as aforesaid the Corporation may at any time enter upon the said house building or premises and remove and take away the installation Provided that they shall make good or cause to be made good any damage they may by such removal do to the house building or premises.

(7) The terms specified in this section for the supply of the installation by the Corporation may be altered by agreement between the Corporation and any consumer and the terms as so altered shall have effect accordingly.

(8) Nothing in this section contained shall be deemed to authorise the Corporation to manufacture electric apparatus.

(9) The purposes of this section shall be deemed to be purposes of the Greenock Electric Lighting Order 1883.

The Greenock Corporation Order Confirmation Act 1904.
Sections 1 to 45 and 47 and Schedule.

Short title and commencement.

1. This Order may be cited as the Greenock Corporation Order 1904 and shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 except section 40 thereof Part I. of the Railways Clauses Act 1863 except sections 5 to 8 thereof and Part II. of the Tramways Act 1870 are so far as they are applicable for the purposes of and are not expressly varied by this Order incorporated with and form part of this Order Provided that the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the construction of the railway and works connected therewith the temporary occupation of lands near the railway during the construction thereof the crossing of roads or other interference therewith and works for the accommodation of lands adjoining the railway and of the Railways Clauses Act 1863 herewith incorporated shall apply only to such portions of the railway by this Order authorised as are not to be laid along the carriageway of any road and that the provisions of Part II. of the Tramways Act 1870 also herewith incorporated shall not apply to such portions of the said railway but only to so much thereof as is to be

laid along the carriageway of any road and that for the words "eighteen inches" in section 28 of the last-mentioned Act appearing the words "twenty-four inches" shall be substituted and that in the Acts incorporated with this Order the expression "the promoters" and other like expressions mean the Corporation or the company as the case may require.

Interpretation.

3. In this Order 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 And the expressions "the new street" and "the railway" mean respectively the new street and the railway by this Order authorised.

Power to Corporation to make new street.

4. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the new street hereinafter described or some part or parts thereof with all proper works and conveniences connected therewith and may enter upon take and use such of the lands and buildings delineated on the said plans and described in the deposited book of reference as they may require for that purpose (that is to say):—

A new street not less than 26 feet in width wholly situate within the burgh being an alteration and extension of Nicolson Street commencing at a point in Nicolson Street 45 yards or thereabouts west from the centre line of Nicolson Street at its junction with Ropework Street and terminating in Laird Street at or near the western corner of the old West Kirk burial ground.

Vesting of new street.

5. The new street shall after the completion thereof be and become vested in the Corporation.

Power to stop up portion of Ropework Street.

6. The Corporation may on the completion of the new street stop up and discontinue as a public street or thoroughfare so much of Ropework Street as is situate between its junction with Nicolson Street and its junction with Laird Street and the site and soil of that street when stopped up and discontinued shall be and the same are hereby vested in the Corporation freed and discharged from the public use thereof and all rights of way over the same shall cease.

Nothing in this Order shall take away prejudice or extend any existing rights of any company or person in respect of any mains or pipes situate in the aforesaid portion of Ropework Street as they exist at the commencement of this Order.

Power to make subsidiary works.

7. Subject to the provisions of this Order and within the limits defined on the deposited plans the Corporation in connection with the new street and for the purposes thereof may make junctions and communications with any existing streets which may be intersected by or

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interfered with or be contiguous to the said work and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said work or otherwise.

Power to divert and alter sewers &c.

8. For the purposes and during the execution of the new street and in maintaining the same the Corporation may use break up or cross over or under alter divert raise or stop up temporarily any streets roads lanes paths passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street or the flow of water gas sewage or electricity in any such sewer drain pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of His Majesty's Postmaster-General :

Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 to which the provisions of section 15 of the first of the said Acts apply except in accordance with and subject to the provisions of that section.

Corporation to form sewers drains &c.

9. The Corporation may cause such parts of the new street to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit and may construct erect and provide thereon or thereunder or connected therewith such sewers drains and other works and conveniences as they may think proper.

Limits of lateral and vertical deviation.

10. In the construction of the new street the Corporation may deviate laterally to any extent not exceeding the limits of deviation defined on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Abandonment of construction of street authorised by Order of 1901.

11. Part II. of the Order of 1901 is hereby repealed and the Corporation shall abandon the construction of the street authorised by and described in section 7 thereof.

Power to make railway.

12. Subject to the provisions of this Order the company may make work and maintain in the line and according to the levels shown on the deposited plans and sections relating thereto and within the limits of deviation delineated on such plans the railway hereinafter described with all proper sidings passing-places loops works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book

of reference as may be required for that purpose and may for the like purpose enter upon open break up and interfere with the streets and roads on which the same is intended to be laid The railway hereinbefore referred to and authorised by this Order will be situate in the parish and burgh of Greenock in the county of Renfrew and is—

A railway 2 furlongs and 3·21 chains or thereabouts in length single line commencing by a junction with the railway at Albert Harbour of the harbour trustees at a point 50 yards or thereabouts north-west from the south-west corner of Ropework Street and its junction with Laird Street passing thence along Laird Street the new street Nicolson Street and across Ropework Street to and along Dalrymple Street and terminating in that street at the junction therewith of Harvie Lane.

Owners may be required to sell parts only of certain lands and buildings.

13. And whereas in the construction of the new street and the railway or otherwise in exercise of the powers of this Order it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation or the company as the case may be the portions only of the premises so required without the Corporation or the company as the case may be being obliged or compellable to purchase the whole or any greater portion thereof the Corporation or the company as the case may be paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Correction of errors &c. in deposited plans and book of reference.

14. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation or the company as the case may be after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff of Renfrew and Bute for the correction thereof and if it appears to the sheriff that the omission mis-statement or wrong description arose from 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 and such certificate shall be deposited with the principal sheriff clerk for

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the county of Renfrew and a duplicate thereof shall also be deposited with the town clerk of the burgh and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and town clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation or the company as the case may be to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

15. The powers of the Corporation and the company respectively for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Restriction on taking houses of labouring class.

16. The Corporation or the company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which 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.

If the Corporation or the company acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans 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 of such persons who may be residing with them.

Persons under disability may grant servitudes &c.

17. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation or the company any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands

and rentcharges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Railway to be kept on level of surface of road.

18. If and whenever after the commencement of this Order the Corporation alter the level of any street or road along or across which the railway is laid or authorised to be laid the company may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Plan of proposed mode of construction.

19.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 the company shall at the same time as they give notice to the Corporation of their intention to open or break up any street or road for the purpose of constructing laying down and renewing the railway lay before the Board of Trade and the Corporation a plan showing the proposed mode of constructing laying down and renewing the same and a statement of the materials intended to be used therein and the company shall not commence the construction laying down and renewal of the railway or part of the railway except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and the Corporation and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the master of works of the Corporation.

(2) If any dispute shall arise between the company and the Corporation or the said master of works under this section such dispute shall unless otherwise agreed be determined by an arbiter to be nominated on the application of either party by the sheriff of Renfrew and Bute.

Gauge of railway.

20. The railway shall be constructed on a gauge of four feet eight and a half inches and the company may use thereon engines waggons and trucks adapted for use on main line railways.

As to rails of railway.

21. The rails of the railway where laid in any street or road shall be such as the Board of Trade may approve.

Inspection by Board of Trade.

22. The railway shall not be opened for traffic until it has been inspected and certified to be fit for traffic by the Board of Trade.

Penalty for not maintaining rails and roads.

23.—(1) The company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the railway where laid in any street or road and the substructure upon which the same rest and if the company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as modified by this Order they shall be subject to a penalty not exceeding five pounds and a daily penalty not exceeding five pounds.

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(2) In case it is represented in writing to the Board of Trade by the Corporation or by twenty inhabitant ratepayers of the burgh that the company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 as modified by this Order the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the company to such penalty or penalties in respect thereof as is or are by this section imposed.

Stoppage of roads during execution of works.

24. Subject to the provisions of this Order the company may during the execution of the works with the consent in writing of the Corporation stop up temporarily the carriageway or footway of any street or road as they think necessary and for that purpose may put up bars posts and other erections Provided that the company shall before stopping up any footway under this section provide a temporary substitute therefor.

Corporation to have access to sewers.

25. The Corporation shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the Corporation as if the same were a pipe for the supply of gas or water.

Application of road materials excavated in construction of works.

26. Any paving metalling or material excavated by the company in the construction of the railway or works from any street or road may be applied by the company so far as may be necessary in or towards the reinstating of the street or road and the maintenance for six months after completion of the railway of so much of the roadway on either side of the railway as the company are by section 28 of the Tramways Act 1870 as modified by this Order required to maintain and the company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the master of works of the Corporation or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such master of works or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the company and the Corporation or master of works or other person with reference to any of the matters aforesaid shall unless otherwise agreed be settled by an arbiter to be

nominated by the sheriff of Renfrew and Bute on the application of either party. A.D. 1909.

Right of user only by company of streets or roads.

27. Notwithstanding anything in this Order contained the company shall not acquire or be deemed to acquire any right other than that of user of any street or road on which they lay the railway.

Reservation of right of public to use roads.

28. Nothing in this Order or in any byelaw made under this Order shall take away or abridge the right of the public to pass along or across every part of any street or road on which the railway is laid except as hereinafter expressly provided with reference to engines waggons and trucks having flange-wheels or wheels suitable only to run on the rails of the railway.

Reservation of powers to widen roads &c.

29. Nothing in this Order shall take away or affect any power of the Corporation to widen alter divert repair maintain or improve any street or road Provided that such powers shall not be exercised so as to interfere with or affect the railway or the traffic thereon further or otherwise than may be necessary and that nothing in this Order shall entitle the company to compensation for any loss or damage sustained by them by reason of the reasonable exercise of such powers as aforesaid.

Traffic on railway.

30. The railway shall not be used for the purpose of conveying passengers but only for the conveyance thereon of animals minerals and merchandise and no engines waggons or trucks shall be run thereon on any Sunday.

Railway to form part of authorised undertaking of company.

31. The railway shall for the purposes of tolls rates and charges and for all other purposes form part of the authorised railways and undertaking of the company.

Company to have exclusive use of railway.

32. The company shall have the exclusive use of the railway for engines waggons and trucks with flange-wheels or other wheels suitable only to run on the rails of the railway If any person (except by agreement with the company) uses the railway with carriages having flange-wheels or other wheels suitable only to run on the rails of the railway such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

As to removal of snow &c.

33. If the company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the railway where laid on any street or road the company shall at their own expense remove the snow or other matter to the side of the street or road but so as not to impede or obstruct the ordinary traffic on the street or road and the company shall not use any unsuitable material for thawing the snow on any street or road Provided that any dirt or other matter removed by the company from the grooves of the rails of the railway shall not be allowed to remain on the street or road but shall be at once taken away by the company.

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Saving for power to regulate traffic on roads.

34. Nothing in this Order shall limit the powers of the Corporation or of the police to regulate the passage of any traffic along or across any street or road on which the railway is laid and the Corporation or police may exercise their authority as well on as off the railway and with respect as well to the traffic of the company as to the traffic of other persons.

Power to Corporation to make byelaws.

35. The Corporation may make byelaws as to the following matters:—

The rate of speed to be observed in travelling upon the part of the railway on any street or road;

Prescribing the maximum number of waggons or trucks which may be drawn or propelled by any engine on the railway as one train;

The distances at which engines or trains using such part of the railway shall be allowed to follow one after the other;

The stopping of trains using such part of the railway;

The traffic on the street or road on which such part of the railway is laid;

For regulating the hours for the conduct on such part of the railway of any traffic;

The conditions under which heavy goods may be loaded on and unloaded off the railway on any street or road on which such part of the railway is laid.

No such byelaw shall have any force or effect until it has been allowed by the Board of Trade.

If the company shall feel aggrieved by the provisions of any such byelaw they may appeal against the same to the Board of Trade who shall have power if they think fit to cancel or modify the same or to make such new byelaw in lieu thereof as they may consider expedient.

Any such byelaw may impose reasonable penalties for offences against the same not exceeding five pounds for each offence with or without further penalties for continuing offences not exceeding for any continuing offence five pounds for every day during which the offence continues after conviction thereof but all such byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Period for completion of works.

36. If the new street and the railway are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation and the company for executing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to company to apply authorised capital to purposes of Order.

37. The company may apply to or towards the purposes of this Order to be fulfilled by them and to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts or Orders or which they may be authorised to raise by the Glasgow and South Western Railway Order 1904 and which are not required for the purposes to which they are by those Acts or Orders made specially applicable.

Penalty imposed unless railway opened within limited time.

38. If the company fail within the period limited by this Order to complete the railway the company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by the Corporation or any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Order and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

39. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the company by this Order and also in compensating the Corporation for the expense incurred by them in making good all damage caused to any street or road by the construction or abandonment of the railway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has

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been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the court as part of the assets of the company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the company.

For protection of harbour trustees.

40.—(1) The traffic passing to or from the railway over the railways of the harbour trustees shall be worked by the company in accordance with the regulations made or to be made by the harbour trustees Provided that any new regulations to be made by the harbour trustees shall be approved of by the sheriff of the county in terms of the Harbours Docks and Piers Clauses Act 1847.

(2) Notwithstanding anything shown on the deposited plans and described in the deposited book of reference the company or the Corporation shall not under the powers of this Order acquire from the harbour trustees except with their consent under seal a greater portion of their lands than fifteen square yards at the south-east corner of the stores of the harbour trustees at Clarence Street The compensation to be made to the harbour trustees by the company or the Corporation in respect of the taking of such portion shall be one hundred pounds.

(3) The harbour trustees shall notwithstanding the construction of the railway or anything in this Order contained have at all times free access to and power to lay drains communicating with their existing mains pipes and drains.

For protection of Caird and Company Limited.

41. For the protection of Caird and Company Limited shipbuilders Greenock (in this section called "the limited company") the following provisions with respect to the railway shall unless otherwise agreed between the company and the limited company and the Corporation have effect (that is to say):—

(1) Notwithstanding anything delineated on the deposited plans or described in the deposited book of reference the company shall not purchase and take the lands numbered 21 in the parish of Greenock on the said plans but may acquire a servitude in perpetuity over the said lands for the purpose of constructing working and maintaining the railway thereon and the provisions of the Lands Clauses Acts shall apply to such servitude as if the same were included in the word "lands" in those Acts:

(2) The traffic on the railway where it passes over the said lands shall be worked so as not to interfere unnecessarily with the free use and enjoyment by the limited company or their

successors of the lands on either side of the railway and subject to such regulations for the protection of such free use and enjoyment and the exclusion of trespassers from such lands as may be agreed upon between the company and the limited company or in the event of difference determined by an arbiter to be appointed (failing agreement) on the application of either party by the Board of Trade:

(3) The limited company shall acquire by agreement and convey to the Corporation such portion of the lands numbered 11A 12 13 14 15 16 17 18 and 19A in the parish of Greenock on the deposited plans as may be necessary for the construction of the new street between Nicolson Street and Laird Street:

(4) The Corporation shall make over and convey to the limited company the site and solum of so much of Ropework Street as is by this Order authorised to be stopped up and the limited company shall on the delivery of the conveyance to them pay to the Corporation the sum of five hundred and fifty pounds to be applied by the Corporation in the relief over a period of five years of the police assessment leviable by the Corporation under the Greenock Police Act 1877.

For protection of Hugh McPhail Watson and others.

42. For the protection of (1) Hugh McPhail Watson (2) Jessie Christie Melville or McQueen widow Thomas Aitcheson and John Lamont junior accepting trustees of the deceased Donald Wilson McQueen Elizabeth McQueen Dorcas McQueen or Pattison Flora McQueen or Ferguson (3) Hugh Ritchie (4) John Chalmers and John Scott the only surviving trustees of the late William Montgomerie and (5) Matthew Scott junior and their respective heirs successors and assignees (all of whom are in this section included in the expression "the proprietors") as proprietors of the tenements of dwelling-houses in the burgh numbered 22 26 and 28 in Dalrymple Street and 1 3 5 and 7 in Nicolson Street (hereinafter in this section referred to as "the said properties") the following provisions shall unless otherwise agreed between the proprietors and the company have effect (that is to say):—

(1) If any of the said properties shall be injuriously affected by reason of the construction or working of the railway the company shall notwithstanding that no part of the property so affected is taken by the company make compensation for such injury to the proprietor or proprietors thereof and the amount of such compensation shall failing agreement be finally determined as hereinafter provided Provided that the arbiter hereinafter mentioned shall not as against the company award any compensation for injury by working to be paid by the company unless the claim was made

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within three years from the date of the opening for traffic of the railway:

(2) Any claim by any of the said proprietors against the company for compensation under this section shall be referred to and finally determined with or without a formal reference by some one person to be agreed upon in writing between the proprietor or proprietors making such claim and the company or failing agreement by some one person to be appointed on the application of either party by the sheriff of Renfrew and Bute.

For protection of Brewers' Sugar Company Limited and Cereals Company Limited.

43. For the protection of the Brewers' Sugar Company Limited and the Cereals Company Limited and their successors in title and lessees and occupiers respectively (in this section referred to as "the two companies") the following provisions shall have effect unless otherwise agreed upon between the two companies and the Corporation and the company (that is to say):—

(1) In the construction maintenance and use of the railway the existing levels of Dalrymple Street shall not be altered or interfered with The rails shall be laid so that the uppermost surface thereof shall be on a level with the surface of the street and the space between the rails shall be causewayed so as to present a uniform surface throughout the street The company shall not in the construction maintenance and use of the railway in any way interfere with the accesses from Dalrymple Street Charles Street and Sugarhouse Lane to the properties of the two companies or (except in so far as may be reasonably necessary for the purposes of such construction maintenance and use) with the continuous and uninterrupted carrying on of their traffic by means of the said streets The two companies shall at all times with the permission of the Corporation in writing have free access to and communication with all sewers drains and pipes (including fresh and salt water gas and steam pipes) belonging to them or either of them and power to lay lateral or private pipes or drains to communicate therewith without the consent or concurrence of the company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer pipe or private drain of or under the control or in the use of the two companies or either of them as if the same were a pipe for the supply of gas or water:

(2) The Corporation shall forthwith make over and convey to the Brewers' Sugar Company Limited free of charge the site and solum of the portion of West Burn Square delineated and coloured blue on the plan (hereinafter referred to as

" the agreed plan ") dated the twenty-sixth day of April one thousand nine hundred and four and signed in triplicate by Alexander Jamieson Turnbull on behalf of the Corporation and by John S. Wingate secretary of and on behalf of the Brewers' Sugar Company Limited one copy of which plan (signed by Eugene Wason Esquire chairman of the commission to whom this Order was referred) has been deposited with the Secretary for Scotland:

(3) The company shall before commencing the construction of the portion of the railway situated between the north end of Dalrymple Street and Charles Street give one month's notice in writing to the two companies of their intention to construct the same and shall notwithstanding anything shown on the deposited plans and sections if required by the two companies (within one month after the receipt of such notice) by notice in writing construct the said portion of the railway and also a siding on the western side thereof in the position delineated on and in complete accordance with the plan dated the twenty-ninth day of April one thousand nine hundred and four and signed in quadruplicate by Alexander Jamieson Turnbull on behalf of the company and the Corporation and by said John S. Wingate on behalf of the two companies one copy of which plan (signed by Eugene Wason Esquire chairman of the commission to whom this Order was referred) has also been deposited with the Secretary for Scotland:

(4) The Brewers' Sugar Company Limited shall forthwith after the delivery to the company of the notice last mentioned make over and convey to the Corporation free of charge the lands coloured red on the agreed plan and also within seven years from the commencement of this Order the lands coloured yellow thereon and shall take down and remove from such lands at their own cost all buildings which it may be necessary to take down and remove for the purpose of constructing the siding and enabling the company to work and use the same and of widening and improving Sugar-house Lane on the north side and West Burn Square on the east side and the said lands shall be dedicated and used in all time coming for street purposes but the Brewers' Sugar Company Limited shall thereafter be freed from all liability for the cost of the existing street or foot pavement and of any street or foot pavement which may hereafter be made in the said lands:

(5) The two companies shall have the use of the said siding between the hours of six in the morning and four in the

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afternoon of every day during which they are under the provisions of this section entitled to unload waggons thereat and may stand waggons and trucks on any part thereof and the company shall not except with the consent of the two companies have the use of said siding during said hours but the two companies shall not in the use of the said siding allow any waggon to remain thereon between Sugar-house Lane and Charles Street for a longer period at one time than half an hour No engine waggon or truck shall be moved on the said siding during the meal hours of the employees of Caird and Company Limited:

(6) The two companies or either of them may unload any waggon at the said siding between the hours of six in the morning and four in the afternoon of every week day except Saturday and on Saturdays only between the hours of six in the morning and twelve noon but the said siding shall not without the consent of the Corporation in writing be used for the loading or unloading of any waggon or truck on any Sunday or public holiday or after the above specified hours on Saturdays:

(7) The company shall bring forward to and remove from the said siding the traffic of the two companies with due expedition and despatch:

(8) It shall be lawful for the two companies to make a connection with the said siding by rails laid upon their own property and to load or unload off such rails any waggon Provided always that they shall not except with the consent of the Corporation be entitled to do so over any public street except by means of a gangway placed above said street to the satisfaction of the Corporation:

(9) Any difference between the two companies the company and the Corporation or any of them under this section shall be referred to and determined with or without a formal reference by an arbiter to be mutually chosen or failing agreement appointed on the application of any of the parties by the sheriff of Renfrew and Bute.

Policing of railway.

44.—(1) The company shall on the fifteenth day of May in each year after the opening of the railway pay to the Corporation the sum of seventy-five pounds in respect of the services of such constables not exceeding two in number as may be required by the company for regulating the traffic on the streets and roads in which the railway is laid between the hours of six in the morning and twelve midnight and such further sum as may be agreed upon between the company and the Corporation or in the event of difference be determined by an

arbiter to be appointed (failing agreement) on the application of either party by the Board of Trade for the services of any constable or constables required by the company for the regulation of such traffic between the hours of twelve midnight and six in the morning.

(2) During the construction of the railway and the works connected therewith the master of works of or engineer appointed for that purpose by the Corporation shall at all times have the right of access to and of inspecting the same.

Provision as to general Railway Acts.

45. Nothing in this Order contained shall exempt the company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the company.

Costs of Order.

47. All costs charges and expenses of and incident to the preparing for obtaining making and confirmation of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds rates or revenues belonging to them or under their control or out of moneys borrowed for that purpose under this Order.

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDER.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
	NEW STREET.
Greenock - - -	11A 12 13 14 15 16 17 18 19A.
	RAILWAY.
Greenock - - -	9 11A 12 13 14 15 16 17 18 21 23 24 25 26.

THE GREENOCK AND SHAWS WATER TRANSFER ACT 1866.

SECTION 102.

Saving rights of Sir Michael Robert Shaw Stewart and others.

102. There is hereby reserved to Sir Michael Robert Shaw Stewart and the heirs of entail in the estates of Greenock and Ardgowan to Thomas MacKnight Craufurd of Cartsburn Esquire and the heirs of entail in the estate of Cartsburn and to the agricultural tenants and tenants of gardens and other ground for agriculture of the said Sir Michael Robert Shaw Stewart and Thomas MacKnight Craufurd respectively and to Duncan Darroch Esquire of Gourock and his successors in the estate of Gourock all their legal rights estates and interests in the premises aforesaid in so far as the same may not be inconsistent with the powers and provisions of this Act and nothing in this Act contained shall prejudice such rights estates and interests.

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THE GREENOCK POLICE IMPROVEMENT AND GAS ACT 1871.

SECTION 59.

Not to light &c. Port Glasgow and Gourock without consent of police authorities.

59. The board shall not be entitled to supply gas for public or private purposes within the police boundaries of Port Glasgow and Gourock without the consent in writing of the police authorities of Port Glasgow and Gourock first had and obtained.

THE TWELFTH SCHEDULE.

SECTIONS OF BURGH POLICE ACTS IN THIS ACT DEEMED TO HAVE BEEN ADOPTED BY THE CORPORATION AND TO COME INTO FORCE IN THE BURGH AT THE COMMENCEMENT OF THIS ACT.

THE BURGH POLICE (SCOTLAND) ACT 1892.

Section of 1892 Act.	See following Section in this Act.	Section of 1892 Act.	See following Section in this Act.	Section of 1892 Act.	See following Section in this Act.
79	354	163	268	253	413
80	354	164	268	254	413
83	354	165	268	256	398
84	354	171	244	270	361
85	354	173	244	271	361
86	354	174	268	272	361
87	368	180	268	273	361
88	354	181	265	278	420
89	354	182	265	280	420
90	354	183	268	281	420
91	354	185	413	285	420
92	368	186	265	287	420
93	354	187	260	288	66
100	368	188	265	289	368
101	385	189	265	290	368
106	385	190	265	292	384
108	388	191	265	293	384
109	388	192	265	294	384
110	388	193	265	298	384
111	388	194	265	299	384
113	388	195	265	300	63
114	388	196	265	301	63
115	388	197	265	302	368
117	388	198	265	303	63
118	413	199	265	304	63
120	388	200	265	308	54
121	413	206	36	310	63
125	388	209	36	311	63
126	388	227	215	312	63
130	268	228	215	313	63
144	268	234	215	316	423
145	268	235	215	317	423
157	268	243	413	318	423
159	268	249	413	319	423
160	268	250	413	320	423
161	268	251	413	321	423
162	268	252	413	322	423

Section of 1892 Act.	See following Section in this Act.	Section of 1892 Act.	See following Section in this Act.	Section of 1892 Act.	See following Section in this Act.
323	423	406	368	438	358
325	432	407	368	439	358
326	432	408	368	440	358
327	433	409	368	441	358
328	433	410	368	442	358
332	433	411	368	443	358
333	433	412	357	444	358
334	433	413	357	445	358
335	433	414	357	446	358
337	427	415	357	447	358
339	443	416	367	448	358
380	368	417	367	449	358
381	368	419	367	450	358
383	354	420	367	451	358
386	368	421	367	452	358
387	368	422	367	454	372
388	354	423	367	458	372
389	368	424	367	461	372
391	368	425	367	462	372
394	368	426	367	465	372
395	355	427	367	467	354
396	355	428	367	468	354
397	355	430	367	469	354
398	355	431	372	470	354
400	355	433	358	499	372
401	354	434	358	500	372
402	355	435	358	507	372
404	368	436	358	509	372
405	368	437	358		

The Burgh Police (Scotland) Act 1903.

Section of 1903 Act.	See following Section in this Act.	Section of 1903 Act.	See following Section in this Act.	Section of 1903 Act.	See following Section in this Act.
9	161	53	413	85	395
14	191	56	372	86	395
15	265	63	232	87	395
21	413	64	244	88	395
30	263	66	233	89	395
33	49	77	263	90	395
34	49	78	263	91	395
35	49	80	355	92	395
37	36	81	355	93	423
44	54	83	395	104(2) (*d*)	192
49	132	84	395	104(2) (*e*)	192

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