CHAPTER cxciii.

An Act to consolidate and amend the provisions relating to the Police of the Town of Greenock, and to authorise certain Improvements in the said Town; and for various other purposes. [2d August 1877.]

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WHEREAS an Act was passed in the third year of the reign of Her present Majesty, intituled "An Act for the further "improvement of the town of Greenock, for better lighting and "supplying the same with water, for regulating the police thereof, "and for other purposes connected therewith," herein-after called the Act of 1840: 3 & 4 Vict. c. xxvii.

And whereas another Act was passed in the twenty-eighth and twenty-ninth years of the reign of Her said Majesty, intituled "An "Act to consolidate and amend the provisions relating to the police "of the town of Greenock, to authorise certain improvements in "the said town, and for various other purposes," herein-after called the Act of 1865: 28 & 29 Vict. c. ccc.

And whereas another Act was passed in the thirty-fourth year of the reign of Her said Majesty, intituled "An Act for amending "the Acts relating to the police and improvement of the town of "Greenock, and for vesting the existing gasworks there in the "Board of Police of the town, and for authorising the Board to "make new gasworks, and for other purposes," herein-after called the Gas Act of 1871: 34 & 35 Vict. c. xliv.

And whereas another Act was passed in the thirty-eighth and thirty-ninth years of the reign of Her said Majesty, intituled "An Act for conferring further powers on the Board of Police of "Greenock, and for other purposes," herein-after called the Act of 1875: 38 & 39 Vict. c. cxiii.

And whereas it is expedient that the said Acts, which are in this Act referred to together as the recited Acts, except as in this Act mentioned, should be repealed, and that the provisions of the same

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should be consolidated and amended, that powers should be granted to the Board by this Act constituted to carry these provisions into effect and for the execution of the works herein-after described, that two additional bailies should be appointed for the said town, and various other provisions should be enacted for the regulation and government and the sanitary improvement of the town:

And whereas another Act was passed in the thirty-fourth and thirty-fifth years of the reign of Her said Majesty, intituled "An "Act for authorising the construction of street tramways in the "town of Greenock, and for other purposes," herein-after called the Greenock Tramways Act:

34 & 35 Vict. c. xcv.

And whereas plans and sections showing the lines, situations, and levels of the works authorised by this Act, and the lands and property to be acquired compulsorily under the authority of this Act, and a book of reference thereto containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands and houses, have been deposited with the principal sheriff clerk of the county of Renfrew (which in this Act are referred to as the deposited plans, sections, and book of reference):

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

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

I.—SHORT TITLE.

Short title.

1. This Act may be cited for all purposes as "The Greenock Police Act, 1877."

II.—INCORPORATION OF ACTS.

Certain provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be and the same are hereby incorporated with this Act.

The provisions of "The Commissioners Clauses Act, 1847," herein-after called the Commissioners Clauses Act, so far as herein-after specified, are hereby incorporated with this Act, and so far as incorporated shall have the same effect as if these provisions were specially enacted herein.

The provisions of "The General Police and Improvement (Scotland) Act, 1862," herein-after called the General Police Act, so far as herein-after specified, are incorporated with and form part

of this Act, and in so far as incorporated shall have the same effect as if these provisions were specially enacted herein.

Provided always, that the powers, provisions, and jurisdictions contained in the said several clauses herein-after specified of the Commissioners Clauses Act and the General Police Act shall be deemed, construed, and taken to be powers, provisions, and jurisdictions of and additional to those contained in this Act, and to apply to the summary procedure and to the manner of prosecutions and convictions authorised by this Act, and to the magistrates, and to the Board, and to the superintendent of police constables, inspector of cleansing, and all other officers of the Board, and to the purposes of this Act.

III.—INTERPRETATION CLAUSE.

Interpretation of terms.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; namely,

The words the town in this Act and the words the burgh, where these words are used in the portions of the General Police Act herewith incorporated, or in any of the other Acts herewith incorporated, or in this Act, shall, with respect to the police jurisdiction and police powers conferred by this Act and the Acts incorporated herewith, mean and include the limits of this Act as herein-after defined, and for the other purposes, powers, and jurisdictions of and by this Act conferred the said words "the town" or "the burgh" shall mean the said limits as herein-after defined, not being below low-water mark:

The words the burgh of Greenock, where used in this Act (except in connexion with any of the general Acts incorporated herewith), shall mean the burgh of Greenock as defined in the Public and General Act 2 and 3 William IV., chapter 65, intituled "An Act to amend the representation of the people "in Scotland:"

The expression the limits of the jurisdiction of the magistrate occurring in any of the Acts herewith incorporated shall mean and comprehend the town:

The expression parish of Greenock shall mean and include the whole territory within the three parishes called or known as the west, middle or new and east parishes of Greenock:

The words the existing Board shall mean the Board of Police of Greenock as existing previous to the passing of this Act, and the words the Board shall mean the Board of Police constituted by this Act, and the words the commissioners,

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where used in the portions of the General Police Act incorporated with this Act, or in any of the other Acts incorporated herewith, or in this Act, shall apply to the Board and the members thereof, excepting where otherwise expressed in this Act:

The expression the sheriff shall mean the sheriff of Renfrew and Bute, or any one of his substitutes:

The words magistrate or magistrates used in this Act, or in the portions of the General Police Act incorporated with this Act, or in any of the other Acts herewith incorporated, shall respectively mean the provost or one or more of the bailies of the burgh of Greenock sitting in the police court of the town, or otherwise acting in pursuance of this Act, or the dean of guild of the burgh when officiating in the Dean of Guild Court:

The expression valuation roll shall mean the valuation roll or rolls made up in pursuance of the Acts for the valuation of lands and heritages in Scotland in force for the time being:

The expression lands and heritages shall mean lands and heritages within the town, and shall have the meaning attached to it in the Acts last mentioned:

The word proprietor shall mean the proprietor of lands or heritages, and shall apply to liferenters as well as fiars, to joint proprietors, and to tutors, curators, commissioners, trustees, adjudgers, wadsetters, heritable creditors, or other persons who shall be in the actual enjoyment of or who shall take the rents and profits or produce of such lands and heritages, and to the factor or any person acting as factor for any such proprietor in the management or in receipt of the rents and profits of such lands and heritages; and the word owner, where used in the General Police Act incorporated with this Act, or in any of the other Acts herewith incorporated, or in this Act, shall have the same meaning with reference to this Act as the word proprietor:

The word occupier shall mean the occupier of lands and heritages, and shall apply to any proprietor 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:

The expression elective members shall mean the elective members of the Board under this Act:

The word elector shall mean any person entitled under this Act to vote for elective members:

The expression street shall extend to and include any road, street, lane, vennel, wynd, court, close, alley, bridge, quay, passage,

thoroughfare, square, or other place within the town 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 town used as aforesaid:

The expression public street shall mean and include any road, street, lane, vennel, wynd, close, alley, bridge, passage, square, or other place within the town used by carts and foot passengers, which has been maintained by the Board under the Act of 1865, or is to be maintained by the Board, 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:

The expression private street shall mean any road, street, or place within the town (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, and which has not been before the commencement of this Act well and sufficiently paved and flagged by the owners of premises fronting or abutting on said street, or which has not been maintained as a public street:

The word court shall mean any place or passage within the town (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, which has not been maintained by the Board under the said recited Acts or any of them, or is not by this Act or shall not hereafter be in pursuance thereof declared a public street:

The word foot-pavement shall mean a footpath formed of dressed flagstones or granite, and the word causeway shall mean a carriageway formed of whinstone or granite:

The expression completed street or completed court shall mean a public street or court, as the case may be, in which foot-pavements and causeways and sewers have been made and constructed, and the obligations of proprietors of lands and heritages bound to make and form such streets or courts, in terms of the Act of 1865 or this Act, have been fulfilled:

The expression uncompleted street or uncompleted court shall mean 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 sewers have not been constructed, and where the obligations of proprietors of lands and heritages

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bound to make and form such streets or courts have not been fulfilled:

The word building shall mean and include all dwelling-houses, houses, warehouses, mills, manufactories, structures, chimneys, shafts, walls, and erections of every description, and of whatever materials they may respectively be constructed:

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:

The erecting of any building which is begun after the commencement of this Act, and the re-erection of any building wholly or partially pulled or burnt down to or below the level of the ceiling of the ground floor thereof, or the conversion into a dwelling-house of any building not originally constructed for a dwelling-house, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, or the conversion into small dwelling-houses of a building originally constructed to be let with only one dwelling-house on each flat, shall be deemed the erection of a new building or a rebuilding:

"Party wall" shall apply to every 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:

The expression dwelling-house shall mean and include any building or part of a building within the town which is or is intended to be occupied wholly or in part during the day or during the night for residential or sleeping purposes:

The expression common stair shall mean any passage or stair in any building leading to parts thereof separately occupied:

The word sewer shall include any drain, culvert, or watercourse used for the conveyance of sewage, and all cesspools, traps, and other ordinary appurtenances in connexion therewith:

The expression public sewer shall mean a sewer for the drainage of a street or turnpike road, or a part of a street or turnpike road, formed under or by authority of the said recited Acts or of this Act, or of any building or lands on either side thereof:

The expression private sewer shall mean a sewer for the drainage of the lands and heritages of one or more proprietors connected with a public sewer, or with a river or stream, and shall include any house drain:

The expression police offence shall mean 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:

The expression guild offence shall mean 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:

The words clerk, treasurer, auditor, surveyor, master of works, and collector, shall respectively mean the clerk, treasurer, auditor, and master of works, and any one of the surveyors and collectors appointed in pursuance of the provisions of the recited Acts or any of them, or of this Act:

The word assessor shall mean the assessor for the burgh for the time being, under the Acts for the valuation of lands and heritages in Scotland, who shall also be appointed by the Board to act under this Act:

The procurator fiscal shall mean either of the procurators fiscal appointed in pursuance of the provisions of the recited Acts or any of them, or this Act, and the word fiscal shall mean the procurator fiscal or any one of the persons authorised to act as procurator fiscal in his absence:

The medical officer, the sanitary inspector, and the inspector of lodging-houses shall respectively mean any one of the medical officers, sanitary inspectors, and inspectors of lodging-houses appointed in pursuance of the provisions of this Act:

Dean of guild shall include the Dean of Guild Court acting in the execution of this Act:

The word constable under this Act shall include lieutenants, inspectors, sergeants, and other officers of police subordinate to the superintendent of police, and also such superintendent, wherever the context shall not be repugnant to the superintendent being so included:

The word bail and the word caution shall respectively extend to and include a deposit of money or articles:

The word cattle shall include any horse, mare, gelding, foal, colt, filly, bull, cow, heifer, ox, calf, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine:

The word manure shall mean and include dung, fulzie, soil, dust, dirt, ashes, and filth:

The word carriage shall include any 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 shall include a hearse:

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The word broker or brokers shall extend to and include any person or persons dealing in second-hand goods or articles, or in woollen yarn or waste, or in other unwrought woollen materials, or in old metals, bones, or rags:

The expression police purposes or police provisions of this Act, except when inconsistent with the context, shall mean and include the whole Act:

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

The expression police court shall mean any court for the trial of police offences within the town maintained in pursuance of this Act:

The word byelaws shall mean and include byelaws, rules, and regulations made under the authority of this Act.

IV.—REPEAL OF EXISTING ACTS.

Repeal of existing Acts.

4. This Act shall come into operation for the purposes of sections 11, 12, 52, 53, and 54 on the passing hereof, and for all other purposes the same shall come into operation on the first day of October eighteen hundred and seventy-seven, and thereupon, subject to the provisions of this Act, the Act of 1840, the Act of 1865 (except the clauses of that Act set forth or mentioned in the first part of Schedule D. to this Act annexed), the Gas Act of 1871 (except the clauses of that Act set forth or mentioned in the second part of the said schedule), and the Act of 1875 (except the clauses of that Act set forth or mentioned in the third part of the said schedule), shall be and the same are hereby repealed.

V.—LIMITS AND APPLICATION OF ACT.

Limits of Act.

5. The limits of this Act shall be as follows; namely, beginning at the point on the west of the town at which the shore of the Firth of Clyde is met by the march between the parishes of Greenock and Inverkip, up the said march to the north side of the aqueduct formerly belonging to the Shaws Water Joint Stock Company, now to "The Water Trust of Greenock," to the point where the aqueduct intersects the parish boundary, thence along the said north side of the said aqueduct till it reaches the west end of the reservoir at Everton, belonging to the said "Water Trust of Greenock," thence skirting the north side of the said reservoir to the east end thereof, thence in a straight line one hundred and thirty-three lineal yards eastwards to a march stone fixed or to be

fixed at a point one hundred and thirty-four lineal yards distant in a northerly direction from the north end of the farmhouse of High Murdieston, thence in a straight line north-eastwards till it reaches a march stone fixed or to be fixed at a point two hundred and forty-three lineal yards from the north-west point of the north boundary dyke at Whinhill, thence along said dyke to a march stone fixed or to be fixed at the north-east corner thereof, thence in a straight line eastwards to the southmost corner of Maukinhill farm-steading, thence 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 to be 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 the street now called Boundary Street, which bounds the feu sometime belonging to Mr. Lawrence Hill, occupied as a shipbuilding yard, on the east, which prolonged line where it is nearest to Bogston farmhouse shall not be more than four hundred and forty-one lineal yards to the eastward of the east-most corner of the said farmhouse, and turning at said point and running down the centre of the said Boundary Street in a north-easterly direction, and into the River Clyde for a space of seventeen hundred lineal yards, and there turning at a right angle and running north-westward in a straight line to a point in the river 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: Provided always, that nothing in this Act contained shall alter or affect in any way the limits of the burgh of Greenock or of the county of Renfrew with respect to the right of voting for members of Parliament and town councillors as existing at the date of the passing of this Act.

Application of Act.

6. The provisions of this Act shall extend to the town, subject to such limitations as in any of such provisions or in this Act otherwise are expressed.

VI.—APPOINTMENT OF ADDITIONAL MAGISTRATES.

Appointment of additional magistrates.

7. Section 1 of the Public and General Act 3 and 4 William IV., chapter 77, shall after the passing of this Act, in all matters relating to the councillors and magistrates of the burgh of Greenock, be read and have effect as if it had provided therein that there shall be in the burgh of Greenock the number of sixteen councillors, whereof one shall be provost, six shall be bailies, and one a treasurer; and section 13 of the said Act shall after the passing of this Act, in all matters relating to the councillors and magistrates of the burgh of

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Greenock, be read and have effect as if it had enacted that the councillors of the burgh of Greenock should elect from among their number a provost or chief magistrate, six bailies, and a treasurer, and as if the words "in the year one thousand eight hundred and seventy-seven" had been inserted therein instead of the words "present year": Provided always, that, notwithstanding the provisions of this section, no alteration shall take place in the order or time of the retirement of any of the magistrates in office at the date of the passing of this Act.

VII.—CONSTITUTION AND INCORPORATION OF BOARD.

Constitution and incorporation of Board.

8. The Board shall consist of the provost and six bailies, the treasurer, and remanent members of the town council of the burgh of Greenock for the time being ex officio, and of nine occupiers of lands and heritages within the town possessing the qualification and chosen in manner herein-after provided as elective members; and the Board shall be a body corporate under the name and style of The Board of Police of Greenock, with perpetual succession and a common seal, and shall have power to sue and be sued, and to hold lands and possess all the other privileges of a body corporate; and they may in pursuance and subject to the provisions of this Act do any of the following acts:

They shall estimate, assess, levy, and apply the moneys by this Act authorised to be estimated, assessed, levied, raised, received, or applied:

They may appoint and suspend or remove at pleasure all officers and other persons now employed or hereafter to be employed in the execution of this Act, whose appointment or removal is not specially conferred on others:

They shall fix and may from time to time alter the number and description of all officers, except the special officers herein-after directed to be appointed, and the number and description of all lieutenants, inspectors, constables, firemen, lamplighters, paviors, scavengers, and other persons to be employed in the execution of this Act, whether appointed by them or not:

They shall fix and may from time to time alter the salaries to be paid to all officers, whether by this Act specially directed to be appointed or not, and the salaries or wages of all lieutenants, inspectors, constables, firemen, lamplighters, paviors, scavengers, and other persons employed in the execution of this Act, and may reward them for meritorious services, or make provision for any of them who may be disabled in the execution of his duty, or after long service may become unfitted for the execution of his duty:

They may with consent of the owners, lessees, and occupiers purchase any lands or heritages which shall be required for adding to the existing or for erecting any new court room, police office, or other office for any of the purposes of this Act:

They may do all other things necessary for fully and efficiently executing this Act.

Duration of office.

9. Each of the ex-officio members shall continue in office while and so long as he shall hold the office which qualifies him to be a member of the Board, and each of the elective members shall continue in office for the period of three years and no longer, unless re-elected.

Existing members of Board.

10. The elective members of the Board who immediately before the passing of this Act were elective members under the Act of 1865 shall be the first elective members of the Board under this Act: Provided always, that the said elective members shall only continue in office under this Act until the terms at which they would have respectively retired from office under the said recited Act if unrepealed.

Qualification of electors.

11. The right to elect the elective members of the Board shall be in and shall belong to all the persons qualified to vote for a member of Parliament of the burgh of Greenock whose names shall be on the register of parliamentary voters for the said burgh, and all persons within the town, but without the parliamentary boundary of the said burgh, possessed of the qualification for the burgh franchise described in the Acts 2 and 3 William IV., chapter 65, or 31 and 32 Victoria, chapter 48, or in any Public Act which may be passed hereafter defining the qualifications entitling persons to vote for a member of Parliament within the burgh of Greenock.

Roll of electors to be made up.

12. A register of voters or list of the persons entitled to vote in the election of the elective members of the Board resident beyond the parliamentary boundaries of the burgh of Greenock but within the limits of the town (herein-after called "the supplementary register") shall be made up by the assessor at the same time and in the same way as the register of persons entitled to vote in the election of town councillors is made up and completed by him, and the same procedure shall be followed with respect to the preparation and publication of every such supplementary register, and the completion and revision thereof, as is followed with respect to the register of persons entitled to vote in the election of town councillors, and the said last-mentioned register, together with the said supplementary register, when made up, completed, and revised, shall be signed by the town clerk, and together shall be

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deemed to be the register of electors of the Board. The said register of electors of the Board so made up and completed shall be conclusive evidence of the right of the parties therein respectively entered to vote in the election of the elective members of the Board, and such persons shall not be required to take any oath or solemn affirmation, but they may be required to make a declaration in the following form:

I (*A.B.*) declare that I am the individual described in the register now in force for the town of Greenock as (*A.B.*) [*here insert description in the same words as in the register*], and that I have not already voted at this election.

Qualification of members of Board.

13. Every person qualified to be an elector shall also be qualified to be chosen an elective member of the Board.

Three elective members to go out of office in rotation annually.

14. Three of the elective members shall go out of office annually by rotation, and three other elective members shall be chosen in their place, and the three elective members who under the Act of 1865, if unrepealed, would first have gone out of office shall be the first three elective members to go out of office under this Act, and the three elective members who under the Act of 1865, if unrepealed, would next have gone out of office shall be the three elective members who shall next go out of office under this Act, and the three elective members who under the Act of 1865, if unrepealed, would at the third annual election after the date of this Act have gone out of office shall be the three elective members who shall at the third annual election under this Act go out of office, and thereafter the three elective members who shall have been longest in office shall be the three elective members who shall annually go out of office.

Mode of electing members of Board.

15. The election of the three elective members to be annually chosen as aforesaid shall from and after the passing of this Act proceed and be regulated in the manner prescribed by law for the election of town councillors in burghs in Scotland, and shall proceed and be regulated by and under the Act 3 and 4 William IV., chapter 77, intituled "An Act to provide for the appointment and "election of magistrates and councillors for the several burghs and "towns of Scotland which now return or contribute to return "members to Parliament, and are not royal burghs," and the Act 31 and 32 Victoria, chapter 108, intituled "The Municipal Elections Amendment (Scotland) Act, 1868," "The Municipal Elections Amendment (Scotland) Act, 1870," and the Act 35 and 36 Victoria, chapter 33, intituled "The Ballot Act, 1872," in so far as said Acts apply to and regulate municipal elections in burghs in Scotland; and for the purposes of this section the said Acts shall be read

as if the words elective members were used therein instead of the words town councillor or councillors.

Mode of conducting election.

16. The election of the elective members of the Board shall proceed at the same time as the election of town councillors, and shall be conducted by the returning officer, his assistants and clerks, and the substitutes or presiding officers appointed to officiate and preside at the polling places in the several wards in the election of town councillors, and in all other respects such election shall be proceeded with, completed, and notified in the same manner as is or may be provided and directed with respect to the election of councillors, and the electors resident beyond the parliamentary boundaries shall vote in the polling booths of the respective wards in which their names appear in the supplementary register.

Further regulations as to election of members.

17. For the purposes of the election of elective members of the Board, the master of works shall immediately after the passing of this Act, on a plan of the town to be kept in the town clerk's office for inspection and reference, extend the boundary lines dividing the several wards from each other, so as to allocate to each of the wards the portion of the town outside the parliamentary boundary which lies nearest to it; and the portion of the town so allocated to each ward shall so far as regards the election of the elective members of the Board be deemed to be a portion of the ward itself, and the said supplementary register shall be made up with reference to such allocation, and shall indicate in which of the wards each of the electors residing beyond the parliamentary boundaries shall be entitled to vote.

Portion of 10 & 11 Vict. cap. 16. incorporated.

18. In all other matters connected with the qualification of the Board the same shall be regulated by the Commissioners Clauses Act, for which purpose clauses 2 to 5, both inclusive, clauses 8 to 16, both inclusive, clauses 18 and 19, and clauses 34 and 35, are hereby incorporated with this Act.

VIII.—TRANSFER OF PROPERTY, DEBTS, AND DILIGENCE TO BOARD; SAVING OF RIGHTS; AND OFFICERS TO CONTINUE.

Transferring property and other rights to Board.

19. All lands and heritages, rates, assessments, debts, decreets, and diligence, fines, penalties, and expenses, rights, claims, demands, and effects of every kind belonging to, pronounced in favour of, or vested in the trustees under the Act of 1840, or in the existing Board under the Act of 1865, the Gas Act of 1871, or the Greenock Tramways Act, or the Act of 1875, or in any person or persons on their behalf, under or by virtue or in pursuance of the said Acts or any of them, and all powers, rights, and privileges conferred

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on or vested in the said trustees or existing Board, are by this Act transferred and assigned to and vested in the Board under and by virtue of this Act.

Deeds and conveyances to be binding on Board.

20. All mortgages, bonds, assignments, leases, grants, conveyances, and other deeds or securities made or granted to or by the trustees or existing Board for carrying into effect the recited Acts or any of them, or the Greenock Tramways Act, or to which they had acquired right, and all claims for annual, termly, or other payments or debts, interest or demands, for which they were liable under or by virtue or in pursuance of the recited Acts or any of them, or the Greenock Tramways Act, and all contracts and agreements entered into with the said trustees or existing Board, and all judgments or decreets arbitral pronounced in any suit or arbitration to which they were parties, shall be good, valid, and effectual to all intents and purposes, and may be enforced by or against the Board to the same extent and effect that they might have been enforced by or against the said trustees or existing Board acting under the recited Acts or any of them, or the Greenock Tramways Act.

Arrears of assessment may be recovered by Board.

21. All rates and assessments, debts, cost of executing work, proportions of expenses, sums or charges, fines, penalties, and expenses imposed under or found due by virtue or in pursuance of the recited Acts or any of them, or the Greenock Tramways Act, and remaining unpaid, may be levied and recovered by the Board or the officers appointed by them in the same way and by the same means that they would have been recoverable if they had fallen due and become payable under and in terms of this Act.

Actions not to abate.

22. All actions, suits, and proceedings at law or in equity, and all arbitrations to which the existing Board and the officers appointed by or acting under it were parties when this Act shall come into operation, may be proceeded with by or against the Board or the corresponding officers appointed or acting under this Act, without the necessity of any formal intimation to the Board or said officers, or by the Board or said officers, of the same.

Actions, &c. by or against officer of Board not to abate on his removal.

23. Upon the death or removal of any officer appointed or acting under the recited Acts or this Act, all actions, suits, and other proceedings, and all arbitrations to which he shall be officially a party, may be proceeded with, by or against his successor in office, in the same way and to the same effect as if such successor had been from the commencement a party to such proceedings or arbitrations.

General saving of rights under recited Acts.

24. Everything before this Act comes into operation done, suffered, and confirmed respectively under or by virtue or in pursuance of the recited Acts or any of them, or the Greenock Tram-

ways Act, shall be as valid as if this Act had not been passed, and this Act shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, and demands, both present and future, which if this Act had not been passed would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such things so done, suffered, and confirmed respectively, and all such rights, liabilities, claims, and demands, the Board shall to all intents represent the trustees and the existing Board for carrying into effect the recited Acts and the Greenock Tramways Act.

Byelaws made under Acts repealed to remain in force till recalled.

25. All byelaws made and actually in force at the date of this Act shall, so far as not inconsistent with the terms of this Act, remain in force and be operative and binding after the passing of this Act, and shall be held and taken as if they had been made under this Act until they shall be recalled.

Act not to revive claims which have lapsed.

26. Nothing in this Act contained shall revive in favour of or against the Board or any officer appointed or acting under the recited Acts, or any other person, any claim or cause of action which when this Act comes into operation had lapsed or had been waived or discharged, or shall confer any new claim or cause of action, right, privilege, liberty, or exemption in reference to any matter or thing done or suffered before the passing of this Act which did not exist immediately previous to the passing of this Act, in favour of or against the existing Board for carrying into effect the recited Acts, or such officer or person.

Certain officers to continue and be subject to provisions of Act.

27. The clerk, treasurer, surveyor, collector, superintendent of police, master of works, inspectors, assessor, procurators fiscal, and other officers appointed in pursuance of the recited Acts, shall remain in office during their appointment or until removed, and shall be subject to the provisions of this Act as regards their acts and intromissions to the same extent that they would have been if they had respectively been appointed in pursuance of this Act; and all bonds or securities for such acts and intromissions granted to the trustees or existing Board for carrying into effect the recited Acts, or any of them, shall enure to and may be enforced by the Board.

Books of trustees and Board under recited Acts to be deemed books of the Board.

28. The books, registers, list of ratepayers, accounts, and other documents and vouchers of the trustees and existing Board for carrying into effect the recited Acts and the Greenock Tramways Act, and the minutes of the proceedings of the said trustees and Board and their committees and sub-committees, shall be deemed the books, registers, list, accounts, documents, vouchers, and minutes of the Board and their committees and sub-committees, and shall receive

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effect in the same way and to the same extent that they would have done in any question or proceeding to which the trustees or existing Board for carrying into effect the recited Acts might have been parties if this Act had not been passed.

Saving rights of harbour trustees.

29. The police jurisdiction and police powers herein conferred upon the magistrates shall extend over and include the whole territory comprehended within the limits of this Act as before defined, but nothing herein 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, 1867, and 1872, 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: Provided always, that all offences under the said Greenock Port and Harbours Acts, 1866,1867, and 1872, or the Acts incorporated therewith, or any byelaws 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; and provided also, that the superintendent of police and lieutenants and other subordinate officers and constables appointed and acting under this Act shall be the superintendent of police within the said port and harbours; and all the rights, powers, privileges, and duties conferred and imposed by this Act on the superintendent, lieutenants, officers, and constables shall be possessed and performed by them within the said port and harbours.

Saving other rights.

30. Nothing in this Act contained shall affect or diminish or shall extend or enlarge the powers and jurisdiction of the Lord Provost, magistrates, and town council of Glasgow, and the Bailie of the River and Frith of Clyde, or the powers, rights, or privileges conferred or the duties or obligations imposed on the Trustees of the River Clyde Navigation, or the powers, rights, or privileges of the Pilot Board of the River and Frith of Clyde, and reserving also to Sir Michael Robert Shaw Stewart and the heirs of entail in the estate of Greenock, to Thomas Macknight Crawfurd of Cartsburn 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 Crawfurd respectively, and to Duncan Darroch of Gourock and his successors in the estate of Gourock, and to all other bodies politic or corporate, 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, declaring always that nothing herein contained shall hurt or prejudice the charter granted to the town of Greenock in the year one thousand seven hundred and fifty-one by the deceased Sir John Schaw, of Greenock, Baronet.

IX.—MEETINGS, BOOKS, AND ACCOUNTS OF BOARD.

Meetings of Board.

31. The first meeting of the Board shall take place on the third Tuesday of the month next immediately following the date at which this Act shall come into operation, and a meeting of the Board shall be held on the third Tuesday of every month thereafter; an annual meeting of the Board shall take place on the third Tuesday of the month of September in every year; and the first annual meeting shall take place on the third Tuesday of the month of September next immediately following the date at which the Act shall come into operation: Provided always, that the Board shall have power to alter the days of the monthly or annual meetings to any other days which they may consider more convenient.

Quorum and chairman of meetings and committees.

32. At all meetings of the Board nine shall be a quorum, and at every meeting the provost, and in his absence the senior magistrate present, and in absence of all the magistrates a member to be chosen by the meeting, shall preside, and in all cases where the provost or a magistrate shall be a member of any committee of the Board, such provost or magistrate, unless the Board shall specially determine otherwise, shall be convener and chairman of such committee and shall preside at all meetings of the same, and in absence of the provost or magistrate at any meeting of committee a member to be chosen by the meeting shall preside, and the Board shall fix and determine the quorum of any such committee.

Power to make monthly meetings special.

33. It shall be competent for the Board at any monthly meeting to consider and resolve as to any special business, provided intimation of the intention to bring forward such special business shall have been given by a member at the monthly meeting immediately preceding, or shall have been inserted in the notice of such monthly meeting by order of the provost, or of the acting chief magistrate in absence of the provost.

Extraordinary meetings.

34. The provost or in his absence the acting chief magistrate may if he think fit, without any requisition, and shall on a requisition signed by five or more members, call an extraordinary meeting of the Board, to be held at such time and at such place as he may appoint, to consider and resolve as to any special business: Provided always, that forty-eight hours notice of such meeting shall be given, unless the circumstances shall render a shorter notice necessary.

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Extracts from minute books to be evidence.

35. A copy of or extract from the minutes or minute book of the Board, authenticated by the signature of the clerk, shall be received as evidence in all legal or other proceedings in the same way and to the same effect as the original minutes or minute book themselves.

Books to be balanced.

36. The books kept by the several officers appointed by the Board shall be closed and balanced as on the first Monday of August in each year, and a balance sheet shall be made up within fifteen days thereafter, and such balance sheet shall within ten days after the expiry of the said fifteen days be examined by a committee appointed for that purpose by the Board, consisting of not less than three members thereof, and shall be signed by the convener of the said committee, and, along with the auditor's confirmations or reports as after provided for, shall be reported to the Board for their consideration and approval, if so resolved, at the annual meeting in September following.

Accounts to be audited.

37. It shall be the duty of the auditor once in every quarter of a year to audit the accounts of the Board, and for that purpose the Board shall deliver or exhibit to him their accounts and books, and the proper vouchers in support of the same, and the auditor may either simply confirm the same or make a special report thereon, and such confirmations of or reports upon the books and accounts for the year shall be laid before the Board at their annual meeting in September: Provided always, that the auditor may, if he shall deem proper, request the provost, or in his absence the acting chief magistrate, to call a special meeting of the Board at any time to receive an interim report.

Inspection of accounts by ratepayers at special times.

38. The books so balanced, together with the said balance sheet for the year, report by the committee of the Board, and confirmations or reports by the auditor, shall for one month after the annual meeting of the Board in September be open daily, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, at the office of the treasurer, for the inspection of the ratepayers or mortgagees, without payment of any fee; but the ratepayers or mortgagees shall not be entitled at any time, excepting during the said period, to demand inspection of such books or balance sheet or report of the committee of the Board, or confirmations or reports of the auditor, unless in virtue of a written order signed by three members of the Board.

Penalty for refusing inspection of accounts.

39. If the treasurer or any other officer of the Board shall refuse to permit a ratepayer to inspect the books so balanced, or the said balance sheet or report of committee, or confirmations or reports of the auditor, or to take copies of or extracts therefrom during the

said period or under such written order, he shall forfeit to such ratepayer for every such offence a sum not exceeding ten pounds.

Copy of accounts to be sent to town clerk.

40. Immediately after the third Tuesday in September in each year, the treasurer shall cause the said balance sheet, with the report of the committee and auditor's confirmations or reports, to be printed, and a copy to be transmitted to the town clerk and to each member of the Board, and if he omit to do so he shall forfeit the sum of ten pounds, to be recovered by any ratepayer.

Further part of 10 & 11 Vict. cap. 16. incorporated.

41. In all matters connected with the meetings of the Board, and with respect to the contracts to be entered into and the deeds to be executed by the Board, and with respect to the liabilities of the Board, and to legal proceedings by or against the Board, and to the accounts to be kept by the Board, the same shall be regulated by the Commissioners Clauses Act, 1847, for which purpose the portions of that Act—

With respect to the meetings and other proceedings of the Commissioners and their liabilities, excepting clauses 36 and 37 and clause 46;

With respect to the contracts to be entered into and the deeds to be executed by the Commissioners;

With respect to the liabilities of the Commissioners and to legal proceedings by or against the Commissioners; and

Clauses 89 and 95, with respect to the accounts to be kept by the Commissioners;

are hereby incorporated with this Act.

X.—STREET IMPROVEMENTS AND ACQUISITION OF LANDS.

Power to take lands.

42. Subject to the provisions of this Act, the Board may enter upon, take, and use all or any of the lands shown on the deposited plans and specified in the deposited book of reference, and may, in the lines and according to the levels shown on the deposited plans and sections, widen, alter, and improve the existing streets hereinafter described, with all proper works and conveniences connected therewith.

Power to alter, widen, and improve existing streets.

43. The existing streets or roads herein-before referred to and authorised by this Act to be altered, widened, and improved are the following:

(1.) The corner of Charles Street on the south-east side thereof, at its junction with Dalrymple Street, commencing in the south-west side of Dalrymple Street at a point twenty feet or thereby south-east of the south-east side of Charles Street, and terminating at a point in the south-east side

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of Charles Street twenty feet or thereby south-west from Dalrymple Street:

(2.) The widening and improvement of Belville Street on the south side thereof, and of East Crawford Street on the west side thereof, such widening and improvement commencing at a point on the west side of East Crawford Street fifty-six feet or thereby south-east from the north-west corner of East Crawford Street, and terminating on the south side of Belville Street at or near the north-east corner of the tenement at the junction of Belville Street and Laurieston Street.

Power to deviate.

44. The Board may make lateral deviations from the lines of the works by this Act authorised to any extent not exceeding the limits of lateral deviation mentioned in the deposited plans, and may make vertical deviations from the levels of the said works as defined in the said deposited sections to any extent not exceeding three feet.

Corrections of errors, omissions, &c.

45. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Board may apply to the sheriff for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the sheriff that the omission, mis-statement, or erroneous description arose from mistake he shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description, and his certificate shall be deposited with the principal sheriff clerk for the county of Renfrew, and shall be kept by him with the other documents to which it relates; and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Board may enter on, take, hold, and use those lands accordingly.

Limitation of time for compulsory purchase.

46. The powers of the Board for the compulsory purchase of lands, leases, and property shall not be executed after the period of three years from the passing of this Act.

Period for completion of works.

47. The works by this Act authorised shall be completed within seven years after the passing of this Act, and on the expiration of that period the powers by this Act granted to the Board for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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Power to agree for servitudes, &c.

48. The Board may take by agreement, and any person by "The Lands Clauses Consolidation (Scotland) Act, 1845," or otherwise enabled to sell lands may grant to them, for the purposes and subject to the provisions of this Act, any servitude, easement, interest, right, or privilege in, over, affecting, or belonging to lands, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and "The Lands Clauses Consolidation Acts Amendment Act, 1860," for which purpose any such servitude, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

XI.—ASSESSMENTS.

Assessments to be levied by Board.

49. Subject to the provisions of this Act, the Board may assess and levy for the purposes of this Act the assessment on occupiers authorised by the General Police Act, Part II., section 1, referring to assessments for police purposes, comprehending and in terms of clauses 84 to 89, both inclusive, which are hereby incorporated with this Act: Provided always, that the police assessment may amount to but shall not exceed two shillings and sixpence in the pound on the gross annual value of lands and heritages situated within the limits of the town, according to the valuation rolls made up and completed in terms of the Acts for the valuation of lands and heritages in Scotland, and which assessment may be imposed notwithstanding the enactments of the said Act with respect to water have not been adopted in the town: Provided also, that during the period of ten years from and after the third Tuesday of September next following the passing of this Act, the said assessment, so far as respects lands and heritages forming parts of the estates of Greenock and Cartsburn which are already or which may before the expiration of the said period of ten years be leased for the purposes of building, or for trade, manufactures, or business, or feued out by the proprietors of these estates, and which are situated beyond the parliamentary limits of the burgh of Greenock but within the limits of this Act, shall not exceed one half of the rate per pound actually levied at the time within the said parliamentary limits, but on the expiry of such period of ten years the restriction herein-before created beyond the said parliamentary limits but within the limits of this Act shall, except as next herein-after provided, cease and determine: Provided further, that during the period of nineteen years from and after the said third Tuesday of September next, the said assessment, so far as respects lands and heritages in that portion of the area included in the

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extended boundary of the town, under the Act of 1865, lying east of the Ladyburn, and forming part of the estate of Greenock, which are already or which may before the expiration of the said period of nineteen years be leased for the purposes of building, or for trade, manufactures, or business, or which are already or may be feued out by the proprietor of that estate, shall not exceed one half of the rate per pound actually levied at the time within the said parliamentary limits, but on the expiry of such period of nineteen years the restriction last herein-before created within the said area lying east of the Ladyburn shall also cease and determine: Provided also, that the assessment shall be imposed at the monthly meeting of the Board to be held on the third Tuesday of September, although the assessment roll shall not be made up till the period after provided, and that the mode of summoning the Board provided for in the said incorporated Act shall not apply; and further provided, that the Board shall assess the owners in place of occupiers of all lands or premises let at a rent not exceeding five pounds, and levy such assessment from such owners under the deduction specified in clause 87 of the said incorporated Act.

Assessment on premises occupied for part of a year.

50. Where any lands or premises in respect of which the said assessment might be imposed upon the tenant or occupier, under the provisions of this Act, not being premises usually let for any period shorter than one year, shall not be occupied by the same tenant or occupier for the whole year, from the fifteenth day of May in any year till the fifteenth day of May in the year following, but shall be occupied for part of such year by a new tenant or occupier, it shall be lawful for the Board to impose and levy on and from any such new tenant or occupier who occupies the same for any part of such year the whole of such assessment for that year, except to the extent to which any previous tenant or occupier of the same premises for any part of such year shall have actually paid such assessment: Provided that such new tenant or occupier shall be entitled 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.

As to premises let for less than a year.

51. From and after the first day of October one thousand eight hundred and seventy-seven, where any lands or heritages within the limits of this Act, the annual rental or value of which is five pounds but does not exceed eight pounds, are let or sub-let for rent or hire by the month, or for any period of less than one year, the Board shall assess the proprietors in place of the occupiers of such premises, and shall levy such assessment from such proprietors subject to a deduction of twenty per centum, and such assessment

shall be recoverable from such proprietors in the same manner and under the same penalty as is herein provided with respect to the recovery thereof from occupiers: Provided that any proprietor who pays such assessment shall be entitled to recover the sum so paid from the tenants or occupiers of the lands and heritages assessed, or a proportion thereof corresponding to the period for which any one or more tenants or occupiers shall have occupied the same, with the same powers, rights, and privileges as are competent to the collector of assessments, except the summary powers conferred by section 67 hereof: Provided that it shall be competent for all such proprietors to appeal to the Board for relief on behalf of occupiers for whom such proprietors shall be so assessed, and the Board may, on the ground of the poverty or inability to pay of any such occupiers (but upon no other ground whatever), remit in whole or in part payment of such assessment; and provided also, that any proprietors who shall on appeal establish to the satisfaction of the Board that any occupiers on whose account they have been assessed are in receipt of parochial relief, shall be entitled to be relieved by the Board of the assessment imposed on them in respect of such occupiers.

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

52. It shall be lawful for the assessor appointed under this Act, at the same time that he requires any proprietor within the burgh to furnish him with the particulars authorised by section 7 of the Act 17 and 18 Victoria, chapter 91, to require that he shall in addition thereto furnish him with a written statement of the period or periods for which the lands or heritages of which he is proprietor are let to the respective tenants or occupiers thereof, all which the said proprietor shall be bound to furnish within fourteen days of his being required by the assessor in writing so to do; and if such proprietor 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 proprietor shall present or cause to be presented to such assessor any false statement of the period or periods for which any lands or heritages belonging to him are let, he knowing the same to be false, he shall be liable to a penalty of fifty pounds.

Power of assessor, and information to be given him to make up rolls.

53. With respect to the lands and heritages beyond the burgh of Greenock and within the town, it shall be lawful for the assessor under this Act to make a survey of all the lands and heritages within that part of the town, in order to ascertain the persons entitled to be put upon the supplementary roll of voters who are entitled to vote in the election of elective members under this Act, and the assessor under this Act is hereby empowered within the said limits to call upon any proprietor to furnish him,

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within fourteen days from the date of his being called upon in writing by the assessor, with a written statement of the period or periods for which the lands or heritages of which he is proprietor are let to the respective tenants or occupiers thereof, the names of the tenants or occupiers, the annual rental of the said lands or heritages, and generally all other information which may be required to enable the said assessor effectually to perform the duties imposed upon him by this Act, which information any proprietor within the limits aforesaid shall be bound to furnish to the said assessor in writing, under the same penalties in case of failure without reasonable excuse, or of any false statement of the period or periods for which any lands or heritages belonging to him are let, he knowing the same to be false, as are provided for by the immediately preceding section of this Act in those cases: Provided further, that the collector of poor rates for the parish of Greenock shall be bound, as he is hereby required, to furnish the said assessor under this Act with a list of all persons without the limits of the burgh of Greenock and within the town to whom the provisions of section 19, sub-section 2, of "The Representation of the People (Scotland) Act, 1868," would apply if within the burgh of Greenock, and that in the same way and at the same time as he is under the said section of the said Act bound to furnish the assessor of the burgh of Greenock with a list of those falling under the said section of the said Act within the burgh of Greenock.

Further provisions as to duties of assessor.

54. The assessor under this Act shall record in the survey books used in the preparation of the valuation roll for the burgh of Greenock the results of the proprietors returns as to the period or periods for which their respective properties are let within the burgh of Greenock, and in a separate survey or other book to be kept by him the result of his survey, and the returns from proprietors in respect of all lands and heritages beyond the limits of the burgh of Greenock and within the town, and all other information requisite for carrying out the provisions of this Act; and the returns duly recorded in the survey books for the burgh of Greenock of the period or periods for which lands or premises are let within the burgh of Greenock, and all that is contained in the survey or other book for that portion of the town which is beyond the burgh of Greenock, shall for the purposes aforesaid be as effectual, valid, and authoritative for the purposes of this Act, always excepting that of valuation upon which the assessment proceeds, as if contained in the valuation roll either of the county, parish, or burgh, and shall at all reasonable times be available to the collector of assessments under this Act.

Arable land, &c., how to be valued.

55. Subject to the provisions of this Act, the annual value of the

following lands or premises shall for the assessments under this Act be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the said valuation roll; namely,

(1.) All lands 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 for public conveyance, excepting the stations, depôts, and buildings, which shall be assessable to the same extent as other lands and premises within the town;

(2.) All the underground gas and water pipes or underground works of any gas or water company or corporation;

(3.) All woodland, arable, meadow, or pasture ground, or other ground used for agricultural purposes;

and in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful to the owner or occupier of such lands and premises to present a petition to the sheriff praying to have the same declared for the time being liable to assessment upon the said proportion of their value only, and the sheriff shall thereupon order the petition to be served on the Board upon a short induciæ, and, after hearing parties and taking such evidence as he shall think necessary, shall pronounce such judgment as to him shall seem just and right.

Assessment on buildings on Water Trust of Greenock's Falls.

56. Until the meeting of the Board of Police of Greenock on the third Tuesday of September one thousand eight hundred and ninety-six, when the annual assessment is fixed by the Board, the police assessment to be levied for the purposes of this Act upon any building (except dwelling-houses) erected or hereafter to be erected upon any of the existing falls or mill sites of the Water Trust of Greenock (formerly of the Shaw's Water Joint Stock Company) shall be levied according to the amount of power attached to such fall or mill site respectively, if required by the occupier thereof, and shall not exceed the rate of four shillings for each horse-power of such fall or mill site respectively, such horse-power to be computed according to the regulations of the said Shaw's Water Joint Stock Company and the said Water Trust of Greenock; and where any such mill, manufactory, warehouse, or other building (except as aforesaid) shall be situated in any street or intended street in which a continuous line of lamps extending from the centre of the town does not reach to within one hundred yards of such mill, manufactory, warehouse, or other building, the occupiers of the same respectively shall be entitled to an abatement of sixpence per horse-power until such line of lamps shall extend to and be placed within

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one hundred yards of such mill, manufactory, warehouse, or other buildings as aforesaid, but not longer; but it shall nevertheless be optional to the occupiers of such buildings to require that the assessment so to be imposed in respect of such buildings shall be at the rate which in virtue of this Act may be levied upon other lands and heritages situated within the limits of the town, according as the same may be situated within the limits of the burgh as defined in the Act of the second and third years of the reign of His late Majesty King William the Fourth, before mentioned, or beyond the said last-mentioned limits: Provided always, that from and after the said meeting on the said third Tuesday of September one thousand eight hundred and ninety-six, the occupiers of the said buildings upon any of the said falls or mill sites shall be liable to be rated for police purposes in the same manner and to the same extent as the other occupiers of lands and heritages within the town.

Police assessment roll to be made up.

57. The Board shall annually cause to be made up a roll or book of assessment from the valuation rolls aforesaid, showing the yearly rent or value of the lands or premises in the town liable to be assessed under this Act for the assessments herein authorised to be levied, and according to which such assessments under this Act are intended to be levied; and in such roll or book of assessment there 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 book of assessment shall be open to inspection by all ratepayers in the hands of the collector or other officer appointed by the Board 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 Board shall have power to rectify any error which may be found in such roll or book.

Town clerk to allow collector access to valuation roll.

58. To enable the Board to make up the assessment roll from the valuation roll, the town clerk shall be bound, without making any charge, to exhibit or give access to the valuation roll in his custody to the collector, and the assessment roll shall be made up with all despatch after the annual meeting of the Board in September, and the collector shall be the officer who shall prepare the assessment roll under the orders of the Board.

Collector may alter and amend the roll.

59. The collector may from time to time alter and amend the said roll or book of assessment by inserting therein the name of any

person who ought to be assessed, or in the event of any premises having been unoccupied, unfinished, or unbuilt at the time of making up the annual valuation roll, by entering the value according to which any such assessment becoming exigible on such premises being subsequently occupied during the then current year shall be levied, and the name of the person liable thereto, 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 such roll or book as so altered or amended, and no such amendment shall be held to make void the assessments imposed.

Assessment to be imposed on actual rent, without deductions.

Exemptions.

60. Subject to the provisions of this Act, the assessment shall be imposed on the actual rent or value of lands and heritages as appearing from the valuation roll: Provided always, that the Board shall not impose any assessment in respect of courts of justice, prisons, police offices, and watch-houses, and other lands and heritages used for the purposes of police, piers and harbours, reservoirs, water pipes, wells, and cisterns held by any public body for behoof of the public, any place used solely for public worship or of public charity, or which is exempted from county, burgh, parochial, or other local rates by the provisions of an Act passed in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act to exempt from county, burgh, parochial, and other local "rates lands and buildings occupied by scientific or literary "societies," also the following buildings, namely, the hall of the Greenock Mechanics' Institution, the Greenock Library, and other premises belonging to such institution 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, and the Greenock Hospital and Infirmary.

Assessment on unfeued lands.

61. Whereas by the Act of 1840 such parts of the estates of Greenock and Cartsburn situated within the limits of that Act as were not then feued out by the proprietors of the said estates nor leased for the purposes of building, or for trade, manufacture, or business, were exempted from the assessment thereby authorised until the same should be feued out or leased for such purposes, the assessment herein-before and by the General Police Act authorised shall not extend to or be imposed on any lands or heritages forming parts of the estates of Greenock or Cartsburn not yet feued out by the proprietors of the said estates respectively, nor leased for the purposes of building, or for trade, manufacture, or business, situated beyond the limits of the burgh of Greenock as defined by the Act of

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1840, which lands and heritages shall be exempted from the said assessment until the same be feued out or leased for the purposes aforesaid; and all lands or heritages forming parts of the said respective estates which are unfeued or unleased for the purposes aforesaid, and are situated within the limits of the burgh of Greenock as defined by the Act of 1840, shall be liable to the said assessment only upon the nearest aggregate sum of pounds sterling to one sixth of the annual value thereof as entered in the valuation roll, until such parts of such estates shall be feued out or leased for the purposes aforesaid: Provided always, that so soon as any of such lands and heritages, parts of the estates before mentioned, shall be feued out or leased for the purposes aforesaid, such parts shall, subject to the provisions of this Act with respect to lands lying to the east of the Ladyburn, become subject to assessment to the same extent as other lands and heritages similarly situated within the limits of the burgh of Greenock as defined in the Act of 1840, or beyond the said limits and within the limits of the town as defined by this Act (as the case may be), are subject to under this Act.

Notice to be given of every assessment.

62. The collector shall give notice to every person whom he intends to hold liable for payment of any assessment, and also to every person whose name appears in the valuation roll as occupier for a period of less than a year of heritages the annual rent or value of which is five pounds and does not exceed eight pounds, stating the nature of the premises assessed, the rental of the same, and the rate and aggregate amount of assessment, either by itself or along with any other assessments authorised to be levied along with the police assessment, the place of payment, and the date at which such payment is required to be made.

Any person aggrieved may lodge objections.

63. If any person to whom such notice 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 Board or a committee named by the Board 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 to sheriff.

64. It shall be in the power of any person who may consider himself aggrieved by the decision of the Board or their committee to 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, and shall not be subject to suspension, appeal, reduction, or to any other form of review or stay of execution.

Second notice to be given to defaulters.

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

Notices, &c. may include other assessments.

66. In the notices or schedules issued by the collector with reference to the police assessment, the collector may include notice of all or any other assessments leviable from the occupiers of lands and heritages within the town, or other parties liable therefor in terms of the provisions of any Act of Parliament in force for the time being.

Recovery of assessments.

67. It shall be lawful for the collector in his own name, but on behalf and at the risk and expense of the Board, to recover any arrears of 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 made up in pursuance of the provisions herein-before contained 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 herein-before directed, 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 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 ten per centum thereon in lieu of costs, and shall also authorise the collector after the lapse of four days, in the event of nonpayment of the said

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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 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 Schedule (A.) hereunto annexed: Provided always, that the fact that the goods or effects so pointed 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 Board or the collector or other person acting under this Act shall not be liable in damages for pointing, securing, or selling the goods or effects so pointed, although it should afterwards be made to appear that they belonged 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.

68. Every sale which shall take place in pursuance of the provisions herein-before 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.

Collector to account for surplus proceeds of such sales.

69. The collector shall account to the owner of any goods and effects which are sold in pursuance of the provisions herein-before 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.

70. The owner of any goods and effects which shall have been either pointed or sold in pursuance of the provisions herein-before 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 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 herein-before 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 herein-before 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.

71. 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 Board, 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 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 Board, 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.

Assessments to be recoverable beyond limits of town.

72. In case any person liable in payment of the assessments herein-before authorised to be levied shall remove to any place beyond the limits of the town, it shall nevertheless be lawful for the Board, and the collectors and treasurers or other officers of the Board, to put the decrees and warrants which may be granted for the recovery of such assessments in manner before mentioned into execution within or beyond the limits of the town in the same manner as if such person had continued to reside within the town, such decrees or warrants being first indorsed by a magistrate of the town or burgh, or sheriff or justice of the peace for the county within which they are to be put into execution.

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Board may use other remedies for recovery of assessment.

73. The Board may in the recovery of the assessments herein authorised to be levied also use the remedies provided in clauses 401 and 404 of the General Police Act, which are hereby incorporated with this Act; and the fact that the name of any person liable for arrears of assessments has been included in the warrant got by the collector in terms of section 67 hereof, and that poinding has followed thereon, shall in no respect prejudice the right of the Board to use said remedies for the recovery of such assessments, or any balance of them which they may have been unable to recover by such poinding.

How police assessments and sums borrowed to be applied.

74. The police assessment shall, subject to the provisions of this Act, be applied to carrying into execution the whole objects and purposes of this Act, so far as not defrayed out of a special assessment.

How special assessments to be appropriated.

75. The proceeds of any special assessment shall be exclusively applied in carrying into execution the objects and purposes for which such assessment is by this Act authorised to be made.

XII.—BORROWING POWERS.

Borrowing powers on mortgage of rates.

76. Whereas by the Act of 1865 the Board were authorised to borrow from time to time, for the purposes of the said Act, the sum of one hundred and twenty thousand pounds, and whereas by the Greenock Tramways Act the Board were authorised to borrow an additional sum of fifty thousand pounds, making in all the sum of one hundred and seventy thousand pounds, and it is expedient that the powers of the Board should be varied and increased: Therefore it shall be lawful to the Board from time to time, for the purposes of this Act and of the Greenock Tramways Act, to borrow or retain on loan, on mortgage of the police assessment, any sum not exceeding the sum of two hundred and twenty thousand pounds sterling; but the principal sums which shall be from time to time outstanding under the mortgages, bonds, or assignments, or other obligations granted by the Board for carrying into effect the recited Acts, in virtue of the said Acts or the Greenock Tramways Act, shall be deemed part of the said sum, and such mortgages, bonds, or assignments last mentioned shall be equally available as a charge upon the corresponding assessments by this Act authorised, and the other property of the Board, as they would have been upon the rates authorised by the recited Acts and the property of the Board for carrying the same into effect if the same had not been repealed.

Mortgages to be signed by three members of

77. All such mortgages to be granted under the provisions of this or the Commissioners Clauses Act herewith incorporated shall be signed by three members of the Board in name and on behalf

of the Board, besides being under the common seal of the Board; but in place of the form of transfer of mortgages authorised by the said incorporated Act all mortgages to be granted by the Board under the provisions of this or the incorporated Act may be transferred by indorsation on the back thereof, in the form and tenor following; namely,

Board, and to be transferable by indorsation.

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 mortgage, 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*].

(*C.D.*)

Provided always, that the provisions of clause 78 of the Commissioners Clauses Act, with reference to the registration of transfers, shall apply to all transfers made by indorsation in the foregoing form, as well as to transfers made by assignation.

Cash credit accounts may be opened.

78. It shall be lawful for the Board to accept and take from any banking company credit on a cash account or cash accounts, to be opened and kept with such company according to the usage of bankers in Scotland, to the extent of the several sums which they are empowered to borrow, or any part thereof, and to grant mortgages of the police assessment by this Act authorised, in security of the payment of such credit or of the sums advanced from time to time on such cash account or cash accounts, with interest thereon: Provided always, that the total sums due and owing on such cash account or cash accounts, and secured by mortgage of the police assessment, shall never, when taken together with the other mortgages of such assessment granted in virtue of the recited Acts or this Act, exceed the total sum by this Act authorised to be borrowed on the security thereof.

Power to grant annuities in lieu of borrowing.

79. It shall be lawful for the Board from time to time, in lieu of borrowing or continuing on mortgage the sums by this Act authorised to be borrowed, to raise the same or any part thereof by granting to such persons as shall advance money for the purposes of this Act terminable annuities for life, or during such period, not exceeding thirty-five years, and under such conditions and at such rates as the Board shall decide, and by assigning the said assessments in security of the payment of such annuities according to the form in Schedule (B.) to this Act annexed, or to the like effect, and the person entitled to such annuity may transfer his right and interest therein in the same way and as nearly as may be according to the same form as is before provided with respect to transfer of mortgages.

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Power to borrow for special assessments to meet cost of streets and drains.

80. In addition to the powers before conferred, it shall be lawful for the Board to borrow on the security of the special assessments which may from time to time be authorised by the Board to meet the expense of streets and sewers, as ascertained and fixed by the dean of guild in virtue of the powers herein-after conferred, such sums of money and at such times as the Board shall deem necessary, and to assign the said special assessments, including those which may be authorised after the borrowing of any of such sums of money, or those authorised prior thereto, and as a collateral security the police assessment in security of the money to be so borrowed, and the provisions of this Act with respect to the borrowing of money and the granting of mortgages therefor, and the transference and recording of such mortgages, shall be applicable to the borrowing of such sums of money, and the mortgages to be granted for the money so to be borrowed shall, mutatis mutandis, be in the form as near as may be set forth in this Act for mortgages to be granted for money borrowed under the general powers of this Act, and shall constitute a lien over the special assessments thereby assigned, and also over the police assessment, and shall entitle the creditors therein to recover the sums thereby due from the Board and their officers out of the first and readiest of the said special assessments, or out of the police assessment.

Application of money so borrowed.

81. The money so borrowed on the security of such special assessments shall be applied wholly in defraying the expense of streets and sewers, the interest which may grow due on such expense, or on the portion thereof which for the time being may remain unpaid, till repaid, the cost or proportion of cost of borrowing the said sums of money, and the cost of imposing, levying, and recovering the said special assessment, and to no other purpose whatsoever, and the special assessments shall not be liable for nor be assigned in security of the payment of any sums borrowed by the Board for any other purposes than those herein mentioned.

Sinking fund.

82. It shall be lawful for the Board and they are hereby required, annually, after the expiration of five years from the passing of this Act, to set apart as a sinking fund, from and out of the police assessment, such an annual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in fifty years the whole of the money borrowed in terms of section 76 hereof, and such sinking fund shall be from time to time applicable to the redemption of the mortgages or annuities, and money borrowed on cash credit or cash account, and to no other purposes whatsoever.

Further provisions as to sinking fund.

83. Whenever any of such mortgages or annuities have been so paid off by the Board they shall thenceforward, until the whole of

the principal moneys borrowed have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the amount of the annual interest of the principal moneys so respectively paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due, the Board may, instead of investing the said yearly income, apply the same in payment of the interest upon the principal moneys so due and outstanding, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Interest, &c. to be included in assessment.

84. The Board shall, till the expiration of five years from the passing of this Act, annually include in and as part of the police assessment such sums as shall be necessary for paying the interest of any money borrowed by them thereon, and after the expiration of said five years the Board shall include in and as part of the said assessment such sums as shall be necessary for making the payments or producing the sinking fund authorised and required by the two immediately preceding sections of this Act, together with the annual interest on the borrowed money from time to time due and owing by the Board: Provided always, that such sums shall at no time increase the police assessment and rates leviable under this Act beyond the maximum amount herein provided.

Application of money borrowed.

85. All money borrowed by the Board under the recited Acts and this Act shall be applied to the purposes of the Greenock Street Tramways Act, the Act of 1875 so far as unrepealed, and this Act respectively, and to no other purpose whatsoever: Provided always, that no borrowed money shall be applied to any purpose for which capital is not properly applicable.

Protection of lenders from inquiry.

86. Any person lending or paying money under this Act to the Board or their treasurer shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Incorporation of further parts of 10 & 11 Vict. c. 16.

87. In all matters not herein-before provided for with respect to the form of the mortgage to be granted by the Board, the register of mortgages to be kept by them, the times for payment of interest, the repayment of money borrowed, and the mode of paying off mortgages, the same shall be regulated by clauses 75 and 76, and clauses 78 to 83, both inclusive, and clauses 85 and 88 of the Commissioners Clauses Act, which for these purposes are hereby incorporated with this Act.

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XIII.—OFFICERS.

Board to appoint certain special officers.

88. The Board shall from time to time appoint the officers specified in the Commissioners Clauses Act, in so far as herewith incorporated, and also the officers authorised to be appointed under the provisions with this Act incorporated of the General Police Act, and including the following special officers; namely,

An assessor for any of the purposes of this Act;

A master of works, who shall be the surveyor under the Act last mentioned;

An auditor, who may be also the auditor of other public trusts of the town;

A surgeon in connexion with the police establishment;

A superintendent of police;

And may also appoint the following special officers; namely,

A medical officer, who shall be the officer of health;

One or more inspectors of weights and measures;

One or more sanitary inspectors for the whole town or for districts of the town;

One or more inspectors of common lodging-houses for the whole town or for districts of the town;

An inspector of sewers;

An inspector of cleansing;

An inspector of lighting;

An inspector of fires; and

One or more inspectors or surveyors of buildings;

Or the Board may unite any of the said offices, and may also intrust the duties herein-after imposed on the eight last-mentioned special officers, or classes of special officers, or any of them, wholly or partly to the master of works, or wholly or partly to the superintendent of police, and in every such case the superintendent of police or master of works, so far as intrusted with such duties, shall be entitled to exercise the powers herein-after conferred on inspectors with reference thereto.

Board may revoke or suspend appointments made by them.

89. The Board may, subject to the provisions of this Act, revoke the appointment of or suspend for a time all persons appointed by them, and they may make provision for the performance of the duties of persons suspended by interim appointments.

Town Council to appoint certain special officers.

90. The Town Council shall annually, at the time and in the manner prescribed in relation to the election of magistrates and office bearers in the Council, appoint the following special officers; namely,

One or more assessors to the magistrates, who shall also act as clerk or clerks of court;

An assessor and clerk to the Dean of Guild Court, who shall keep the books and records usually kept by clerks to Dean of Guild Courts in Scotland, or necessary to be kept under this Act; and

A procurator fiscal or procurators fiscal;

And they may at any time by provisional appointments, to endure until the said annual period of election, fill up vacancies occurring by the death, resignation, or removal of such special officers.

Town Council may appoint superintendent of police to act as procurator fiscal in absence.

91. The Town Council may, by a general authority, appoint the superintendent of police to be procurator fiscal at all times when the procurators fiscal shall be absent.

Interim fiscal.

92. In case the procurators fiscal so to be appointed and the superintendent of police, if he shall receive an appointment as procurator fiscal, shall all be temporarily absent from indisposition or other cause, it shall be lawful for the magistrate presiding in the police court to appoint a fit person to perform ad interim the duties of such procurators fiscal in the name of such procurators fiscal or in the name of such superintendent of police, and to insist on any proceedings which may have been commenced in the name of such procurators fiscal or superintendent of police.

Town Council may revoke appointments made by them.

93. The Town Council may, subject to the provisions of this Act, revoke the appointment of, or suspend for a time all such special officers appointed by them, and they may make provision for the performance of the duties of persons suspended by interim appointments.

Magistrates may appoint a temporary substitute for superintendent.

94. The magistrates may from time to time appoint one of the lieutenants of police to be superintendent of police in the stead of the superintendent, during his temporary absence from the town or his illness, with power to act in case of his death until the appointment of his successor.

Magistrates may appoint inspectors of stage and hackney carriages.

95. The magistrates may from time to time appoint one or more inspectors for enforcing the provisions with respect to stage and hackney carriages, if it be found expedient to enforce such provisions by means of special officers instead of the ordinary officers of police.

Magistrates may revoke or suspend appointments made by them.

96. The magistrates may at pleasure revoke the appointment of or suspend for a time all persons appointed by them, and they may make provision for the performance of the duties of persons suspended by interim appointments.

Superintendent of police to be under regulation of magistrates.

97. The superintendent of police shall be responsible to the magistrates and be under their regulation with reference to all his duties.

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Byelaws to be made for regulating duties of constables.

98. The magistrates may from time to time make byelaws for the guidance of the superintendent of police, and the superintendent of police may from time to time, with the concurrence of the magistrates, make byelaws for regulating the conduct and duties of the lieutenants, constables, and other persons employed in any department which by this Act is placed under their or his regulation and control.

Superintendent may appoint other officers of police.

99. The superintendent of police shall from time to time appoint lieutenants of police and other subordinate officers and all other persons employed as constables in the execution of this Act: Provided always, that except in special cases every such person shall when first admitted into the establishment as a constable be under thirty-five years of age.

Constables to obey orders of superintendent, and assist other officers of Board.

100. The lieutenants and constables acting under the superintendent of police shall obey his directions, and shall afford aid and assistance to the other officers of the Board in carrying into execution any of the provisions of this Act.

Superintendent to have power to fine constables.

101. The superintendent of police 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.

Oath to be taken by constables.

102. The oath to be taken by constables employed in the execution of this Act, when appointed, shall be the oath prescribed by the Act of the twenty and twenty-first year of the reign of Her present Majesty, chapter 72.

Board may provide houses or barracks for constables, &c.

103. The Board may from time to time 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 firemen employed under this Act, and may furnish, fit up, and repair the same, and the Board may grant or allow the use of the same to constables and firemen on such terms and conditions with regard to rent and otherwise and subject to such regulations as they may think fit.

Constables superannuation fund.

104. And whereas the lieutenants and other officers and constables to be employed in the execution of this Act may receive injuries in the performance of their duties, and may thereby or from sickness, old age, or other bodily disability be prevented from continuing to serve the Board, and a fund called the "Superannuation Fund" to meet such cases has been provided by levying certain contributions from the said lieutenants, officers, and constables, and rules and regulations have been made for the management of the fund, and it is proper to provide for the government of

the same: Therefore all such lieutenants, officers, and constables shall be bound to make contributions to and shall be entitled to the benefit of the superannuation fund, in terms of the existing rules and regulations, which shall continue in force and be binding until recalled or altered, and it shall be lawful for the magistrates to frame rules and regulations for raising and managing the "Superannuation Fund," and the mode and extent in which the benefits of the same shall be allowed and taken, and to deduct from the salaries or wages of such lieutenants, officers, and constables such sums or contributions as may be necessary to provide and maintain the "Superannuation Fund," and to make such bye-laws as may be requisite for carrying out the objects of the same, and from time to time to recall, alter, and amend the said rules, regulations, and byelaws: Provided always, that all alterations of the existing rules, regulations, and byelaws shall be submitted to and approved of by the officer for the time being appointed by law to revise the rules of friendly or benefit societies within twelve months of their date, and shall not be binding until so approved.

Magistrates may appoint special constables.

105. For the purpose of aiding the constables appointed by the superintendent of police on occasions of emergency, and suppressing or preventing any tumult or riot that may take place or be reasonably apprehended, the magistrates may from time to time appoint any of the proprietors or occupiers of lands or heritages, or other persons residing within the town, to act as special constables, and may recall such appointment at pleasure, and the special constables so appointed shall, when sworn before any one of the magistrates, have the same powers and privileges as constables appointed by the magistrates under the powers to that effect herein-before conferred.

Roll of special constables to be kept.

106. A roll of the names and addresses of all special constables shall be kept by the superintendent of police, and the expenses of providing them with batons, or otherwise equipping and employing them, shall be paid by the Board.

Special constables on duty to be under superintendent of police.

107. Every special constable shall be sworn as an ordinary constable, and when on duty shall be under the direction of the superintendent of police, but the magistrates may make such regulations for their organisation and training as they think proper.

Provisions for securing efficiency and enforcing discipline.

108. For the purpose of securing efficiency and enforcing discipline and good conduct among the subordinate officers and other persons appointed by the Board, the following powers may be exercised:

The superintendent of police shall have an absolute power of suspending or dismissing any lieutenant or any inspector of police or other constable under the rank of a lieutenant:

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The master of works shall in his department have an absolute power of suspending or dismissing any person under him:

Every inspector, except an inspector of police, shall have a power of suspending any person employed under him.

Magistrates after inquiry to exercise power of dismissing superior officers.

109. The magistrates may inquire into the conduct and efficiency of any inspector who has been suspended or dismissed by the superintendent of police or master of works, and if they see cause may dismiss such inspector or may recall such suspension or dismissal, and every such inquiry shall be made at a meeting to be convened and held subject to the following rules; namely,

The clerk shall call the meeting on receiving instructions to that effect from the provost or the acting chief magistrate, or from any two of the magistrates, or on the application of any officer who has been suspended, or of the officer who has suspended him:

The meeting shall be called by notice sent in the same way as notices of meetings of the Board:

The provost, or in his absence the senior magistrate present, shall be chairman of the meeting, and in case of an equality of votes shall have a casting vote in addition to his deliberative vote:

The proceedings of the meeting and of every adjournment thereof shall be entered in a minute book by the clerk, and any such entry duly authenticated shall be received as evidence in the same way as minutes of meetings of the Board.

Exercise of power of dismissing superior officers.

110. The power of dismissal of the following officers; namely,

The officers specified in the Commissioners Clauses Act, so far as herewith incorporated;

The master of works;

The auditor;

The surgeon in connexion with the police establishment;

The medical officer;

The assessors to the magistrates;

The assessor and clerk to the Dean of Guild Court;

The procurator or procurators fiscals;

The inspector of weights and measures; and

The superintendent of police;

shall be exercised by the Board, the Town Council, or the magistrates, as the case may be, by whom the officers shall have been appointed, at a special meeting to be called for the purpose by the clerk to the Board in cases where the officer is appointed by the Board, and by the town clerk in cases where the officer is appointed by the Town

Council or the magistrates, and the clerk to the Board or town clerk, as the case may be, shall call the meeting on receiving instructions to that effect from the provost or the acting chief magistrate, and the proceedings shall be subject to the following regulations:

The meeting shall be called by notice sent in the same way as notices of meetings of the Board or the Town Council, as the case may be:

The quorum in the case of the Board and of the Town Council shall be the legal quorum of these bodies respectively, and in the case of the magistrates three shall be a quorum:

The provost, or in his absence the senior magistrate present, shall be chairman of the meeting, and in case of an equality of votes shall, in addition to his own, have a casting vote:

The meeting may be adjourned from time to time, and the Board, the Town Council, or the magistrates, as the case may be, may appoint a committee to obtain information or take evidence and to report:

The proceedings of the meeting and of every adjournment thereof, and of the committee, if one be appointed, shall be entered in a minute book by the clerk or town clerk, as the case may be, and such entries shall be signed by the chairman, and the same or extracts thereof shall be received as evidence in the same way as minutes of meetings of the Board or extracts thereof:

Magistrates may suspend special officers.

Provided that the magistrates may at pleasure suspend any of the said officers, although not appointed by them, till the next monthly meeting of the Board or the Town Council, as the case may be, or in their discretion till a special meeting of the Board or the Town Council shall be called (not being later than the next monthly meeting of these bodies respectively), and may make provision for the performance of the duties of such officer till he be reinstated or his successor appointed: Provided always, that the superintendent of police shall not be removed or suspended unless with the approbation of the provost and the sheriff, or in case of their differing in opinion, of Her Majesty's Advocate for the time being, and the medical officer shall not be removed or suspended except with the approval of one of Her Majesty's Principal Secretaries of State.

Duties of master of works.

111. It shall be the duty of the master of works to act as surveyor of the Board, and under the direction of the dean of guild or other proper authority to see to the enforcement of the provisions of this Act with respect to the formation, improvement, and maintenance of streets and courts, the construction and repair of sewers, the erection and alteration of buildings, the erection and maintenance of public baths and wash-houses, and generally to

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execute and perform all duties and powers at common law, and all the provisions of this Act and of all Acts, so far as not modified by this Act, relating to the said matters or to the structure of the town.

Additional duties may be required.

112. The master of works shall also perform any other duties which he may be required to perform by the Board.

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

Incorporation of portion of 25 & 26 Vict. c. 101.

113. In all matters with respect to the appointment and accountability of the officers of the Board not herein-before provided, the same shall be regulated by the Commissioners Clauses Act, for which purpose clauses 65 to 74, both inclusive, and clauses 96 to 98, both inclusive, are hereby incorporated with this Act, and by the General Police Act, for which purpose clauses 109 to 113, both inclusive, and clauses 115 to 125, both inclusive, of the said last-mentioned Act are hereby incorporated with this Act.

XIV.—PREVENTION AND SUPPRESSION OF FIRES.

Duties of inspector of fires.

114. The inspector of fires shall be responsible to the Board for the maintenance of the fire establishment in a complete state of efficiency, and for the good conduct of the firemen to be appointed by him, and he shall make provision for securing a speedy attendance of firemen with engines and their appurtenances and with fire-escapes and other implements on every alarm of fire within the town.

Board shall enforce provisions of the Waterworks Clauses Acts, 1847 and 1863.

115. The Board shall enforce against the Water Trust of Greenock the provisions of the Waterworks Clauses Acts, 1847 and 1863, with respect to the providing, affixing, maintaining, and giving public notice of fire-plugs, and to a proper supply of water for extinction of fires; and the expression "Town Commissioners" in those Acts shall mean the Board.

Inspector to report defects.

116. The inspector shall report in writing to the Board every defect in the number, position, construction, or maintenance of the fire-plugs, or in the supply of water for the extinction of fires, in order that the Board may get the same remedied.

Inspector of fires and firemen to be sworn in as special constables.

117. The inspector of fires and all firemen shall be sworn in as special constables, and shall be entitled to act along with or in the absence of the constables appointed by the Board on all occasions of fire, and the said inspector shall on such occasions have the rank and power of a lieutenant of police.

Powers of inspector and firemen.

118. The inspector and the firemen appointed by him may take any measures which appear expedient for extinguishing or preventing the extension of or diminishing the loss caused or likely to be caused by any fire, and protecting the lives and property of the inhabitants.

Power to inspector to employ additional number of firemen.

119. The inspector may employ any additional number of persons he thinks proper on the occasion of any fire, although not regularly appointed as firemen or sworn in as special constables, but he shall as soon as may be report the names of such persons to the Board.

Power to shut up streets temporarily.

120. The said inspector or the chief officer in charge of the police in attendance on the occasion of any fire shall be entitled, where he considers the same necessary to enable the fire brigade better to discharge their duties, or for the protection of the hose or other appurtenances, or for the safety of the public, to shut up temporarily by means of a rope or barricade any street, lane, thoroughfare, court, or passage in or near the place where such fire exists, and every person using such street, lane, thoroughfare, court, or passage while it is so temporarily shut up shall be liable to a penalty not exceeding five pounds, and failing payment thereof to imprisonment for a period not exceeding fourteen days.

Superintendent of police may examine witnesses as to cause of fire.

121. The superintendent or chief officer of police in charge at a fire shall be entitled to examine and take the evidence of all or any parties reasonably suspected by him of being able as witnesses to give information as to how the fire originated, and any parties refusing to be examined shall be liable to a penalty not exceeding ten pounds, and failing payment to imprisonment for any period not exceeding thirty days; but parties suspected of wilful fire-raising shall not be bound to give evidence or be examined by such superintendent or chief officer relative to such fire.

Police may retain possession of premises till case reported to procurator fiscal.

122. The superintendent or chief officer of police in charge at a fire 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 for the lower ward of Renfrewshire.

Statement of expenses attending fires to be made up by inspector.

123. The inspector shall make up and deliver to the Board a statement of the whole expense attending each fire, which shall include the wages payable to the firemen and other persons employed at it, the rewards or premiums which he recommends to be given to them, the outlay incurred in taking them and the engines to the spot where such fire occurred, and in obtaining a supply of water, and other the like expense, and such statement, in so far as approved of or as altered by the Board, shall be primâ facie evidence of the amount of expenses attending the said fire.

As to fires, fire-engines, &c.

124. All matters with respect to fires, fire-engines, fire-escapes, and fire police not herein-before provided shall be regulated by the General Police Act, for which purpose clauses 344 to 348 of the

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said Act, both inclusive, are hereby incorporated with this Act: Provided always, that clause 348 of the said Act shall not apply to villas.

XV.—GUNPOWDER AND OTHER EXPLOSIVES.

Powers of 38 Vict. c. 17. to be exercised by magistrates.

125. The provisions of an Act passed in the thirty-eighth year of the reign of Her present Majesty Queen Victoria, chapter seventeen, intituled "The Explosives Act, 1875," in so far as such provisions confer on the local authority of any burgh the power to license and regulate places for the making, storing, or dealing in gunpowder and other explosives, and registering any premises for the keeping of gunpowder and other explosives, shall within the town be exercised by the magistrates, and any license granted by them under the provisions of this Act shall as respects the objects of such license supersede the necessity of any other license being granted under the provisions of the said "Explosives Act, 1875," but in all other respects the said Act shall be read and have effect as if the Board instead of the magistrates and Town Council were the local authority provided for by section 110 of the said Act.

Offences against said Act to be tried as police offences.

126. All offences committed within the town against the said last-mentioned Act or against the provisions of this Act relative to gunpowder and other explosives shall be deemed police offences, and may be tried by the magistrate at the instance of the procurator fiscal in the mode provided by this Act for the trial of police offences, and the penalties may be recovered and applied in the same way as penalties for police offences.

Warrant may be granted to search for gunpowder, &c.

127. It shall be lawful for the magistrate on a complaint by the procurator fiscal to grant warrant to enter any building or part of a building or other place mentioned in such complaint in which there is reasonable ground for suspecting that gunpowder or explosives are kept for the purpose of being sold without a license, or kept in larger quantities or otherwise than is in conformity with the provisions of this Act or the said "Explosives Act, 1875," and to search for, impound, and deposit in the magazine or destroy such gunpowder or explosives.

Board may make byelaws as to petroleum, &c.

128. The Board may from time to time, for the purpose of guarding against accidents from the explosion of petroleum, paraffin, benzoline, and other inflammable or explosive oils and things, make byelaws for regulating the conveyance, loading, and unloading of such inflammable or explosive oils and things within the town, and in particular for declaring or regulating all or any of the following matters; namely,

The conditions, restrictions, and regulations under which such inflammable or explosive oils and things may be stored, kept,

loaded, unloaded, conveyed, and carried within the town, and the control and regulation of the places in which the same may be stored, kept, or deposited;

The restrictions and regulations to be observed in the receiving or delivering of such inflammable or explosive oils and things from any such places; and

The circumstances under which the police of the town may without a warrant enter any place in which such inflammable or explosive oils and things may for the time being be or be reasonably supposed to be stored, kept, or deposited;

and the Board may impose in any such byelaw such pecuniary or other penalties and forfeitures on persons offending against any such byelaw, not exceeding twenty pounds for the first offence, and fifty pounds for the second or any subsequent offence, and every day's neglect to comply with the provisions of any such byelaw after a conviction thereunder shall be deemed to be a subsequent offence.

XVI.—BROKERS, PAWNBROKERS, AND DEALERS IN MARINE STORES.

Offences committed by pawnbrokers, &c. may be tried as police offences.

129. All offences committed within the town against the provisions with respect to dealers in marine stores and manufacturers of anchors in "The Merchant Shipping Act, 1854," and all offences committed against the provisions of "The Pawnbrokers Act, 1872," shall be deemed police offences, and may be tried by the magistrate at the instance of the procurator fiscal in the mode provided by this Act for the trial of police offences.

Brokers to keep premises shut during night and on Sabbath.

130. It shall not be lawful for any broker to keep open the premises in which he carries on his trade and business between the hours of ten o'clock of each Saturday night and eight o'clock in the morning of the following Monday, or between ten o'clock of any other night and eight o'clock of the following morning; and if any broker shall offend herein either by himself or his servant, or any other person having the charge of his premises, and for whom in such cases he shall be held responsible, such broker shall for every such offence be liable to a penalty not exceeding two pounds, and failing payment to imprisonment for any period not exceeding ten days.

Part of 25 & 26 Vict. c. 101.

131. In all other matters connected with the licensing and regulation of brokers and pawnbrokers within the town, the same shall be regulated by clauses 311 to 326, both inclusive, of the General Police Act, which are hereby incorporated with this Act.

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XVII.—STAGE AND HACKNEY CARRIAGES, CARTERS, PORTERS, CHIMNEY-SWEEPS, AND OTHERS.

Definition of certain expressions.

132. In construing the provisions classed under this head the following expressions shall have the respective meanings hereinafter attached to them, unless there be something in the subject or context repugnant to such construction:

The expression stage carriage shall mean every wheeled carriage, whatever be its form of construction, used for the purpose of conveying passengers between any place within the town and any place within or beyond the same not situated at a greater distance than five miles, measuring in a straight line, from Cathcart Square in Greenock, provided any one of such passengers pays or is charged a separate fare for conveyance, and the expression stage coach shall mean any carriage of the like description conveying passengers from any place within the town for a greater distance:

The expression hackney carriage shall include stage carriage and stage coach, and shall also mean every other wheeled carriage, whatever be its form or construction, which shall stand on hire or ply for a passenger for hire within the town:

The word proprietor, when used with reference to a stage or hackney carriage, shall mean any of the persons licensed to keep, use, or let for hire such carriage:

The word driver, when used with reference to a stage or hackney carriage, shall mean every person in charge of such carriage.

Inspector of hackney carriages to be responsible to superintendent of police.

133. The inspector of hackney carriages, if one is appointed in pursuance of the provisions herein-before contained, shall be responsible to the superintendent of police that all the provisions relating to stage and hackney carriages, to the drivers thereof, and to persons using the same, are duly enforced and executed.

Board may appropriate portion of street as a cab stand.

134. It shall be lawful for the Board to appropriate any portion of a turnpike road, with the consent of the trustees of such road, or any portion of a public street which they think expedient as a stand for hackney carriages, and to make provision for a supply of water at such stand.

Penalty if hackney carriage is not kept in safe and clean condition.

135. If any hackney carriage is allowed to fall into disrepair so as to be unsafe or to become unsuitable for convenient use, or if any such carriage is employed or used in the conveyance of any dead body, or if any such carriage is not kept clean or is not supplied with suitable furnishings, including two sufficient lamps to be used for lighting such carriage when in use after dark, or if any horse employed to draw it has not sufficient and suitable harness in a good state of repair, the proprietor and the driver

of such carriage shall each be liable to a penalty not exceeding five pounds for each such offence, and it shall be lawful for the magistrate in lieu of imposing any penalty to suspend the license of such carriage for any period he deems proper, or to revoke the same: Provided that the clerk shall give notice in the manner herein-before provided to the Board of Inland Revenue in every case of the suspension or revocation of any license granted by them, and of the time for which it is suspended.

Proof of offences.

136. At the trial of any person alleged to have contravened the provisions classed under this head, the person aggrieved by such contravention shall be a competent witness in any dispute concerning the amount of fare paid or demanded by either party, or in any dispute between the proprietor and driver of any stage or hackney carriage concerning the wages of such driver, or in any dispute with respect to personal injury done by such driver, provided he has no claim for compensation in respect of such contravention, or waives or discharges such claim in presence of the magistrate, or is not the only witness in the case.

Further portion of part of 25 & 26 Vict. c. 101. incorporated.

137. In all other matters connected with hackney carriages, sedan chairs, carters, and porters within the town, the same shall be regulated by clause 278 and clauses 280 to 310, both inclusive, of the General Police Act, which are hereby incorporated with this Act: Provided it shall be lawful for the magistrates to enforce the byelaws made by them under section 308 of the said Act by a penalty not exceeding forty shillings: Provided always, that nothing in this Act contained shall alter or limit the powers as to regulation of tramway traffic presently possessed by the Vale of Clyde Tramways Company under section 46 of "The Tramways Act, 1870."

XVIII.—PLACES OF PUBLIC AMUSEMENT.

Theatres, &c. to be licensed.

138. It shall not be lawful for any person to have or keep any house or other place of public resort within the town for the performance of stage plays or other theatrical representations, or any circus, or any public show or dancing saloon, or other entertainment of a like kind, into which admission is obtained by payment of money or for money consideration, as also any billiard room, bowling alley, skating rink, or singing saloon (all which places are hereinafter shortly described or referred to as theatres or other places of public amusement), without being duly licensed by the magistrates.

Terms of license.

139. The fee to be paid for each license shall not exceed twenty shillings, and no license shall be granted to any person except the actual and responsible manager of any such theatre or other place

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of public amusement, and the name and place of abode of such manager shall be printed on every play bill or other public notice announcing any representation at such theatre or other place of public amusement, and such manager shall become bound himself in such penal sum as the magistrates may require, not exceeding fifty pounds, with two sureties, to be approved of by the magistrates, in such further sum, not exceeding twenty pounds each, as the magistrates in like manner may require, for the due observance of the byelaws from time to time in force in the town during the currency of such license for the regulation of such theatre or other place of public amusement, and for securing payment of the penalties which such manager may be adjudged to pay for breach of any such byelaws or of this Act.

Penalty for breach of byelaws.

140. In case of riot or of the breach of any byelaws made by the magistrates taking place in any theatre or other place of public amusement, the magistrates may order the same to be closed, or may suspend the license thereof for any period they think fit, and during that period such theatre or other place of public amusement shall be deemed to be unlicensed, and the manager thereof shall, in addition to any other penalty he may incur, be liable to a penalty not exceeding five pounds for each day on which he continues to contravene or offend against such byelaws.

Character of performance.

141. Where in any case money or other reward shall be taken or charged, directly or indirectly, as an entrance fee, or where the purchase of any article is made a condition for the admission of any person into a theatre or other place of public amusement, every actor therein shall be deemed to be acting for hire, and in proceeding against any person for having or keeping an unlicensed theatre or other unlicensed place of public amusement, in case it shall be proved that such theatre or other place is used for any public performance, or for any of the purposes of public amusement hereinbefore specified, the burden of proof that such theatre or other place of public amusement is duly licensed shall devolve on the party accused, and until the contrary is proved such theatre or other place of public amusement shall be taken to be unlicensed, and every person acting therein shall be liable to a penalty not exceeding forty shillings for each offence, and failing payment to imprisonment for any period not exceeding twenty days.

Unlicensed theatres may be entered and occupants removed.

142. Any magistrate may by order in writing authorise any constable to enter into any building or part of a building or any place kept or used or suspected to be kept or used for stage plays or dramatic entertainments, or as a circus, or for any of the purposes herein-before specified, into which admission is obtainable by

payment of money or for money consideration, and which is not licensed in accordance with the requirements of this Act, at any time when the same is open for the reception of persons resorting thereto, and to remove any person found therein without lawful excuse, and every person keeping, using, or knowingly letting any building or part of a building or any place for the purposes aforesaid, or any of them, which building, part of a building, or place shall be unlicensed as aforesaid, shall be liable to a penalty not exceeding twenty pounds, and every person being therein without lawful excuse shall be liable to a penalty not exceeding forty shillings, and the burden of proving that any such building, part of a building, or place is a licensed theatre or place of public amusement shall be upon the person keeping or conducting the same.

Constables may enter theatres to preserve order.

143. Constables duly authorised for that purpose by the Board or the magistrates may enter any licensed theatre or other place of public amusement and aid in the preservation of order therein, and in the restoration of order in case the same be disturbed, and in carrying into effect the provisions of this Act or any byelaws made thereunder.

Byelaws may be made as to places of public amusement.

144. The magistrates may from time to time make byelaws for the due licensing of theatres and other places of public amusement within the town, and may provide in such byelaws for the suppression of riots and disorderly conduct, and for the prevention of smoking within such theatres or other places, for the ejection therefrom of convicted and habite and repute thieves and common prostitutes, and for regulating the times at and during which the same shall severally be allowed to remain open, and may fix a pecuniary penalty for the breach of any of said byelaws, not exceeding for every offence the sum of five pounds.

Urinals, &c. attached to public-houses, &c.

145. The Board may order the owner or occupier of any inn, public-house, beer-house, eating house, cook shop, or other place of public entertainment, or of any place of public amusement, built before or after the commencement of this Act, to provide, within such time as the Board think fit, and thenceforward to maintain upon or adjoining to his premises, or at such place or places as the Board shall point out or provide, waterclosets and urinals to the satisfaction of the Board, and if any person fails in any respect to comply with the provisions of this clause he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him; and the Board may order the owner or occupier of any building or lands to remove any water-closet or urinal belonging thereto, where it appears to them so

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situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable.

Urinals to be cleansed.

146. All urinals shall be cleansed once in twenty-four hours by or under the direction of the occupier of the house or place to which they belong, to the satisfaction of the Board, and in default thereof such occupier shall be liable to a penalty not exceeding forty shillings for every such offence.

XIX.—MARKETS AND FAIRS.

Magistrates may fix place at which markets and fairs shall be holden within town.

147. In addition to the powers as to markets and fairs conferred by the clauses of "The Markets and Fairs Clauses Act, 1847," herewith incorporated, the magistrates shall have power to fix and appoint the place at which all markets and fairs shall be holden within the town, 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 as damages under this Act.

Removal of markets from streets, &c.

148. The magistrates may prohibit and prevent the holding of any markets or fairs in any street or public place, or in any place other than the places or grounds so appointed, and may remove the markets and pleasure fairs to those places and grounds, and if after such removal 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, and failing payment to imprisonment for a period not exceeding thirty days.

Public notice of removal of markets, &c.

149. Notwithstanding anything in this Act contained, before the Board remove or 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 town, and by placards affixed to conspicuous places in the burgh, and a declaration by an officer of the Board 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.

Powers as to markets, &c.

150. The Board shall have power to do the following things or any of them:

To improve any existing market places within the town;

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

To provide houses and places for weighing carts;

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 dues in respect of the use by any person of such market house;

For the purpose of enabling the Board to establish markets, or to improve and regulate markets already established in the town, there shall be incorporated with this Act the provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to markets;

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls; and

With respect to byelaws;

subject to this proviso, that all tolls leviable by the Board in pursuance of this Act shall be approved of by the sheriff of the county within which such market is situate.

XX.—PREVENTION OF FRAUD; WEIGHTS AND MEASURES; SALE OF COALS, &c.

Inspector appointed by Board to be responsible that Acts as to weights and measures are duly enforced.

151. The inspector or inspectors of weights and measures appointed by the Board shall be entitled to act as inspector or inspectors for the purpose of carrying into effect within the limits of this Act the provisions of the Public General Acts relative to weights and measures passed in the 5th year of the reign of His Majesty King George the Fourth, chapter 74, the 6th year of the said reign, chapter 12, the 5th and 6th years of the reign of His late Majesty King William the Fourth, chapter 63, the 16th year of the reign of Her present Majesty, chapter 29, the 18th and 19th years of the reign of Her present Majesty, chapter 72, and the 22nd and 23rd years of the reign of Her present Majesty, chapter 56, and the provisions of any other Public General Acts relative to weights and measures which may be in force for the time being in Scotland, and shall also carry into effect the provisions of this Act and of the General Police Act herewith incorporated in regard to such weights and measures, and any byelaws relating thereto made in pursuance of this Act, and shall be responsible to the Board that the said several Acts and provisions and byelaws are duly enforced and executed.

Offences to be tried as police offences.

152. All offences committed within the limits of this Act against the said Acts shall be deemed police offences, and may

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be tried by the magistrate at the instance of the procurator fiscal in the mode provided by this Act for the trial of police offences.

Inspector to have power to enter premises, and require article to be weighed.

153. Every inspector of weights and measures may at all reasonable hours enter any building or part of a building or other place in which any article is sold or is made up or kept or exposed for sale by weight or measure, or in which articles are sold or are set apart or kept or exposed for sale in numbers, or in which any article is weighed or measured, or any articles are numbered, with a view to their being bought or sold, or he may stop any waggon, cart, or carriage, or any person carrying or in charge of any basket from which such articles are sold or kept or exposed for sale on the street, and require such article or articles to be weighed, measured, or numbered in his presence, and if the weight, measure, or number thereof ascertained does not correspond with the weight, measure, or number thereof which has been represented by the person who has sold or made up or kept or exposed the same for sale, or who weighed, measured, or numbered the same with a view to purchase or sale, such inspector may seize, impound, and convey such article or articles to the police office or to the office provided for the purpose by the Board; and the magistrate may sentence the person who has sold or made up or kept or exposed the same for sale, or who has incorrectly weighed, measured, or numbered the same with a view to purchase or sale, to a penalty not exceeding five pounds or to imprisonment for any period not exceeding thirty days, and to declare such article or articles, in so far as belonging to such person, to be forfeited, unless such person shall prove to his satisfaction that the deficiency in weight, measure, or number has arisen without any fraudulent intent.

Small quantities of coals to be sold from carts in labelled bags.

154. Every person who sells or delivers coals in quantities not exceeding two hundredweight in weight from any waggon, cart, or carriage shall have and keep the specific quantities of coals to be sold by him made up in bags or boxes labelled in such a manner as to indicate the weight which such bag or box contains or is to be sold as containing, and any such person failing to comply with this provision shall be liable to a penalty not exceeding forty shillings, and failing payment to imprisonment for a period not exceeding twenty days.

Further part of 25 & 26 Vict. c. 101. incorporated.

155. In all other matters connected with the prevention of frauds within the town, the same shall be regulated by clauses 259 to 271, both inclusive, of the General Police Act, which are hereby incorporated with this Act.

XXI.—LIGHTING OF THE TOWN.

Lighting of common stairs, &c.

156. The proprietor or proprietors of common stairs or passages or private courts, or of lands or premises having a right of access by any common stair or passage or private court, shall, where such common stair, passages, or private courts are not lighted to the satisfaction of the Board, on being required by the Board, within seven days after service of an order for that purpose light such common stair or passage or court with gas in a manner satisfactory to the Board, and in default of compliance with such order such proprietor or proprietors shall be liable to a penalty not exceeding forty shillings for every day that he or they shall so make default; but such proprietor or proprietors shall be entitled to recover repayment of the cost of such lighting to an amount not exceeding the sum of ten shillings for each burner per annum from the occupier, or if there are more occupiers than one, then proportionally from each of the occupiers of any building or part of a building to which access is obtained by such common stair or passage or private court, and the Board shall be entitled themselves to light such common stairs, passages, and private courts, and recover the expense thereof from such proprietor or proprietors, the latter having right of relief always against such occupier or occupiers, and proportionally from each as aforesaid.

Further provisions as to lighting.

157. In all matters with respect to the lighting of the town not herein-before provided, the same shall be regulated by the General Police Act, for which purpose clauses 126 to 128, both inclusive, and clauses 130 and 131 of the said Act are hereby incorporated with this Act.

XXII.—CLEANSING OF THE TOWN.

Town manure to be vested in Board.

158. All the dust, night-soil, dung, ashes, rubbish, filth, and manure made or found within the town (excepting always stable and byre dung, and the ashes of any kiln, engine, or furnace, and the refuse of any breweries, tan works, or chemical works) shall be and the same are hereby vested in the Board, 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 police purposes of this Act;

Streets to be kept clean by Board.

and the Board shall cause all the roadways of public streets, except turnpike and statute labour roads, from time to time to be properly swept and cleansed, and all the dust, night-soil, ashes, rubbish, filth, and manure which is found on them to be collected and removed at such convenient hours and times as they shall consider proper.

Cleansing of footpaths.

159. The respective occupiers of houses and buildings, with the yards, gardens, pleasure grounds, and other appurtenances next

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adjoining the several streets in the town, the proprietor of any dead wall or other 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 in the town, 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, dead walls, vacant pieces of ground, churches and churchyards, chapels and chapelyards, meeting-houses, hospitals, schools, theatres, and other public buildings, tenements, yards, gardens, pleasure grounds, or other heritages (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 Board; 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, and failing payment to imprisonment for a period not exceeding seven days.

Order in which occupiers, &c. are liable to cleanse footway.

160. 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.

Penalty for not keeping common stair and areas clean.

161. If any common stair or any area in front of any land or heritage, or any watercloset, privy, or jaw box common to two or more tenants is not regularly and effectually kept clean, every occupier of a building or part of a building to which access is obtained by means of such common stair, or of such lands or heritages, or who is entitled to the use of any such watercloset, privy, or jaw box, shall be liable to a penalty not exceeding five shillings for each offence, and failing payment to imprisonment for any period not exceeding three days.

Common courts, &c. to be white washed.

162. The proprietors of all courts or tenements used by more than one tenant shall whitewash the same, and any ashpits or water-

closets therein, as often as required to do so by the Board or sanitary inspector, and any proprietor failing to do so shall be liable to a penalty not exceeding forty shillings.

Power to road trustees and Board to contract for cleansing roads.

163. It shall be lawful for the Board and for the trustees of every turnpike road and statute labour road to contract for the sweeping, cleansing, and watering by the Board of any portion of such turnpike road or any statute labour road within the town, on such terms and conditions, and during such period, or terminable in such event as to them shall seem proper; and any contracts which shall have been entered into between the trustees under the Act of 1840 or the existing Board and the trustees of any such turnpike road for or with reference to the objects and purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same manner as if such contracts had been entered into between the Board and the said trustees.

Accumulation of police manure only a nuisance if injurious to health.

164. Whereas difficulties have arisen in the immediate conveyance of the police manure beyond the limits of the town, be it therefore enacted, that, notwithstanding the provisions of sub-section (D.) of section 16 of "The Public Health (Scotland) Act, 1867," an accumulation of police manure within the limits of the town in any depôt which may be set apart by the Board, with the consent of the Board of Supervision, for the temporary deposit of such manure, shall not be deemed a "nuisance" either under the said Act or this Act except said accumulation be injurious to health.

Further part of 25 & 26 Vict. c. 101. incorporated.

165. In all other matters connected with the cleansing of the streets within the town, the same shall be regulated by clauses 133 to 145, both inclusive, and clauses 354 to 357, both inclusive, of the General Police Act, which are hereby incorporated with this Act: Provided always, that the Board may provide the places convenient for the deposit of the night-soil, dung, ashes, or other filth and rubbish referred to in clause 133 of said Act, beyond the limits of the town.

XXIII.—PUBLIC PARKS, ESPLANADE, BATHS, AND PLACES FOR PUBLIC RECREATION.

Board to frame regulations for the use of the Esplanade.

166. The Board shall have power to make byelaws and regulations for the use by the public of the Esplanade constructed in virtue of the powers given in the Act of 1865, and in order to secure the full advantage of the same as a public walk the Board may altogether exclude wheeled vehicles therefrom, or may allow wheeled vehicles to use the same or any part thereof subject to such restrictions and conditions as the Board may think fit.

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Board to make byelaws as to public parks.

167. The Board 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:

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:

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:

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 therein:

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females, and vice versâ:

For regulating the admission of horses and vehicles 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 aquatic or other birds, animals, trees, plants, shrubs, or flowers, and plucking of flowers and leaves therein:

For enabling the servants of the Board to exclude therefrom any intoxicated person, and to remove therefrom persons guilty of a breach of any byelaw or of any public law.

Incorporation of certain clauses of General Police Act.

168. All matters connected with the provision of public clocks, places for public recreation, public baths and wash-houses, public bathing places and drying grounds, within the town, shall be regulated by the General Police Act, and for that purpose clauses 343 and 367 to 373, both inclusive, of the said Act are hereby incorporated with this Act: Provided always, that it shall not be necessary in carrying into effect any of the provisions of said clauses to proceed by special order.

XXIV.—OFFENCES AGAINST THE RULES OF GOOD CONDUCT.

Defining certain offences against rules

169. Every person who is guilty of any of the following acts or omissions within the town shall in respect thereof be liable to a

penalty not exceeding the respective amounts or to imprisonment for a period not exceeding the respective periods herein-after mentioned; videlicet, of good conduct.

To imprisonment for sixty days:

(1.) Every person who commits or attempts to commit theft or reset of theft, falsehood, fraud, wilful imposition, breach of trust, or embezzlement in any case which by the provisions of this Act the magistrate is empowered to try;

(2.) Every person who unlawfully appropriates to his own use, sells, pawns, pledges, exchanges, or otherwise unlawfully disposes of, or offers to sell, pawn, pledge, exchange, or otherwise dispose of, or who purchases or receives any article or thing, knowing the same to have been purloined or embezzled or received from persons fraudulently disposing thereof.

To a penalty of ten pounds, or alternatively without penalty to imprisonment for sixty days:

(3.) Every person who does or omits to do any act the doing or omission of which is an offence which may be legally tried by the magistrate, and is punishable by public general statute or by common law, and to which by such public general statute or common law, or by the provisions of this Act, a less punishment is not attached;

(4.) Every person who is riotous, disorderly, or indecent in his behaviour;

(5.) Every person who commits an assault upon any male child whose age does not in the opinion of the magistrate exceed fourteen years, or upon any female, or upon any constable on duty, or who commits an assault to the effusion of blood, or causing serious injury upon any male person exceeding the age of fourteen years, or who aids or incites any other person to commit such assault;

(6.) Every person who occupies a building or part of a building, and suffers any breach of the peace, or riotous or disorderly conduct within the same, or who occupies a building or part of a building or other place of public resort for the sale or consumption of provisions or refreshments of any kind, and knowingly harbours prostitutes, or suffers persons of notoriously bad fame or dissolute boys or girls to assemble therein.

To a penalty of five pounds, or alternatively without penalty to imprisonment for thirty days:

(7.) Every person who wilfully alters or defaces the name or

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address or the distinctive mark or inscription on any barrel, box, bag, plank, or other article which does not belong to him, without the authority of the owner;

(8.) Every person who commits an assault without the effusion of blood or serious injury on any male person exceeding the age of fourteen years;

(9.) Every person who compels or knowingly allows any person under the age of sixteen years to ascend or descend a chimney for the purpose of sweeping or cleaning the same, or for extinguishing fire therein;

(10.) Every person who wilfully prevents, obstructs, or delays any constable or other person appointed in pursuance of this Act in the performance of his duty, or who aids or incites any other person to do so.

To a penalty of five pounds, or in default of payment to imprisonment for thirty days:

(11.) Every person who finds any goods, or any parcel, bank note, money, or other article of value, and does not either return the same to the owner or deliver it to the officer on duty at the police office within three lawful days thereafter;

(12.) Every person who impounds or confines, or causes to be impounded or confined, any animal, and refuses or neglects to provide and supply such animal with fit and wholesome food and water, or who keeps any dog or other animal which has been found by the magistrate to be an annoyance to the neighbourhood and has been ordered to be removed;

(13.) Every person who occupies a building or part of a building or other place of public resort for the sale or consumption of provisions or refreshments of any kind, who knowingly suffers to remain in his premises any constable on duty, unless for the purpose of quelling any disturbance or restoring order, or who directly or indirectly supplies such constable with liquor.

To a penalty of forty shillings, or alternatively without penalty to imprisonment for fourteen days:

(14.) Every person who uses any words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned;

(15.) Every person who offers for sale or distribution, or who sells, distributes, or publicly exhibits any profane, indecent, or obscene book, paper, print, photograph, drawing, painting, or representation.

To a penalty of twenty shillings, or in default of payment to imprisonment for seven days:

(16.) Every person who uses any steam whistle, other than on or in connexion with a railway locomotive, to the annoyance of the lieges;

(17.) Every person who bathes in any dock, harbour, or basin within the town, or along or near the shores of the River or Firth of Clyde opposite the town, except at such times and places and subject to such regulations as may from time to time be fixed by the magistrates;

(18.) Every person who bathes or washes himself in any dam, reservoir, stream, lade, water-cut, aqueduct, or pool within the town or beyond the limits of the town, if the town is supplied with water from such places for domestic purposes, or who encourages or allows any dog or other animal to bathe or swim in such places, or washes clothes in, or who drowns kittens, cats, or any other animal in such places;

(19.) Every person who shall wilfully do or permit to be done any act whatsoever whereby the water shall be fouled in any stream, reservoir, lade, water-cut, aqueduct, pond, or place constructed or used for the supply of water for domestic purposes for the town of Greenock.

Warrant to be granted by magistrate in certain cases to search improper places of resort.

170. The magistrate may grant warrant to enter into and search from time to time, during any period not exceeding thirty days from the date of such warrant, any building or part of a building or other place which, upon personally examining the superintendent of police or a lieutenant or inspector of police, the magistrate is satisfied there is reasonable ground for believing to be kept or managed or to be ordinarily used or suffered to be used for any of the purposes herein-after mentioned, and it shall be lawful for any constable to take into custody and convey to the police office, in order to be brought before the magistrate, all persons found in such building or part of a building or place, and to seize, impound, and convey to the police office any article or thing therein calculated to prove that the said building or part of a building or other place has been ordinarily or was at or shortly before the date of such entry used for any of such purposes; namely,

For the purpose of stage plays or dramatic entertainments, into which admission may ordinarily be obtained for the payment of money, and which is not a licensed theatre or a place authorised in terms of law to be used for that purpose;

For the purpose of fighting, baiting, or worrying any animal;

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For the purpose of playing at any unlawful game;

For the purpose of retailing or selling or of keeping for sale wines, spirits, beer, cider, or other fermented or distilled liquors without a license.

Punishment for keeping or using such places.

171. Every occupier or proprietor who keeps, manages, uses, or wilfully suffers to be used, any building or part of a building or other place for any of the said purposes, and every person who aids or assists or takes any part in the management thereof or in the business conducted therein, shall in respect of each offence be liable to a penalty not exceeding ten pounds, or to imprisonment for a period not exceeding sixty days.

Punishment for being found in such places without lawful excuse.

172. Every other person who is found in any building or part of a building or other place which is entered by a constable under a warrant of the magistrate, and is proved to the satisfaction of the magistrate to have been kept or managed or to have been ordinarily or at or shortly before the time of such entry used or suffered to be used for any of the said purposes, shall in respect thereof be liable to a penalty not exceeding forty shillings or to imprisonment for a period not exceeding fourteen days, unless such person was not in such building or part of a building or other place for or in relation to any such purpose, or in consequence of its being kept, managed, used, or suffered to be used for such purpose.

Persons found therein to be admitted to Queen's evidence.

173. The magistrate may admit any one or more of the persons so found in any building or part of a building or other place, and charged with the offence last herein-before mentioned, as a witness, and on his making a true and faithful discovery and giving evidence relative to the complaint, may grant a certificate thereof, which shall relieve such person or persons from all further or future prosecution on account of such offence.

Punishment for reletting premises to convicted persons, or knowingly suffering same to be used after notice.

174. If any occupier or proprietor is convicted of keeping, managing, using, or knowingly suffering to be used for any of the said purposes any building or part of a building or other place, it shall be lawful for the procurator fiscal, when such conviction applies to the occupier, not being the proprietor, to give notice of the conviction in manner herein-after mentioned to the proprietor thereof; and if such proprietor within twelve months after such conviction or notice grants a new lease of the said building or part of a building or other place to the person so convicted, or suffers such person after the expiry of the current lease to occupy the same, or knowingly suffers any other person to use the said building or part of a building for the like purpose, he shall be liable to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding thirty days, and shall also forfeit his claim to rent in respect thereof.

Power to sheriff or magistrate to close such places after second conviction.

175. If any person is twice convicted of keeping, managing, using, or suffering to be used for any of the said purposes any building or part of a building or other place, it shall be lawful for the procurator fiscal or for the proprietor thereof, or for any two proprietors or occupiers of lands and heritages in the neighbourhood, to apply summarily to the sheriff or to the magistrates for a warrant to close, shut up, and secure the said building or part of a building or other place during the period for which such person has right thereto, and to eject all persons therefrom, and the sheriff or the magistrates shall on proof of the said convictions grant warrant to do so, but may subsequently, if he or they see cause, on the motion or application of the proprietor, grant warrant to him to let the said building or part of a building or other place to some other person, on satisfactory security that it shall not be used for any of the said purposes, and may award expenses to or against either of the parties; but neither of the said warrants shall prejudice or affect the claim of the proprietor for rent against the person so ejected, or his right of hypothec.

Provisions to apply with certain exceptions to brothels.

176. The provisions herein-before contained with respect to entering unlicensed or improper places of resort under a warrant of the magistrate shall apply to any building or part of a building ordinarily or shortly before the date of entry under such warrant used for the purpose of harbouring prostitutes for the purpose of prostitution, and by virtue of such warrant it shall be lawful for any constable to take into custody and convey to the police office, in order to be brought before the magistrate, the occupier of such building or part of a building, or any person found therein who either temporarily or permanently manages or assists in the management of the business conducted therein; and the proprietor and occupier of such building or part of a building, and every person found therein who manages or assists in the management of such business, shall be subject to the same penalties and provisions as are herein-before enacted with respect to the proprietor and occupier of, or to any person who manages or assists in the management of, the business conducted in any other unlicensed or improper place of resort.

Punishment on removing on expiry of right of occupancy if on Sunday.

177. When the right of occupancy of any land or heritage expires on a Sunday the occupier shall not be obliged to remove till the following day, and any person who enforces the removal of such occupier or who removes his effects on a Sunday shall be liable to a penalty not exceeding five pounds, or to imprisonment for a period not exceeding twenty days.

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Further part of 25 & 26 Vict. c. 101. incorporated.

178. With respect to articles found or stolen or fraudulently obtained in the town, the suppression of vagrants in the town, public bathing in the town, and places of public resort and disorderly houses, the same shall be regulated by clauses 327 to 342, both inclusive, of the General Police Act, which are hereby incorporated with this Act.

XXV.—OFFENCES IN TURNPIKE ROADS, STREETS, COURTS, AND COMMON STAIRS.

Defining certain offences.

179. Every person who is guilty of any of the following disorderly acts or omissions on any turnpike road, or in or near any public or private street, court, or close, or on the outside of any building adjoining the same, or in any common stair, to the obstruction, annoyance, or danger of the residents or passengers, shall in respect thereof be liable to a penalty not exceeding the respective amounts or to imprisonment for a period not exceeding the respective periods herein-after mentioned; namely,

To a penalty of five pounds, or alternatively without penalty to imprisonment for thirty days:

(1.) Every person who having the care of a waggon, cart, or carriage with a dog fastened thereto, does not fasten such dog so as to prevent him from reaching beyond any part thereof;

(2.) Every person who fails to protect by means of a sufficient iron grating or other covering any opening in the foot pavement which he makes or uses or causes to be made or used, or who fails to protect by means of a sufficient fence any area, pit, or sewer of which he has charge or which he causes to be made or used, or who leaves such area, pit, or sewer without a sufficient light after sunset.

To a penalty of forty shillings, or in default of payment to imprisonment for fourteen days:

(3.) Every person who writes or draws any indecent or obscene word, figure, or representation on, or soils or defaces any wall, fence, or building, or public convenience or urinal, or sings or recites any profane or obscene song or ballad, and every person who uses any profane, indecent, or obscene language to the annoyance of any other person;

(4.) Every person having the care of any waggon, cart, or carriage drawn by one or more horses or other animals, who does not provide or use bridles or reins with proper bits sufficient to enable him to regulate the speed thereof;

(5.) Every such person who not using reins does not walk on

the causeway close to the side of the shaft or wheel horse or animal drawing the said waggon, cart, or carriage, if there be only one, or the side of the shaft or wheel horse or animal drawing the foremost waggon, cart, or carriage, if there be more than one;

(6.) Every such person who having double reins quits hold thereof;

(7.) Every such person who at one time leads or drives two waggons, carts, or carriages, any one of which is drawn by more than one horse or other animal;

(8.) Every such person who by entering a road or street where there is not sufficient room for two waggons, carts, or carriages to pass, wilfully and unreasonably prevents the exit from or the passage along the same of another waggon, cart, or carriage previously therein, or who by unreasonably delaying to leave such road or street wilfully prevents the entrance into or the passage along the same of another waggon, cart, or carriage;

(9.) Every such person who falls asleep, or who leads or drives any waggon, cart, or carriage under his own charge abreast of another, or who in line, or who when required by any constable, refuses to allow a free space between every two of such waggons, carts, or carriages for the purpose of crossing, or who does not give his name and address when required by any person reasonably apprehending danger;

(10.) Every person who wilfully breaks, destroys, or damages any wall, fence, hoarding, or building, or any part thereof, or any tree, shrub, seat, or other thing;

(11.) Every person who in conveying or causing to be conveyed any fulzie, dung, refuse, manure, or other offensive matter or thing, in any waggon or cart, causes or allows any matter, solid or liquid, to run out thereof;

(12.) Every person who conveys or causes to be conveyed any ponderous machinery, or any long, large, or heavy article, otherwise than upon or suspended to a wheeled carriage or wheeled carriages properly constructed for the purpose, so that no part of such article projects more than one foot laterally beyond such wheels, or beyond the shafts of such carriage or carriages, and so that no part of such article is more than twelve feet before or behind the axle of such carriage or carriages, unless it is guided by some qualified person, in addition to the person having care of such carriage, if only one carriage is used, or by two or

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more persons if more than one is used, or who does not sufficiently secure such article by chains or ropes, and provide and use means for protecting the public against the risk of injury;

(13.) Every person who in raising or lowering, or causing to be raised or lowered, any article to or from any building by means of a chain or rope, does not sufficiently secure such article, and provide and use means for protecting the public against the risk of injury;

(14.) Every person who suffers to be at large and unattended any cattle;

(15.) Every person who affixes or causes to be affixed to any building any sign or signboard, without the consent of the proprietor and occupier, or who affixes or causes to be affixed or suffers to remain such sign or signboard otherwise than flat against the wall of such building;

(16.) Every person who is drunk and incapable of taking care of himself, or of any animal or article in his charge;

(17.) Every person who wantonly discharges any firearm, or throws or discharges any stones or other missiles, or makes any bonfire or sets fire to any fireworks;

(18.) Every person who pulls or rings any door bell or knocks at any door for the purpose of begging, or on the pretence of buying or selling old clothes, or of hawking or collecting any article, or who in any other similar manner disturbs any inhabitant without reasonable excuse, or who without authority extinguishes the light of any lamp;

(19.) Every person who throws any snowball or makes or uses any slide, or throws upon the foot pavement any orange skin or other thing causing danger to passengers;

(20.) Every person who throws or lays down on any road, street, or court any articles (other than building materials), except for the purpose of housing or removing the same, or who suffers such articles to be or to remain thereon for a longer period than is necessary;

(21.) Every person who places, hangs up, or exposes to sale any goods, merchandise, matter, or thing whatsoever so that the same projects over or into any foot pavement or street, or beyond the line of any house, shop, or building at which the same are exposed;

(22.) Every person who throws or lays down or causes to be thrown or laid down on any road, street, or court, except necessarily for the purpose of removal, the cleanings of any

common or private sewer, or any horse, cow, or swine dung, or the refuse of public markets or slaughter-houses, or of breweries, tanworks, and chemical works, or other offensive refuse, or who suffers the same to remain after nine o'clock in the morning, or who causes or suffers any offensive matter to run from any manufactory, brewery, market, slaughter-house, butcher's shop, or dunghill into any road, street, or court: Provided that it shall not be deemed an offence to lay sand or other materials in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such thing causes them to be removed as soon as the occasion for them ceases.

To a penalty of one pound or to imprisonment for seven days:

(23.) Every person who wilfully or wantonly continues by loud calls or noises, whether by the voice or by horns, bells, or other instruments, and whether for the purpose of proclaiming sales, or of hawking or collecting articles, or otherwise, to cause annoyance or disturbance to the proprietor or occupier of any building or part of a building, after having been requested by him personally or through his servant or a constable to cease;

(24.) Every person who wilfully or wantonly, or without the authority of the magistrate, continues to play any organ or other instrument of music, or to sing, opposite or near any street or esplanade, or building, to the annoyance or disturbance of the proprietor or occupier of any part of such building, after having been requested by him personally or through his servant or a constable to depart;

(25.) Every person who occasions any kind of obstruction, nuisance, or annoyance in any road, street, court, passage, close, entry, or common stair, or obstructs or incommodes, hinders, or prevents the free passage along or through the same, or prejudices or annoys in any manner whatsoever any other person using the same.

Magistrates may prohibit party processions, &c.

180. 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 town 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, and failing payment to imprisonment for a period not exceeding sixty days.

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Byelaws to prevent certain nuisances.

181. The magistrates may from time to time make byelaws for regulating the size and fixing of signboards, private lamps, sun-blinds, cranes, flaps, galleries, rhones, and other erections projecting into or over any public street or footway.

Magistrates may divert traffic to side streets.

182. The magistrates shall have power, on all occasions when it shall appear to them to be necessary for the safety or convenience of the lieges, 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 byelaws or issue proclamations for that purpose.

Animals kept to annoyance of neighbours.

183. If any person shall have or keep or suffer to be kept in or near any premises any dog or any fowl or other animal which shall be an annoyance to any of the inhabitants in the neighbourhood, and shall not prevent the continuance of such annoyance by removing such dog, fowl, or other animal, or otherwise, within such time as the magistrate shall determine, which he is hereby authorised to do in a summary manner, such person shall upon conviction before the magistrate for every such offence be liable to a penalty not exceeding forty shillings, and it shall be lawful for constables, officers of police, or other officers of the law, and their assistants, to seize and take possession of and remove any dog or other animal being an annoyance as aforesaid, and not removed when so ordered.

Power to Board to make byelaws, regulations, &c.

184. The Board shall have full power and authority from time to time to make such byelaws, rules, orders, and regulations as to them shall seem right and proper with reference to all or any of the matters in this section enumerated; that is to say,

(1.) The prohibition of the use of hoists or pulleys, or other apparatus or means of elevating, raising, lifting, or lowering, loading, or discharging goods or other articles from, in, or over any street or streets within the town, or from or into any cart, car, carriage, or other vehicle in or upon such street or streets, into or from premises fronting or abutting on such street or streets, where such hoists or pulleys or other apparatus or means of elevating, raising, lifting, or lowering, loading, or discharging are or shall be worked by horse or other animal haulage or power, and the regulation generally of the use of any hoist, pulley, apparatus, or means of elevating, raising, lifting, or lowering, loading, or discharging goods or other articles from, in, or over any such street or streets, or from or into any cart, car, carriage, or other vehicle in or upon any such street or streets, into or from premises fronting or abutting on such street or streets, and the regulation of the time, mode, and manner in which carts, cars, carriages,

or other vehicles shall be loaded or unloaded in any such street or streets, and otherwise to provide for the safety of the public using or passing along such street or streets; and

(2.) The regulation of the traffic in streets within the town and the prevention of obstructions in such streets: Provided that the sheriff in confirming any byelaws, rules, orders, or regulations under which the Board shall prohibit the use of any existing hoist, pulley, apparatus, or means of elevating, raising, lifting, or lowering, loading, or discharging as aforesaid, may make the enforcement of such prohibition subject to such conditions as regards the time the same shall come into operation as he thinks fair and reasonable, in order to admit of the necessary alterations being made upon the premises for elevating, raising, lifting, or lowering, loading, or discharging by other means than horse or other animal haulage or power.

Compensation to certain warehouse-keepers.

185. In the case of the Board prohibiting, in virtue of the preceding section of this Act, the use of any hoist, pulley, apparatus, or means of elevating, raising, lifting, or lowering, loading, or discharging goods or other articles from, in, or over any such street or streets into or from any particular warehouse now belonging to any of the parties named and designed in the Schedule (C.) to this Act annexed, the Board shall be bound to contribute the sum of fifty pounds towards the cost of fitting up in such warehouse an inside hydraulic or steam hoist, or such other hoist as may be approved by the Board and has actually been fitted up in said warehouse: Provided always, that such sum shall be payable only in the cases of warehouses for which horse haulage was used for hoisting thereto at the date of the passing of the Act of 1865.

Other parts of 25 & 26 Vict. c. 101. incorporated.

186. In all other matters connected with the prevention of nuisances and obstructions in the streets of the town, the same shall be regulated by the General Police Act, for which purpose clauses 248 to 258, both inclusive, of the said Act are hereby incorporated with this Act: Provided that clause 251 of the General Police Act shall be read and have effect as if the words "Every person who in any turnpike road, or in or near any public "or private street, court, or close, or on the outside of any building "adjoining the same, or in any common stair," were inserted therein instead of the words "Every person who in any 'street' "or 'private street.'"

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XXVI.—SLAUGHTER-HOUSES.

Provisions as to slaughter-houses, &c.

187. Subject to the provisions of this Act, all matters connected with the provision, licensing, and using of slaughter-houses, and the killing or dressing of cattle within the town, shall be regulated by the General Police Act, and for that purpose clauses 358 to 363, both inclusive, of the said Act are hereby incorporated with this Act: Provided that it shall be in the power of the Board to provide and establish the fit shambles or slaughter-houses referred to in clause 358 of the General Police Act, either within the town or within three miles thereof, and such clause shall be read as if this provision were inserted therein; and further provided, that until a public slaughter-house is erected by the Board the public slaughter-house provided by the magistrates and town council as representing the Corporation of Greenock shall be deemed to have been provided by the Board, so that the provisions of clause 363 of the General Police Act shall have effect as if said last-mentioned slaughter-house had been provided by the Board under the authority of this Act.

XXVII.—SANITARY PROVISIONS.

I.—Removal of Nuisances.

Board and officers appointed under this Act to enforce 30 & 31 Vict. c. 101.

188. In all proceedings under "The Public Health (Scotland) Act, 1867," within the limits of the town the Board shall be the local authority referred to therein, the procurator fiscal shall represent the Board, the inspector or inspectors of nuisances and the inspector or inspectors of lodging-houses shall be deemed sanitary inspectors and inspectors of common lodging-houses respectively, and the medical officer appointed by the Board shall be deemed the medical officer therein referred to.

Duties of inspectors.

189. The sanitary inspectors and the inspectors of common lodging-houses appointed by the Board shall be subject to the regulations of the Board, and shall be responsible that the provisions of "The Public Health (Scotland) Act, 1867," so far as the Board shall resolve to enforce them, and the provisions of this Act as to sanitary matters, and any byelaws made in pursuance thereof, are duly enforced and executed.

Provisions of this Act not to abridge other rights of parties.

190. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under other provisions of this Act or any other Act, or at law or in equity: Provided that no person shall be punished for the same offence both under this Act relating to nuisances and under any of the incorporated Acts, or under any other Act or enactment.

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Defining certain offences as nuisances, and their punishment.

191. Every person who without the consent in writing of the Board shall on summary prosecution before the sheriff be found guilty of any of the following acts or omissions within the town shall be liable to a penalty not exceeding forty shillings in respect thereof, and to a further penalty not exceeding forty shillings in respect of every day or part of a day during which such act or omission continues without the consent in writing of the Board after the imposition of the said first-mentioned penalty, or in respect of every act or omission of a like nature which occurs within one month after the imposition:

(1.) Every person who keeps or stores in a manner to be either offensive in the opinion of the sheriff, or in the opinion of the medical officer injurious to health, any rags, bones, blood, or other article or collection of articles, or who so keeps or suffers to be kept any animal (whether dead or alive), or who so keeps or stores any horse dung, cow dung, or swine dung, or the refuse of any slaughter-house or any animal or vegetable matter, or who on any land or heritage occupied by him suffers any waste or stagnant water so to remain as to be either offensive in the opinion of the sheriff, or in the opinion of the medical officer injurious to health;

(2.) Every person who subjects any rags, bones, blood, or other article or collection of articles to any process which is either offensive in the opinion of the sheriff or injurious to health;

(3.) Every person who carries on any trade or business so as to be offensive and occasion annoyance to the neighbourhood or inhabitants, unless he proves that he has used the best means for preventing or counteracting such offence or annoyance;

(4.) Every person who does not regularly and effectually keep clean and in working order any rhone pipe or jaw-box attached to or used in connexion with any building or part of a building occupied by him;

(5.) Every person who keeps any swine except in a place licensed by the magistrates for that purpose;

(6.) Every person who fails to remove from the town the dung or manure of any stable or byre belonging to or occupied by him, at least once in every twenty-one days.

Power to proceed where cause of nuisance arises without district.

192. Where a nuisance exists within the town under this Act or under "The Public Health (Scotland) Act, 1867," which appears to be wholly or partially caused by some act or default committed or taking place without the town, the Board may take or cause to

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be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act or by the said Public Health (Scotland) Act, 1867, authorised, with the same incidents and consequences as if such act or default were committed or took place wholly within the limits of the town, and the sheriff shall have jurisdiction in all such cases.

Power to deal with nuisance on premises partly within and partly without town.

193. If any nuisance or annoyance to the inhabitants of the town arises or exists in or upon any building, or the curtilage thereof, situated partly within and partly without the limits of the town, the Board shall have in respect of such building and curtilage, and the proprietor and occupier thereof, such and the like powers as they would have had if the whole of such building and curtilage had been within the limits of the town, and the sheriff shall have jurisdiction in all such cases.

Power to enter and inspect premises to ascertain state of drainage, &c.

194. Where in the opinion of the Board there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains from any buildings or lands pass through any other buildings or lands, the Board may by their servants or officers, between the hours of nine o'clock in the morning and six o'clock in the evening, enter upon and inspect any such buildings or lands, and if need be make such excavations or examination thereon or therein as they may think fit, with a view of ascertaining the drainage thereof, and of any privy, ashpit, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible, and if upon such inspection the same be found satisfactory the Board shall reinstate the premises, and shall make compensation for any injury occasioned by the exercise of such powers, but except in case of urgent necessity no such entry and inspection shall be made save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a magistrate, which authority any magistrate may give: Provided that the occupier or person in charge shall be entitled to appeal to the sheriff against the order of such magistrate, if such appeal be taken within twenty-four hours after such order has been intimated to him.

Manure loaded into railway waggons to be removed out of town within twenty-four hours.

195. Any waggons which may at any of the railway stations or sidings within the limits of the town be loaded with town manure, or with stable or byre dung, shall be sent out of the limits of the town 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 limits of the town within the period specified the superintendent of the goods department of the railway upon whose

ground or line such waggon shall be detained shall be liable to a penalty not exceeding forty shillings. A.D. 1877.

Penalty for keeping dwelling-house in dirty condition after notice.

196. Every person occupying any part of a building consisting of more than one flat let out as separate dwelling-houses who shall keep the same, or any building or place appurtenant thereto, in a dirty, unwholesome, or unhealthy condition after notice shall have been served upon him by the sanitary inspector to cleanse the same, shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence shall continue after conviction therefor, and failing payment shall be liable to imprisonment not exceeding thirty days.

Proceedings in cases where nuisance caused by more than one person, &c.

197. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the Board to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding, and any one or more of such persons may be ordered to abate such nuisance so far as the same appears to the sheriff, magistrate, or court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of such sheriff, magistrate, or court contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance, and the costs may be distributed as to such sheriff, magistrate, or court may appear fair and reasonable, and proceedings against several persons included in one complaint shall not abate by reason of the death of any one among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included, and whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "proprietor" or "occupier" of such premises, without name or further description, but nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

II.—Prevention and Mitigation of Disease.

Power of entry given to medical officer, &c. in certain cases.

198. The medical officer or the sanitary inspector may enter at reasonable times and inspect any house or premises within the town in which he has reasonable grounds for believing that infectious or contagious disease exists, and the medical officer may examine any

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person who may be found on such premises, with a view to ascertain whether such person is suffering from any contagious or infectious disorder, and in the event of admission being refused, the magistrate may, on reasonable cause shown, grant warrant authorising such entry, inspection, and examination, and on such warrant being obtained and exhibited any person refusing to admit the medical officer or sanitary inspector to such house or premises, or obstructing them or either of them in making the inspection and examination foresaid, shall be liable for every such offence to a penalty not exceeding forty shillings.

Magistrate may grant warrant for removal to reception houses of persons residing in an infected house.

199. Any house or premises used for the purpose of sleeping in in which a case of contagious or infectious disease exists, or has existed within fourteen days, shall be considered an "infected house," and any magistrate may on the application of the procurator fiscal or sanitary inspector (whether the person suffering from such contagious or infectious disease has been removed to the hospital or not), on production of a certificate signed by the medical officer that the removal from an "infected house" of all the residents therein who are not suffering from contagious or infectious disease is necessary to prevent the spread of such disease among the lieges, grant warrant to remove the said residents to the reception house of the lcoal authority, who shall provide suitable accommodation for such persons therein for such period as the medical officer may consider necessary for the public safety, and such warrant shall be sufficient authority to any constable or officer of the Board to compel the removal from the "infected house" of the residents therein to the said reception house, and to prevent the return of any of said residents to the "infected house" until the same has been cleansed and disinfected to the satisfaction of the medical officer.

Provision for inspection of farmhouses from which contaminated milk is supplied within town.

200. If it shall appear to the medical officer that it is probable that contagious or infectious disease is being spread or is likely to be spread throughout the town by means of contaminated milk, it shall be lawful for the medical officer and the sanitary inspector, or either of them, on obtaining a warrant from the sheriff, to enter, at reasonable times in the daytime, any farmhouse, steading, or other premises, whether within or without the limits of the town, but within the limits of the county of Renfrew, from which milk has been supplied to persons resident within the town, and to inspect every part of the said farmhouse, steading, or premises, and take samples of the water supplied thereto, and the medical officer may examine any person who may be found on such premises, with a view to ascertain whether such person is suffering from any contagious or infectious disorder, and any person refusing to admit the medical officer or sanitary inspector to said farmhouse, steading,

or premises, or obstructing them or either of them in making the examination aforesaid, shall be liable for every such offence to a penalty not exceeding five pounds.

Sheriff may prohibit sale of milk from such farmhouses, &c.

201. The sheriff may on a certificate from the medical officer that in his opinion a contagious or infectious disease is being spread or is likely to be spread throughout the town by the sale or delivery of milk from a farmhouse, steading, or other premises, and after allowing parties an opportunity of being heard, issue an order prohibiting the sale or delivery of such milk within the town for such period as may appear to be necessary for the public safety, and such order shall be immediately intimated by the sanitary inspector to the various parties interested in the sale or delivery of such milk, and such order shall be sufficient authority to any officer or constable of the Board to prevent the sale or delivery of such milk within the town, and the sheriff may by subsequent order extend or limit the period of such prohibition, and every person in the knowledge of such order selling or delivering such milk within the town during the period specified in the original or any subsequent order shall be liable to a penalty not exceeding forty shillings.

Board may require householders to report cases of infectious or contagious disease to sanitary inspector.

202. It shall be lawful for the Board, on its being certified to them by the medical officer that epidemic, contagious, or infectious disease exists within the limits of the town, to issue an order requiring every householder within the town, or any particular district thereof, to report, within twenty-four hours from the time when the existence of such disease in his house has been ascertained, at the office of the sanitary inspector any case of contagious or infectious 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 town, and also by advertisement in a newspaper of the town, and any householder failing to comply with such order of the Board shall be liable to a penalty not exceeding twenty shillings.

Parent not to send child residing in infected house to school.

203. Any parent or guardian who wilfully allows any child or children residing in an "infected house" to attend school shall be liable to a penalty not exceeding twenty shillings.

Teacher not to allow child from infected house to attend school.

204. It shall not be lawful for any teacher or person in charge of any public or private school to allow any child to attend such school while in his knowledge infectious or contagious disease exists or has shortly before existed in the house in which such child is resident, and if any child has in the knowledge of such teacher or person in charge of any school been withdrawn from such school in consequence of the house in which such child resided being an

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"infected house," it shall not be lawful for such teacher or person to allow such child to return to the school under the control of such teacher or person until he has received a certificate from the sanitary inspector that the residence of the child is no longer an "infected house."

Washing infected articles in common washing-house an offence.

205. Every person who in a washing-house or on a washing-green common to two or more tenants or families washes any bedding, clothing, or other articles which have been exposed to infection from any dangerous or infectious disorder, and have not been previously to such washing or exposure disinfected at the place provided by the local authority for the purpose, to the satisfaction of the sanitary inspector, shall be liable to a penalty not exceeding forty shillings.

Penalty on persons letting houses making false statements as to infectious diseases.

206. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from any dangerous or infectious disorder, knowingly or wilfully makes a false answer to such question, shall be liable, at the discretion of the court or magistrate, to a penalty not exceeding forty shillings or to imprisonment, with or without hard labour, for a period not exceeding one month.

Medical officer to report from time to time on sanitary condition of town.

207. Whereas there are districts, streets, courts, and places in which it might be possible by the use of proper sanitary measures to prevent the occurrence of epidemic, endemic, and contagious diseases, or when they do appear to mitigate their severity and check their spreading, it shall be the duty of the medical officer from time to time to report to the Board on the following points:

(1.) The districts, streets, courts, or places in which it appears to him desirable that special sanitary measures be employed in order to prevent the occurrence of disease:

(2.) The prevalence or the existence and threatened prevalence of any disease in the town or in any district, or in any public or private street, court, or other place:

(3.) The existence of any nuisance which in his opinion has caused or is likely to cause or to aggravate any disease, or to interfere with the removal thereof, or to injure the health of the inhabitants:

(4.) The measures which he recommends for the removal or prevention of any disease.

Provision as to districts requiring

208. On a report by the medical officer that in any district, street, court, or place it would be desirable to use special sanitary

measures in order to prevent the occurrence of epidemic, endemic, or contagious disease, or that any such disease prevails or exists, and threatens to prevail in such district, street, court, or place, it shall be lawful for the magistrates to provide that such district, street, court, or place shall during a period to be fixed by the magistrates be liable to the provisions herein-after contained.

sanitary measures.

209. It shall be lawful for the sanitary inspector during the said period to give notice in manner herein-after provided to the proprietor or occupier of any private dwelling-house situated in any district, street, court, or place in which the medical officer has reported that it appears to him desirable to use special sanitary measures in order to prevent the occurrence of infectious or contagious disease, or at any time to give notice to the proprietor or occupier of any other private dwelling-house which has been specially reported by the sanitary inspector to the Board to be in such a filthy or unwholesome condition that the health of the inmates or of the public is thereby endangered, requiring such proprietor to cleanse and limewash the outside thereof, and the common stair, and lobbies and staircases, and requiring such occupier to cleanse and whitewash the interior thereof, and to purify, ventilate, and disinfect the said private dwelling-house, or any apartment or apartments, or bedding or clothes therein.

Inspector may require houses in such districts to be cleansed.

210. It shall be lawful for the Board, out of the moneys to be raised under the provisions of this Act, to defray the expense of any of the sanitary operations which under the immediately preceding provisions a proprietor or occupier of a private dwelling may be required to perform, if from the poverty of such proprietor or occupier it shall appear expedient to do so.

Board may remit expenses on ground of poverty.

211. It shall be lawful for the Board during the said period to issue, and for the procurator fiscal to enforce against every proprietor and occupier of lands and heritages in any district, street, court, or place in which the medical officer shall have reported that infectious or contagious disease prevails or exists, or threatens to prevail, such directions and regulations as the Board may, with the concurrence of the medical officer, from time to time think expedient for preventing as far as possible or mitigating such disease.

Board to take precautionary measures with concurrence of medical officer.

212. Such directions and regulations may provide—

(1.) For visitation from house to house;

(2.) For preventing the overcrowding of private dwelling-houses, by fixing the maximum number of persons who shall live or be lodged therein;

(3.) For the abatement or removal of any nuisance which is reported by the medical officer or sanitary inspector to

Defining measures to be taken under previous section.

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have in his opinion caused or to be likely to cause or to aggravate any infectious or contagious disease, or to interfere with the removal thereof, or to injure the health of the inhabitants;

(4.) For preventing the spread of any such disease in the district, street, court, or place, or in ships or vessels being at the time within the limits of this Act;

(5.) For ticketing or marking with coloured placards any infected houses in such district, street, court, or place;

(6.) For the dispensing of medicines, and for affording to persons afflicted by or threatened with disease such medical aid and such accommodation as may be required.

Board may cancel or modify notice given by inspector.

213. If any proprietor or occupier to whom notice shall have been given in pursuance of any of the provisions herein-before contained considers himself aggrieved thereby, he may within two days thereafter appeal to the Board by delivering to the clerk written objections signed by him, and the Board shall inquire into and dispose of the questions competently raised in such objections.

Penalty for non-compliance with notice unless cancelled.

214. Every proprietor and every occupier to whom such notice shall be given who shall not comply therewith by executing the work therein specified before the expiry of the period therein stated, or before the expiry of three days after the decision of the Board on his objections, if such last-mentioned period be longer than the first, shall be liable to a penalty not exceeding ten shillings for every day or part of a day thereafter during which such work shall not be executed to the satisfaction of the medical officer or sanitary inspector.

Magistrate may grant warrant to execute work required by inspector.

215. If any proprietor or occupier to whom such notice shall be given fail to comply therewith, it shall be lawful for the magistrate, on a complaint by the procurator fiscal, to grant warrant to enter the lands and heritages and to execute the work therein specified at the expense of such proprietor or occupier, and the magistrate shall thereafter ascertain the cost thereof, and may find the said proprietor or occupier liable in a penalty not exceeding the amount of such cost, but no such application shall operate as a relief to any proprietor or occupier from liability for any penalties which had been incurred by him previous to the date thereof; and in cases of urgency the magistrates may without abiding the term of notice or appeal grant warrant to execute such work forthwith at the expense of the proprietor or occupier.

III.—Lodging-houses.

Interpretation of provisions relating to lodging-houses.

216. In interpreting the provisions of this Act the expression "lodging-house" shall mean any building or part of a building

in which any person is lodged by the night, or other period not exceeding one calendar month, at a rate for lodging not exceeding eightpence per night, or at a rate for lodging and boarding or part boarding not exceeding one shilling and sixpence per night, and shall include all boarding houses for seamen, whatever rate for lodging or for lodging and boarding such seamen may be charged; the expression "lodging-house keeper" shall mean the occupier of such lodging-house who lodges such person, or any person having or acting in the care and management of a lodging-house or of a boarding-house for seamen, and the word "lodger" shall mean any person or seaman so lodged or boarded.

Certificate or license to be granted to lodging-house keepers.

217. Every person desirous of carrying on within the town the occupation of a lodging-house keeper shall make an application in writing to the Board for a certificate or license, and deliver the same to the clerk, and such application shall be in such form as the Board may direct, and shall state the name of the applicant and the apartment or apartments of the building which is or are proposed to be occupied by lodgers and by persons other than lodgers, and the maximum number of such lodgers and of such other persons respectively; and the Board shall cause inquiries to be made into the truth of the particulars stated in such application, and also into the character of the applicant, and shall thereon exercise a discretionary power in granting or refusing such application, and no person shall be entitled to exercise the occupation of a lodging-house keeper within the town without such certificate: Provided always, that the fee to be paid for any such certificate or license shall not exceed the sum of one shilling: Provided also, that any person so exercising such occupation without such certificate shall be liable to a penalty not exceeding forty shillings for such offence, and in case such person shall continue such offence after conviction he shall be liable of new on conviction to a penalty not exceeding forty shillings so often as convicted.

Defining offences and their punishment.

218. Every lodging-house keeper within the town shall in respect of any of the following acts or omissions be liable to a penalty not exceeding forty shillings:

(1.) If he do not keep at all times hung up or placed in a conspicuous part of each apartment used by his lodgers a printed copy of any byelaws made with respect to lodging-houses and of the conditions specified in his license;

(2.) If he contravene any of the said conditions or any byelaws of the Board applicable to him;

(3.) If he do not give immediate notice in manner herein-after provided to the inspector of lodging-houses of any case

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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;

(4.) If he do not every third day during which such disease or illness continues give a new notice thereof to the inspector of lodging-houses, 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;

(5.) If he permit any person to remain in his house as a lodger while a case of contagious or infectious disease exists therein, or admit any new lodger to his house within fourteen days after any such case has occurred therein without having his house previously disinfected to the satisfaction of the sanitary inspector;

(6.) If at any time without reasonable excuse he do not on demand permit the medical officer or the inspector of lodging-houses to enter and inspect any apartment in his house or to visit the lodgers therein;

(7.) If he do not, after notice given to him in manner hereinafter provided by the superintendent of police or by any lieutenant of police, daily make, sign, and deliver at such place and during such time as shall be specified, a true report of the names and addresses, so far as known, or a true description of the persons who resorted to or lodged in his house during the preceding day or night.

Providing for medical relief to lodgers in case of illness.

219. The inspector of lodging-houses shall enter in a book to be kept by him, and which shall at all reasonable hours be accessible to the medical officer and to the magistrates, the particulars of every notice which he shall receive of a case of fever or other serious disease in any lodging-house, and in the event of receiving a second notice showing that the disease has not ceased and that no medical practitioner is in attendance on the patient, he shall give notice thereof to the inspector of the poor of Greenock or other officer of the parish of Greenock, and also to the medical officer and to the procurator fiscal; and it shall be lawful for the magistrate, on the motion of the procurator fiscal, to direct such inspector or other officer to be sent for or to be cited to appear before him, and after hearing such inspector or other officer, or on his failure to appear when duly cited, to order the said inspector or other officer to supply medical attendance or such other temporary relief in articles of absolute necessity as the case shall require, but not in money, and in case such inspector or other officer shall disobey such order he shall on conviction before the magistrate be liable in a penalty not exceeding five pounds, but it shall not

be lawful for the magistrate to order such temporary relief to be continued for any period longer than till the next meeting of the relief committee of the parochial board of Greenock.

Inspector of lodging-houses may require them to be cleansed.

220. It shall be lawful for the inspector of lodging-houses, on the occurrence of any case of epidemic, endemic, or contagious disease in any lodging-house, to require any lodging-house keeper, by notice given to him, to comply with and carry into effect any directions and regulations for preventing the occurrence of further cases, or for mitigating the said disease, which he or the medical officer may consider expedient, and such directions and regulations for such purposes may also be issued by the sanitary inspector to the proprietor or occupier of any dwelling-house in any district, street, or court in which the medical officer shall have reported that it appears to him desirable to use special sanitary measures, and every such notice may be enforced in the same way and under the same penalty as are herein-before provided with reference to the enforcement of similar notices by the sanitary inspector.

Power to make bye-laws for regulating lodging-houses.

221. The magistrates may from time to time (subject to the provisions of this Act) make byelaws for all or any of the purposes following; namely,

(1.) For the inspection of lodging-houses and the keeping the same in a cleanly and wholesome state and condition;

(2.) For securing that every lodging-house, and the common stair, lobbies, and staircases thereof, shall be periodically white-washed and cleansed;

(3.) For promoting ventilation;

(4.) For separating the sexes and enforcing order and good conduct;

(5.) For enforcing in such houses the provision of privy or watercloset accommodation, and other appliances and means of cleanliness, in proportion to the number of lodgers and occupiers.

IV.—Prevention of Overcrowding of Small Houses.

Apartments for sleeping in must contain a window of certain size.

222. It shall not be lawful for any proprietor to let, or for any person to take in lease, or to use or suffer to be used for the purpose of sleeping in, any 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 herein-after provided; namely,

If the apartment contain less than two thousand five hundred cubic feet of space, unless the area of glass in the sash or sashes

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give superficial area in the proportion of one square foot for every hundred of such cubic feet;

If the apartment contain more than two thousand five hundred cubic feet of space, unless the area of glass in the sash or sashes give 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.

223. It shall not be lawful for any proprietor to let, or for any person to take in lease, or to use or suffer to be used as a separate dwelling-house, any building or part of a 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 consist of only one apartment and shall have been used as a separate dwelling-house previous to the passing of the second-recited Act, unless it contain at least seven hundred cubic feet of space, or if it shall not have been so used unless it contain at least nine hundred cubic feet of space;

If such dwelling-house consist of only two apartments and shall have been used as a separate dwelling-house previous to the passing of said last-mentioned Act, unless it contain at least twelve hundred cubic feet of space, or if it shall not have been so used unless it contain at least fifteen hundred cubic feet of space;

If such dwelling-house consist of only three apartments and shall have been used as a separate dwelling-house previous to the passing of the said last-mentioned Act, unless it contain at least eighteen hundred cubic feet of space, or if it shall not have been so used unless it contain at least two thousand cubic feet of space.

Penalty for letting or using any prohibited apartment.

224. Any person who shall let or take in lease any apartment for the purpose of sleeping in, or any dwelling-house, which shall not be in conformity with the said provisions, shall be liable to a penalty not exceeding five pounds, and any person who shall use or suffer to be used for the said purpose any such apartment or dwelling-house shall be liable to a penalty not exceeding five shillings for every day during which it is so used or suffered to be used.

Small dwelling-houses to be ticketed.

225. It shall be lawful for any person appointed by the Board 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 Board 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 herein-after 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.

226. 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 herein-before 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 sleeping in ticketed houses, &c.

227. The medical officer, the inspectors of lodging-houses, and the sanitary inspectors, or any persons authorised by the Board, 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, or to ascertain whether such house is in a dirty, unwholesome, or unhealthy condition, 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 Board 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, and failing payment to imprisonment for a period not exceeding sixty days.

Cases in which two convictions have occurred within three months.

228. 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 magistrate to direct the closing of such premises for such time as he may deem necessary.

V.—Unsound Meat, Diseased Cattle, &c.

Corn, bread, &c.

229. The 26th section of "The Public Health (Scotland) Act, 1867," shall be read and have effect as if the words "corn, bread, cheese, flour, or milk" were included in the articles named therein, and the said section as so amended is incorporated herewith.

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Power to seize diseased cattle.

230. In case any cattle infected with or labouring under any infectious or contagious disease be exposed or offered for sale, or be brought or attempted to be brought through any street or into any market or fair, any inspector, collector, or constable may seize any such cattle and cause the same to be inspected by a veterinary surgeon, and may report such seizure to any magistrate, and such magistrate may, after hearing the evidence, either order such cattle to be restored or direct the same, and also any pens, hurdles, troughs, litter, hay, straw, and other articles which he may deem likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of, and any person bringing or attempting to bring any cattle through any street or into any market or fair knowing the same to be labouring under any such disease shall for every such offence be liable to a penalty not exceeding twenty pounds, and failing payment to imprisonment for a period not exceeding sixty days.

Penalty for selling unwholesome liquor.

231. Every person who sells or exposes for sale, or keeps for the purpose of sale, any liquor which is unfit for the use of man, shall be liable to a penalty not exceeding ten pounds.

Power to enter premises and seize liquor.

232. It shall be lawful for the superintendent of police, or any other person or persons appointed by the Board for the purpose, to enter upon any premises and seize, impound, and convey to the police office any liquor sold or exposed for sale, or kept in any place used for the sale of any such articles, in respect of which there is reasonable ground for supposing that an offence has been committed under the provisions of this Act, and if the foresaid penalty be imposed it shall be lawful for the magistrate to declare any such article forfeited.

Further provisions as to unsound meat, &c.

233. All other matters relating to unsound meat, diseased cattle, and unclean provisions shall be regulated by the General Police Act, and for that purpose clauses 272 to 277, both inclusive, of the said Act are hereby incorporated with this Act.

XXVIII.—POLICE COURTS BUSINESS AND JURISDICTION.

Lieutenant, &c. to be on duty at each police court.

234. There shall be in attendance at each police office a lieutenant or inspector or sergeant of police in this Act called the "officer on duty."

Powers of the officer on duty with respect to persons in custody.

235. In the case of every person brought to the police office in custody,—

If without a warrant in consequence of being accused or suspected of having committed any penal or police offence, or in consequence of his having failed to attend before the magistrate

when duly cited in pursuance of the provisions of this Act, the officer on duty shall inquire into the circumstances, and may either cause him to be detained until he shall be brought before the magistrate, or may agree to accept bail that he shall appear before the magistrate at some time and place to be then appointed, and at all times and places to which the case may be adjourned by the magistrate, and may upon a bail bond being executed with sufficient personal security, or without security upon the deposit in lieu thereof of money or articles of sufficient value, liberate him, or if the officer on duty shall think that the charge is unfounded, or is not supported by sufficiently strong evidence to justify his being detained in custody, he may liberate him.

Powers of officer on duty with respect to articles impounded.

236. The officer on duty may deal with any goods, or any parcel, bank note, money, or other article, or any animal or waggon, cart, or other carriage or implement brought to the police office by any constable or other person, for which no receipt has been granted, as follows:

He may with consent of the magistrate cause to be buried, or may otherwise dispose of in such manner as to prevent its being offered for sale or used as food, any carcase, meat, poultry, game, flesh, fish, fruit, grain, flour, meal, or vegetable, or other article of food, which two respectable dealers in such article of food shall, after inspection, certify ought to be buried or so disposed of:

He may with such consent cause to be destroyed any other article, animal, carriage, or other thing which is unclaimed and worthless, or not of sufficient value to pay the expense of keeping, or is in a state to spread infection, or to be a nuisance if kept, provided it be not required for the ends of public justice:

He may in case of disputed or doubtful ownership, or in case of goods alleged to have been stolen or fraudulently or unlawfully taken possession of, apply to the magistrate, who shall summarily, upon vivâ voce evidence, order the same to be retained or delivered to such persons as he may direct, subject to all legal claims against such person in regard to the same, and whether for the further ends of justice or otherwise:

He may from time to time sell every article, animal, carriage, or other thing in his possession which the magistrate may declare forfeited, or the expense of keeping which is likely to exceed its value, or which has been in his possession for more than twelve months, but, except where the article, animal, carriage, or other thing is declared forfeited, every such sale shall take

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place only by virtue of and as directed by a warrant of the magistrate, to be obtained on an application by the procurator fiscal or the superintendent of police: Provided always, that where any article, animal, carriage, or other thing is sold in pursuance of a warrant by the magistrate, and where the same may not have been declared forfeited by the magistrate, it shall be lawful for the owner thereof at any time within three months after such sale to claim from the Board, and the Board shall pay to such owner, the surplus of the sum realised in respect thereof, after deducting all expenses incurred in keeping, advertising, and selling the same.

Owner of goods sold, but not forfeited, may make a claim upon Board within three months after date of sale.

Courts to be held three days in each week.

237. There shall be a police court held on at least three days in each week.

Application of Summary Procedure Act.

238. "The Summary Procedure Act, 1864," shall apply to all proceedings under this Act taken before the magistrates of police.

Power of magistrate to grant warrant to cite or take into custody.

239. It shall be lawful for the magistrate, on a complaint by the procurator fiscal, to grant warrant to cite or to search for, take into custody, and convey to the police office, in order to be brought before him or some other magistrate, any person accused or suspected of having committed any penal or police offence, and such warrant shall entitle the constable executing it to enter and search any building or part of a building or other place whatsoever in which he has reason to believe or suspect that such person is to be found, and for that purpose to open all shut and lockfast places.

Power to magistrate to grant warrant to search, &c.

240. It shall be lawful for the magistrate, on a complaint by the procurator fiscal, to grant warrant to search for, seize, impound, and convey to the police office any article mentioned in such complaint as having been stolen or fraudulently obtained, and such warrant shall entitle the constable executing it to enter and search any building or part of a building or other place whatsoever in which he has reason to believe or suspect that such article is to be found, and for that purpose to open all shut and lockfast places, and to take possession of such article or any other articles which he may reasonably suspect to have been fraudulently obtained, and convey the same to the police office.

Constable may cite, &c. under powers of General Police Act.

241. Nothing in this Act contained shall operate to prevent the constable citing or taking into custody any person accused or suspected, or searching for articles and taking possession of articles, without a warrant, under the powers conferred by the provisions of the General Police Act herewith incorporated.

Power to magistrate to grant other warrants.

242. It shall be lawful for the magistrate to carry into effect every other provision of this Act with reference to penal and police offences, or with reference to any matter which by this Act he is

directed or enabled to do, and for that purpose to issue all necessary orders and warrants, including such warrants as are authorised by the provisions of the General Police Act.

In case of adjournment of trial the accused person may be detained or liberated.

243. When any trial is adjourned after having been begun, the magistrate may cause the person accused to be detained in custody, or may commit him to prison till the diet fixed for proceeding with the cause, or may admit him to bail to appear at such adjourned diet, or if he have already granted a bail bond or made or makes a deposit in lieu of bail, the officer on duty may liberate him on the security thereof, or the magistrate or such officer may liberate him without requiring him to find bail on his undertaking to appear at such adjourned diet.

Magistrate to have power to mitigate sentence.

244. It shall be lawful for the magistrate who has tried any case and pronounced sentence against any person accused of a police offence, if he see fit, to inquire subsequently in open court into any circumstances which were not known or were not brought forward or were not duly considered at the trial, and, with the concurrence of any other magistrate, to modify or mitigate the severity of such sentence, and in the event of his doing so with concurrence foresaid the warrant granted by him shall be sufficient authority to all keepers of prisons, reformatories, or industrial schools to liberate the person suffering such sentence at the period specified in such modifying warrant, and they shall be bound to give effect to such modifying warrant, and the previous warrant shall thereupon be void and null.

Habitual drunkards.

245. If it shall appear either in the preliminary investigation of the charges against any person accused of having committed any offence within the town, or during his trial before the magistrate, that such person has been guilty of or is charged with the crime of being drunk and incapable, aggravated by having been six times previously convicted thereof, the magistrate may proceed to try such person for said offence, and in the event of the magistrate finding him guilty of the offence, aggravated as aforesaid, it shall be lawful for the magistrate to impose a penalty on such person not exceeding forty shillings, or to sentence such person to imprisonment for any period not exceeding sixty days.

Extension of jurisdiction in cases of offences whereby the water supply of Greenock is contaminated.

246. Offenders against any of the provisions in this Act contained, intended to secure the purity of the streams, reservoirs, aqueducts, dams, ponds, or places constructed by or belonging to the Water Trust of Greenock, or used for the supply of water for domestic purposes, or to secure the safety and good conduct of persons curling, skating, or sliding thereon, may be apprehended by any constable, officer, or servant of the Board, whether such offender

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be found within or beyond the limits of the town, and the magistrate of the town shall have jurisdiction for the trial and punishment of all such offenders, if the offence was committed within the limits of the town, but if the offence was committed beyond the limits of the town the offender shall be tried summarily before the sheriff.

Mad dogs.

247. Any constable or other officer or servant of the Board may, after a proclamation thereanent has been issued by authority of the magistrate, destroy any dog or other animal reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state.

Watchman may be placed in charge of shops, &c. left open.

248. Where any constable or officer on duty shall discover that the window or door of any house, shop, warehouse, factory, or other premises within the town has been left open or unlocked, or otherwise insecure, it shall be lawful for such constable or officer to put a watchman in immediate charge thereof, at the expense of the tenant or party occupying such premises, and such expense shall be recoverable by way of penalty before the magistrate by summary complaint at the instance of the procurator fiscal of court, provided the magistrate considers the charge to be reasonable.

Offences under Cattle Burghs Act.

249. All offences committed within the town against the provisions of "The Cattle Sheds in Burghs (Scotland) Act, 1866," may be tried by the magistrates as police offences under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences.

Offences under Smoke Acts.

250. All offences committed within the town against the provisions of the following Acts or any of them, namely, the Act 20 and 21 Victoria, chapter 73, intituled "An Act for the Abatement "of the Nuisance arising from the Smoke of Furnaces in Scot-"land;" the Act 24 Victoria, chapter 17, intituled "An Act to "amend an Act of the 20th and 21st years of the reign of Her "Majesty for the Abatement of the Nuisance arising from the "Smoke of Furnaces in Scotland;" and the Act 28 and 29 Victoria, chapter 102, intituled "An Act to amend an Act of the 20th and "21st years of Her Majesty for the Abatement of the Nuisance "arising from the Smoke of the Furnaces in Scotland, and an Act "of the 24th year of Her Majesty to amend said Acts," may be tried by the magistrates as police offences under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as penalties for police offences under this Act.

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Offences for cruelty to animals and under Bread Acts.

251. All offences committed under the following Acts, namely, the 13th and 14th Victoria, chapter 92, intituled "An Act for the "more effectual Prevention of Cruelty to Animals in Scotland," 6th and 7th William Fourth, chapter 37, intituled "An Act to "repeal the several Acts now in force relating to Bread to be "sold out of the City of London and the Liberties thereof, and "beyond the Weekly Bills of Mortality and ten miles of the Royal "Exchange, and to provide other Regulations for the making and "Sale of Bread, and for preventing the Adulteration of Meal, Flour, "and Bread beyond the Limits aforesaid," or any of the said Acts, may be tried by the magistrate as police offences under complaint by the procurator fiscal of the police court, and the penalties may be recovered and applied in the same way as the penalties for police offences under this Act; and it is hereby provided that all pieces of bread under one pound in weight shall be deemed fancy bread.

Procedure in cases under Acts relating to publicans and weights and measures.

252. Every proceeding or trial before the magistrate in pursuance of the Acts relating to publicans and retailers of ale, beer, spirits, wine, and other exciseable liquors, or in pursuance of the Acts relating to weights and measures herein-before enumerated, under the head of "Prevention of Fraud; Weights and Measures; "Sale of Coals, &c.," shall be conducted according to the provisions of the said Acts, and every order or sentence of the magistrate therein may be enforced, and shall only be subject to review to the extent provided by the said Acts respectively, and all penalties awarded or forfeitures made in pursuance of the said Acts shall be disposed of and applied in the way thereby required, or, in so far as not thereby required, in the same way as penalties awarded and forfeitures made in pursuance of this Act.

Offences under Locomotives Acts.

253. All offences against the provisions of "The Locomotives Act, 1861," or of "The Locomotives Act, 1865," may be tried by the magistrate as police offences under complaint by the procurator fiscal of court, and the penalties may be recovered and applied in the same way as penalties for police offences under this Act.

Previous convictions of contraventions may be libelled and proved.

254. It shall be competent for the procurator fiscal to include in any libel charging any person with an offence under or a contravention of any of the provisions of this Act to include in his libel a charge that said offence or contravention has been aggravated by previous conviction within ten years for a like offence under or contravention of the provisions of this Act or one or other of the recited Acts, and to lead proof in support of said last-mentioned charge; and in the event of the said offence or contravention, together with

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the said aggravation, being proved to the satisfaction of the magistrate, it shall be lawful for the magistrate to impose a penalty not exceeding forty shillings in respect of such aggravation, in addition to the penalty which he is authorised by this Act to impose for the offence or contravention itself.

Register to be kept of crimes and police offences.

255. The superintendent of police shall cause to be kept a register of the name, description, crime, and sentence of persons charged with and convicted of crimes and offences punishable by imprisonment with or without the alternative of a penalty or fine, or in default of payment of a penalty or fine, before the magistrates, or before the sheriff or justice of the peace courts in Greenock, and also of contraventions of the provisions of this Act and the recited Acts, whether punishable by imprisonment or not, and shall cause to be entered therein such other particulars as he may from time to time be directed to enter by the magistrates, and the entries in such register, or any extracts therefrom, certified by the superintendent of police, 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.

256. 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 superintendent of police of the particulars herein-before directed to be entered therein of every conviction in such courts respectively.

Execution of bonds of caution by persons unable to write.

257. Any bail bond or bond of caution, the principal or the cautioner in which is unable or declares he is unable to subscribe his name, shall be valid and effectual if such principal or cautioner adhibit to such bond his mark in presence of two witnesses who subscribe such bond in testimony thereof, and bail bonds or bonds of caution executed on Sunday shall be equally good, valid, and effectual as similar bonds executed on other days of the week.

Fines to be paid to treasurer.

258. All forfeitures, penalties, fines, fees, and expenses imposed by the magistrate recovered and received shall be paid to the treasurer to be applied to the purposes of this Act.

Offenders may be punished summarily for contempt of court.

259. In cases of contempt of court, or of resisting, assaulting, or obstructing the officers of the law when in attendance on the police court, the magistrate may of his own motion summarily punish the offender by a written sentence, specifying the offence and imposing a fine not exceeding ten pounds, or imprisonment for a period not exceeding sixty days, or he may direct the offender to be detained in custody and to be prosecuted by the procurator fiscal, in which

case the same procedure shall be observed as in the case of other police offences, and the punishment last above mentioned shall attach thereto.

Board may defend action brought against their officers.

260. Where any order or sentence of the magistrates is brought under review, or where any action is brought against the magistrate or procurator fiscal, or against the superintendent of police, or any constable, in consequence of anything done in pursuance of this Act, or of any order or sentence of the magistrate, the procurator fiscal shall immediately make a report of the facts and circumstances to the Board, and the Board shall thereupon resolve either that such order or sentence so brought under review or such action shall be defended at the expense of the Board, or that it shall not be so defended, and if they resolve that it shall be so defended the Board shall thenceforth take the superintendence and control of the case, and the Board shall relieve the magistrate, procurator fiscal, or other defender from liability for all or any of the conclusions thereof, and if the Board resolve that it shall not be so defended they may, if they see cause, agree that the Board shall relieve the magistrate, procurator fiscal, or other defender from the consequences of not defending the same, and the Board shall in such case relieve them accordingly.

All crimes within jurisdiction (under certain exceptions) may be tried by magistrates.

261. Subject to the provisions, declarations, and exceptions of clause 413 of the General Police Act, all crimes or offences punishable by public general statute or common law, and within the jurisdiction of the magistrates of any royal burgh, may, if committed within the town, be tried by the magistrate as police offences under complaint by the procurator fiscal of the police court, and the penalties (if any) may be recovered and applied in the same way as penalties for police offences under this Act.

Power to modify certain penalties.

262. Wherever by this Act, or any of the Acts herein-before referred to in this part of the Act, a penalty of fixed amount without power of modification is imposed for or in respect of any offence of contravention, it shall, notwithstanding, be lawful to and in the power of the sheriff or magistrate before whom any person is convicted of any such offence or contravention to impose, if he shall see cause, a penalty for or in respect of such offence or contravention of any amount not exceeding such fixed amount.

Parties personally entitled to prosecute may do so.

263. The prosecutions authorised by this Act under complaint by the procurator fiscal of the police court shall be without prejudice to complaints at the instance of any party or parties who are at present entitled to make the same, and who notwithstanding of this Act shall still continue to be so entitled.

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Further parts of 25 & 26 Vict. c. 101. incorporated.

264. In all other matters connected with the jurisdiction of the magistrates in the claim and recovery of penalties, the same shall be regulated by clause 408 and clauses 410 to 416, both inclusive, and clauses 418 to 431, both inclusive, and clauses 434, 437, and 438 of the General Police Act, which are hereby incorporated with this Act.

XXIX.—DEAN OF GUILD COURT AND JURISDICTION.

Dean of guild.

265. In order more effectually to provide for the carrying into effect the jurisdiction of the dean of guild, a fit and suitable person to be chosen and designated in manner herein-after provided shall hold the same office as and perform the functions of, and shall, subject to the provisions of this Act, have and exercise within the town 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 and the recited Acts, 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: Provided always, that nothing herein contained shall imply the erection of a guildry within the town.

Application of portions of General Police Act.

266. The provisions of the General Police Act, as modified by this Act, with respect to naming the streets and numbering the houses, improving streets, and removing obstructions, public sewers, soil pipes, and waterclosets, precautions during repairs, and old and ruinous tenements, fires, and ventilation, and cleansing contained in Part Fourth, intituled Ordinary Police Purposes, and in Part Fifth, intituled General Police Regulations, of the said Act, so far as incorporated with this Act, and comprehending clauses 158 to 168, both inclusive, 190 to 195, both inclusive, clauses 210 and 211, clauses 213 to 215, both inclusive, clauses 233 to 247, both inclusive, and clauses 348 to 350, both inclusive, shall apply to similar purposes under this Act, and all proceedings with respect to the portions of the said Act so incorporated may be taken either before the magistrates of police or before the dean of guild, and in the event of such proceedings being taken before the dean of guild he shall have in reference thereto all the powers, jurisdictions, authority, rights, and privileges of a magistrate of police, and the procurator fiscal and clerk referred to in the clauses of the said incorporated Act shall mean the procurator fiscal and clerk of the Dean of Guild Court; Provided always, that the powers in the

said Acts with respect to improving streets and removing obstructions shall not apply to unopened streets.

Board to appoint dean of guild.

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

Dean of guild to hold courts.

268. The dean of guild shall, in some convenient place in the town, to be appointed by the Board for that purpose, hold such courts as may be necessary for carrying into effect the jurisdiction, powers, and privileges conferred upon him.

Power to dean of guild to decree for penalties.

269. It shall be lawful for the dean of guild, on the application of the procurator fiscal, to decern for payment of any penalty due in respect of a guild offence, and to carry into effect the other provisions of this Act with reference to the several matters directed to be brought before him.

Procurator fiscal to be fiscal in dean of guild courts.

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

Dean of guild to have jurisdiction although proprietor residing furth of town.

271. Any copy petition or other notice required by this Act to be served on any proprietor of lands and heritages, or other person whom it is necessary to proceed against or make a party to proceedings under this Act, may be lawfully and effectually served by being delivered to or left at the dwelling-house or place of business or premises of or sent by post addressed to such proprietor or other person, if such dwelling-house or place or premises or the address of such proprietor or other person be known, and the dean of guild shall have jurisdiction and be a competent judge in all proceedings under this Act, although any proprietor of lands or heritages or person charged with a guild offence or whom it is necessary to proceed against or to make a party to proceedings

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under this Act shall reside furth of the town or furth of Scotland, and the office of the town clerk shall be held to be a domicile whereat such proprietor or other person may be lawfully and effectually cited in such proceedings, and any citation or service left or made at the said domicile shall be equally valid and effectual as if such proprietor or other person actually resided within the town and had been personally served, and where any notice, citation, or service is by this Act directed to be given at the dwelling-house of any proprietor or other person in respect to proceedings before the dean of guild, the same shall be validly given at the domicile constituted by this Act in case such proprietor or other person shall not actually reside within the town: Provided always, that where the address of any such proprietor resident furth of the town, or of his agent, is known, the procurator fiscal shall transmit by post a copy of the petition to such address, and wherever the address of any such proprietors shall not be known, then the procurator fiscal shall serve, in manner herein provided, a copy of the petition on the tenant in such lands or heritages, if there shall be any known tenant, and a certificate by the procurator fiscal, indorsed on the petition, notice, or other document of which a copy has been served on any such proprietor in manner herein provided, shall be sufficient evidence of such service.

Mode of service of notices, &c.

Council of dean of guild.

272. The dean of guild shall be assisted in the execution of his duties by a council consisting of six members annually chosen, who shall be styled Councillors of the Dean of Guild, and who shall hold office until their successors are appointed: Provided always, that the dean of guild and depute dean of guild may act in the execution of his duties without the concurrence or assistance of all or any of the councillors, or with the concurrence or assistance of any one or more of the councillors.

Powers and duties of councillors.

273. The councillors of the dean of guild shall have the same powers and duties as the councillors of the dean of guild in any royal burgh in Scotland, unless where otherwise provided in this Act.

Election of councillors.

274. At said first meeting of the Board in each year the Board shall choose and designate six of their number to be councillors of the dean of guild for the ensuing year, three of whom shall be members of the Town Council, and three of whom shall be elective members of the Board, and in case any of said councillors shall die or resign during his year of office the Board shall choose and designate another in his stead, such other being either a town councillor or an elective member according as the councillor dying or resigning shall have been a member of the Town Council or an elective member.

Procedure in cases before the dean of guild.

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

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

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

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

Decrees of dean of guild, how to be enforced.

276. 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 Board 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, may be extracted and enforced in the same form and manner, and shall have the same effect, as decrees for debts made and pronounced in the sheriff courts in Scotland are extracted and enforced and have effect.

Enforcement of decrees ad factum prestandum.

277. 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 procurator fiscal, to grant warrant to have such decree or order or interdict carried into effect at the expense of such person or persons,

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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.

278. 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 to hear and determine such proceedings in the absence of such person.

Proceedings for recovering sums decerned for by dean of guild.

279. 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 Board 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 procurator fiscal on the part of the Board, either in the method herein-before provided, 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 Board in the mode hereinafter provided for the recovery of such expenses.

Warrants and decrees to be enforced with concurrence.

280. Every warrant or decree by the dean of guild may be executed within any part of Scotland with concurrence of the judge ordinary, or a justice of the peace of the jurisdiction within which it is sought to be enforced.

XXX.—BUILDINGS.

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

281. Every person who shall intend to erect any building within the town, or to alter any building within the town of which he is not the sole proprietor, or to alter any building within the town of which he is the sole proprietor, in such a manner as to affect the exterior walls thereof, or materially affect or change the character of the building, shall, by petition signed by himself or his procurator, make application to the dean of guild for a warrant to do so, and shall therein set forth his title generally, and produce along with such application a plan, elevation, and section of each storey of the building which he intends to erect or to alter, and of the

intended alterations thereon, and a block plan and section of the land on which such building is or is intended to be situated, and of any adjacent turnpike road or street or court adjoining, and of the sewers in such road, street, or court, and of the private sewers formed or intended to be formed and connected therewith, and shall state in such application whether any apartments of the said building so intended to be erected or to be altered, and, if any, which apartments are not intended to be let or used for the purpose of sleeping in, and shall distinguish such apartments on the said plan, and the dean of guild shall cause the master of works and any other person whom he shall consider interested to be cited, and allow them time to examine the said plan, elevation, and section, and shall proceed to inquire into and dispose of the said application subject to the provisions of this Act, and may award expenses to or against any of the parties.

Provisions as to plan, elevation, and section.

282. The plan, elevation, and section referred to in the immediately preceding clause 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, and of not less than one sixteenth of an inch to every foot so far as regards public works, and shall show the foundations, position, form, and dimensions of the several parts of such building, and all outbuildings or erections intended to be erected or to be used with such building, and such plan, elevation, and section shall be accompanied by a duplicate copy or tracing thereof, and the intended mode of drainage, and the size of drains, and the materials of which the drains are to be made, also the kind of materials, and dimensions of the walls, chimneys, and flues, shall be described by notes upon the said plan, or indicated by distinctive colours, and the said plan and section shall likewise show the extent and boundaries of the ground to form the site of and to be attached to the building, the width and level of the lowest floor of the intended building, and of the ground belonging thereto, and the proposed lines of house drainage; and the petition and the block plan shall show the names of the neighbouring proprietors.

No building to be commenced until plans approved.

283. No new building shall be commenced until the plan, elevation, and section required by this Act relating thereto have been approved of by the dean of guild, either with or without modifications, and no new building shall be built except in accordance with plans, elevations, and sections approved of by the dean of guild, and in the case of buildings which are less than ten feet distant from the nearest point of any adjoining building or wall, no excavation for the foundation thereof shall be made until the said plan, elevation, and section are approved of as above provided.

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

284. Any person who shall erect or begin to erect, or who shall alter in manner foresaid, any building within the town, or who shall convert any apartment which has been so stated to be an apartment not intended to be let or used for 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 town, 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 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.

As to minor alterations of existing buildings, &c.

285. In the case of small alterations of existing 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 immediately preceding section.

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

286. It shall not be lawful for the dean of guild to grant a warrant to erect or alter any building unless or until he is satisfied and finds that the plan, elevation, and section which shall be signed with reference to such warrant, and which shall be permanently kept by the clerk of court and be accessible to all parties, besides being in conformity with the other provisions of this Act, 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 the level of the lowest storey in the building or any out-buildings connected therewith is such as to admit of complete drainage into an adjoining public or common sewer, and that a sufficient connexion with such sewer is shown in the plan;

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

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

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

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

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

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

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

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

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And the erection or alteration of any building in conformity with the warrant of the dean of guild may take place at the sight of the master of works or the inspector of buildings, or other competent person appointed by the court, but neither the warrant of the dean of guild nor the superintendence of the master of works shall imply or shall relieve the proprietor or any other person concerned from any legal responsibility in respect of the said building.

Restraining erections within a certain distance of roads.

287. 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 portion of a statute labour road within the town, or within thirty feet of the centre of any portion of a turnpike road within the town which is relinquished by the trustees thereof, and is assumed by the Board as a street, under the powers of this Act, 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.

Dean of guild may make bye-laws as to buildings, &c.

288. The dean of guild may, subject to the approval of the Board, make byelaws for the following purposes; namely,

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

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

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

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

For regulating the drainage of buildings, and the subsoil and foundations, and waterclosets, privies, ashpits, and cesspools in connexion with buildings, and their situation;

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

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

Thickness of walls, foundations, &c.

289. The thickness of all party walls of new buildings, and of all walls of enlarged or altered buildings so far as the enlargement or alteration extends, shall not be less in any part than nine inches when they are built of brick, and shall not be less than fourteen inches when they are built of stone, (except wall-presses, fireplaces, and bed-recesses, which shall be at least four-and-a-half inches thick,) and subject thereto the walls of new buildings shall be of such greater thickness as the dean of guild may approve, and the foundations of new buildings shall rest on solid ground or on concrete, or on some other solid structure, and if required by the master of works, all party walls of buildings shall not only be carried at least nine inches above the roofs, but shall be carried through for that height entirely of freestone or other approved incombustible material.

Prevention of damp from foundations.

290. Where a new house is erected on land on which no dwelling-house had been previously erected, or on land theretofore used either as garden ground or as a yard, or on maiden soil, then and in each of those cases, unless the dean of guild otherwise order, the soil must be excavated and removed to the depth of fifteen inches at least from the floor line, and if required by the dean of guild, a layer of concrete clinkers or other proper hard material, of the thickness prescribed by the dean of guild, shall be spread thereon and well rammed before the floor is laid, and every new house shall, if required by the dean of guild, have a course of asphalte or slate set in cement, or of lead or of other suitable material for the prevention of damp, laid immediately above the ground line on each external wall.

Preventing building on ground filled up with offensive matter.

291. 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 fæcal matter or with any animal or vegetable matter which in the opinion of the master of works or the medical officer for the time being 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 such master of works or 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, shall for every such offence be liable to a penalty not exceeding five pounds, and a farther penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

Height of rooms.

292. In every new building every habitable room in the ground or street floor shall be in every part thereof nine feet six inches in

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height at least from the floor to the ceiling, and every other habitable room, except attic rooms, shall be in every part nine feet in height at least from the floor to the ceiling, and every habitable attic room shall be at least eight feet in height from the floor to the ceiling through not less than one third of the area of the room, and shall not in any part thereof be less than three feet in height from the floor to the ceiling: Provided that the dean of guild may in his discretion alter or modify the foregoing rule as regards cottages or dwelling-houses to be occupied by one family only, or as regards the attics of any new building where the attics are to be occupied in connexion with the flat immediately below.

Windows in rooms.

293. In a new building every habitable room shall have at least one window of not less than ten square feet clear of the sash frame, and in the case of large apartments the total area of glass in the windows clear of the frame and sash shall be, unless in any case the dean of guild otherwise determine, at least one square foot for every hundred cubic feet of air space in the apartment, and the top of one at least of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

Only one storey in roof.

294. There shall not be more than one habitable storey in any part of the roof of any new house.

Pipes to be approved by Board.

295. No pipe for conveying smoke or heated air shall be fixed in any new building otherwise than in the wall thereof except in a manner to be approved by the Board.

Construction of house drainage.

296. The drains of all houses and buildings shall consist of glazed stoneware or fireclay pipes, or other suitable material approved of by the dean of guild, as herein-after provided, of not less than six inches internal diameter, and shall be connected with the sewers in such manner as the master of works directs. They shall be laid with water-tight joints, and shall be imbedded in and surrounded with well-puddled clay, and no right-angle junctions, whether vertical or horizontal, shall be formed.

Ventilation of house drainage.

297. Proper ventilation shall, if required by the Board, be provided in the drainage of every house by means of the rain-water pipe, or by special pipe, or shaft, or by such other method as the Board shall direct. All other inlets to the house drains shall be properly trapped by means of syphon traps, which shall also be properly ventilated as above directed.

Drainage of subsoil, &c.

298. The house drainage shall be so constructed, either with additional earthenware pipes or otherwise, as to drain the subsoil of

the buildings whenever the dampness of the site appears to the Board or the master of works to make this necessary, and all rain-water shall be so drained or conveyed from the roofs and other parts of buildings as to prevent its dripping on to the ground and causing dampness in the walls or being a nuisance to passengers.

Open space about dwellings.

299. Every building to be erected on ground unfeued at the date of the passing of this Act which is intended to be used as a dwelling-house shall have in the rear an open space adjoining thereto, to the extent of at least one fourth of the whole site, free from any erections thereon above the level of the ground, (other than privies, ashpits, coalhouses, or other conveniences for the use of such dwelling-houses,) except where, on account of thorough ventilation of such open space being secured, or of other special circumstances stated in the order, the Board think fit to allow a less space.

Continuance of open space.

300. Whenever any open space has been left belonging to any building intended to be used as a dwelling-house for the erection of which the approval of the Board has been obtained, such space shall never afterwards be built on so as to leave a less open space than that prescribed in the immediately preceding section, without the further approval of the Board.

Height of buildings in streets.

301. No dwelling-house built in flats on the side of or abutting on any street shall be erected to exceed four square storeys in height, nor shall the height of any dwelling-house so erected be at any time subsequently increased so as to exceed the height aforesaid.

Roofs.

302. 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, except in the case of villas, or in special cases when otherwise allowed by the Board.

Wooden or other temporary erections.

303. It shall be lawful for the dean of guild to allow wooden or other erections of a temporary kind, not being dwelling-houses, to be built in suitable localities for a limited period, not exceeding two years, and such temporary erections, if allowed, shall be constructed, and shall at the end of such period be removed, 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 shall be guilty of a guild offence, and shall be liable in a penalty not exceeding five pounds, and forty shillings for every day during which he shall fail to remove such erection.

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How height to be measured.

304. For the purpose of this Act 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.

Dean of guild's approval to cease to operate in certain cases.

305. Any approval by the dean of guild of plans for the laying out of any land, street, sewer, or drain, or the erection or rebuilding of any building, and any warrant therefor granted by him, shall cease to operate,—

(1.) If such land be not laid out within three years after such approval;

(2.) If such street be not opened for public use within three years after such approval; or

(3.) If such sewer, drain, or building be not commenced within two years after the date of such approval or warrant, and be not constructed or erected and finished for use or occupation, as the case may be, within three years after such approval;

and in either of such cases fresh application, approval, and warrant shall be requisite, as if approval and warrant had never been given, unless the dean of guild shall by indorsement on such plans, sections, and elevations extend such approval and warrant for a further period, and so from time to time.

Dean of guild may authorise the temporary occupation of any road, street, or court during execution of work.

306. The dean of guild, on granting a warrant to erect or alter any building, may enable the person who shall have made application for the same to enclose and use any portion of a turnpike road within the town, or of a street or court, which shall appear to him necessary to facilitate the work, during such period and on such conditions as he may think reasonable, but the provisions of the General Police Act incorporated with this Act in reference to such matters shall in all cases be observed, and the warrant of the dean of guild shall be presumed to be granted subject to such provisions unless specially discharged by him.

Before hoard is erected, proprietor to give notice if street, &c. requires any repair.

307. Before the erection of any hoarding or the laying down of any materials upon the street, the proprietor or petitioner 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 hoard or laying down materials, and unless such requirement be complied with the whole pavement, kerb, causeway, 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 proprietor or petitioner shall be bound to replace or repair to the entire satisfaction of the master of works any pavement, kerb, causeway, 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 completion of the building the requisite work may be done by the master of works at his expense.

Hoarding to be removed at prescribed time, under penalty.

308. Every hoarding or fence shall be removed and the road, street, or court restored to the complete satisfaction of the master of works on the expiry of the period fixed by the dean of guild, and any person who omits to comply with this condition and to remove and restore as aforesaid shall be guilty of a guild offence, and shall be liable to a penalty not exceeding five pounds, and to a farther penalty not exceeding forty shillings for every day or part of a day during which he fails to comply therewith.

Bond of caution may be required from any person obtaining warrant to erect or alter a building.

309. The dean of guild may, on granting a warrant to erect or alter any building or to enclose or use any portion of a road, street, or court, require that a bond be previously granted, with or without caution, to secure that the conditions specified in such warrant and the provisions of the incorporated Act and this Act shall be fulfilled, that in the erection of scaffolding and otherwise precautions shall be taken to the satisfaction of the master of works to guard against accidents, and that compensation shall be made, so far as the public is concerned, for any damage or injury which may result from the insufficiency of such precautions, but unless such bond be declared forfeited by the dean of guild on the application of the master of works or procurator fiscal, and unless the sum contained therein has been paid to and accepted by the master of works in satisfaction of all claims, so far as the Board is concerned, against the principal party thereto with respect to the matters therein referred to, it shall not be competent to plead the same in bar of any proceeding before the dean of guild or magistrate for the recovery of penalties or otherwise with respect to such matters: Provided always, that nothing herein contained, or the forfeiture of such bond and the payment of the sum due under the same, shall be held to relieve any proprietor or other person concerned of any responsibility he may incur for damage done to the property or person of any private party.

Power of inspection.

310. The master of works or inspector of buildings may at any reasonable time inspect any building in progress of construction, or any work connected therewith, and the proprietor or the builder shall give twenty-four hours notice in writing to the master of works before any sewer or drain is covered up, and the like notice after any work required by him or the inspector of buildings to be done in amendment of any irregularity has been completed, and before the same is covered up, and every such proprietor or builder shall,

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if he neglect to give any of the said notices, be liable to a penalty not exceeding forty shillings for each failure.

After building completed, not to be altered without new warrant.

311. After any building has been completed in conformity with warrant, it shall not be lawful to alter the internal arrangements thereof in such a way as to affect either the stability or the sanitary arrangements of the building, or to increase the number of apartments or the number of separate tenants therein, without a new application to and warrant from the dean of guild, and any person contravening this enactment shall be deemed guilty of a guild offence and be liable in a penalty not exceeding twenty pounds.

Board may cause houses to be rounded off.

312. The Board may cause the corner of any house or building already erected or to be hereafter erected at the corner of any street within the limits of this Act to be rounded off to the height of the first storey or floor at least, and in such manner as the Board shall direct, provided they give notice of such intended work to the owner or occupier of such house or building thirty days at least before such work is begun, and the Board shall make compensation to any person who suffers damage thereby, in manner provided in "The Lands Clauses Consolidation (Scotland) Act, 1845."

Elevations of buildings erected on front land to be subject to approval of Board.

313. All buildings or parts of buildings to be erected or altered on any ground which in consequence of any improvement made by the Board becomes front land, and all buildings or parts of buildings on any lands purchased or taken by the Board before or after the commencement of this Act, shall be erected or altered according to such plan for the outside or front elevation thereof as the Board fix or approve, and in case the Board for the space of three weeks after any plan is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved of such plan.

Common stairs to be maintained by parties interested.

314. The master of works may require any proprietor of a building or part of a building to which access is obtained by means of a common stair to repair the steps or railings, or the foot pavement, or window, or the jaw-boxes and pipes of the said common stair, or the doors leading therefrom, to his satisfaction, and should the proprietor fail to comply with such requisition within seven days after the receipt of the same he shall be liable in a penalty not exceeding forty shillings sterling, 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 proprietor or proprietors, and to recover the same by way of penalty before the Dean of Guild Court, and that in addition to the penalty for non-compliance with such requisition: Provided always, that the provisions of section 422 hereof as to an appeal to the dean of guild shall apply to all such requisitions as are referred to in this section.

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Adequate dungstead and privy accommodation to be provided.

315. The Board may require any proprietor of lands or heritages to which in their opinion no adequate dungstead, ashpit, or privy accommodation is attached, or to which such accommodation is attached but is defective, or is so constructed or situated as to be offensive to persons using any turnpike or statute labour road, or street, or court, or to persons residing in the neighbourhood, to provide and construct in a sufficient manner and in a suitable place, and from time to time alter, renew, add to, repair, and maintain, a dungstead, ashpit, watercloset, or privy, as the case may be, for the use of the occupiers thereof, or if there be a building on such lands or heritages used as a schoolhouse, factory, or workshop, or occupied by persons of both sexes and above twenty in number, one or more waterclosets or privies for the use of each sex, and in every case to the satisfaction of the Board: Provided always, that this section shall not apply to unfeued lands not built upon.

Plates to indicate fireplugs may be affixed on buildings.

316. The master of works may affix a plate on any building in the town, and by words, letters, or figures printed or painted thereon indicate the position of the nearest fireplug, and the direction to any post office, quay, or other public place.

Restrictions as to pipes and funnels for conveying smoke.

317. No pipe or funnel for conveying smoke shall at any time be newly fixed against any building next to any street or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street so as to extend beyond the general line of the buildings in the street, and if any pipe or funnel is fixed or placed contrary to this Act the occupier, or in case of there being no occupier, then the owner of the engine or building, as the case may be, shall within fourteen days next after receiving notice from the Board cause such engine, or pipe or funnel, as the case may be, to be removed, and on default shall be liable to a penalty of ten shillings.

Open and dangerous places and buildings to be enclosed or repaired.

318. With respect to the enclosing or repairing of open and dangerous buildings and places, the following provisions shall take effect; namely,

(1.) If any building, wall, structure, excavation, pond, place, open space, or other thing is in the opinion of the Board or the master of works, for want of sufficient repair, protection, or enclosure, dangerous to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or footpath, or to any party using or who may use the same, or is suffered to become a resort of bad characters, or a nuisance to the locality, the Board or master

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of works may order the owner within the period in the order prescribed to repair, protect, or enclose the same so as prevent any danger, nuisance, or annoyance therefrom:

(2.) If after service of the order on the owner the directions of the order are not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known, and cannot after the inquiry be found, the Board may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:

(3.) If such owner can be found within the town, and if on demand of the expenses aforesaid he neglects or refuses to pay the same, then such expenses may be levied and recovered in the same manner and by the same forms, warrants, and means as any assessment under this Act may be recovered, or such expense, including the expense of the proceedings, may be decerned for by the dean of guild, and recovered as provided in section 279 hereof:

(4.) If such owner cannot be found within the burgh, or the said expenses are not otherwise recovered, the Board, after giving twenty-eight days notice of their intention to do so, by posting a notice in a conspicuous place on or near such building, thing, or open space, may take possession of the same, provided such expenses are not paid or tendered to them within the said twenty-eight days, making full compensation to the owner of such building, thing, or open space in respect of his interest therein, but deducting out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of such building, thing, or open space for the interest of such owner therein:

(5.) If any building, wall, structure, or other thing be pulled down by virtue of the present section, the Board may sell the materials thereof, or of so much of the same as is pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or other thing, and the Board shall pay any overplus arising from such sale to the owner on demand:

(6.) Nevertheless the Board, although they sell such materials

for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are herein-before given to them for compelling the payment of the whole of the said expenses.

No apartment to be let or used for sleeping in without free space in front.

319. Except as after mentioned, it shall not be lawful for any proprietor to let, or for any person to take in lease, or to use or suffer to be used for the purpose of sleeping in, any apartment unless one third at least of its height is above the level of the turnpike or statute labour road, or public or private street or court adjoining or near to it, and it shall not be lawful for any proprietor to let, or for any person to take on lease, or to use or suffer to be used for the purpose of sleeping in, any apartment unless there be in front of every window of every such apartment a free space equal to at least two thirds of the height of the wall in which it is placed, measuring such space in a straight line from and at right angles to the plane of the window, and measuring such wall from the level of the floor of such apartment to the eaves or square of the building.

Penalty for taking on lease or using such apartment.

320. Any person who shall let or take on lease any apartment for the purpose of sleeping in which is not in conformity with the last-mentioned provision, or which shall not fall within the exceptions herein-after specified, shall be liable to a penalty not exceeding five pounds, and any person who shall use or suffer to be used for the said purpose any such apartment shall be liable to a penalty not exceeding five shillings for every day or part of a day during which any such apartment is so used or suffered to be used.

Exception from prohibitions.

321. The said provisions shall not apply to the following case; namely,

To any apartment under the level of a turnpike or statute labour road, or street or court, the window of which looks towards the same, provided there be an open area or space along the whole length of such apartment between it and such road, street, or court which is six inches deeper than the floor of such apartment, and is as broad as the portion of the height of such apartment below the level of the said road, street, or court.

Special provisions as to bakehouse flues.

322. In any building intended for a bakehouse there shall be constructed to the satisfaction of the Board a flue or chimney of such height above the ridge of the main building to which the bakehouse belongs as the Board may direct. A baker's oven or tradesman's or artificer's furnace shall not be constructed in or added to any building theretofore erected without there being a flue or chimney provided for the same to the satisfaction of the Board. Any person

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constructing an oven or furnace shall carry up the flue or chimney used as a smoke flue therefrom to the height required by the Board above the adjoining chimneys or ridge of the main building to which the oven or furnace belongs, and shall secure the same by stays or fastenings to the satisfaction of the Board.

Other chimneys and flues.

323. The chimneys and flues of every building shall be constructed in such mode and of such materials and dimensions as the dean of guild by byelaws may approve; all hearths and slabs connected with such chimneys and flues shall be properly bedded in incombustible materials; no timber or woodwork shall be placed within nine inches of the inside face of any such chimney or flue, unless protected by fireclay shods; and the brickwork or stonework of every such chimney or flue shall be properly rendered.

Further provision as to buildings.

324. The jurisdiction and powers conferred on the dean of guild by this Act shall not extend to farm buildings, and shall not as respects the first buildings of any other kind which may be erected on ground feued but not built upon or unfeued at the passing of this Act extend further than is necessary for securing the safety of the public while the buildings are in course of construction, the stability of the buildings, the prevention of fire, and the proper drainage and satisfactory sanitary arrangements thereof.

Further parts of 25 & 26 Vict. c. 101. incorporated.

325. In all other matters connected with soil pipes and water-closets, precautions during the repairs of buildings with respect to old and ruinous tenements, precautions against fire, and ventilation and cleansing within the town, the same shall be regulated by clauses 210, 211, 213, 214, 215, 233 to 247, both inclusive, 349, 350, 352, and 353 of the General Police Act, which are hereby incorporated with this Act.

XXXI.—PUBLIC STREETS AND SEWERS.

I.—Formation and Improvement of Public Streets.

Streets to be laid out and buildings to be erected in conformity with books of levels, &c.

326. Whereas in the year one thousand eight hundred and seventeen a plan of the town as then existing was made by the late David Reid, land surveyor in Greenock, showing the lines of the streets and courts then opened, and also showing the lines of intended streets not then opened but projected, which feuing plan was prepared on the employment of or was afterwards approved by the predecessors of the present heirs of entail of the estates of Greenock and Crawfurdsburn, who are the superiors of the ground on which the town is built, in connexion with which plan the levels of the said streets and courts, both opened and unopened, so far as they extend over the estate of Greenock, have since been taken by

the late Thomas Kyle, land surveyor in Glasgow, and others, and the said levels were laid down in a book prepared by or on the employment of the trustees under the first-recited Act, and the levels of various other streets and courts not embraced in the said feuing plan have also been taken and fixed by the said Thomas Kyle and laid down in the said book with the concurrence and approbation of the present heir of entail of the estate of Greenock, and the levels of the said streets and courts, both opened and unopened, in so far as they extend over the estate of Crawfurdsburn, have also been taken and laid down in a book prepared by or on the employment of the Board under the Act of 1865, but the levels laid down in the last-mentioned book have not yet been adjusted, and the lines and levels of various other streets not included in said feuing plan have been fixed by agreement between the superior of the estate of Greenock and the Board in conformity with the Act of 1865, which plan is herein designated the feuing plan, and which books are designated the books of levels: Be it enacted, that the book of levels for the estate of Crawfurdsburn shall, as soon as may be after the passing of this Act, be adjusted by agreement between the superior of that estate and the Board, or failing agreement, by an engineer to be appointed by those parties, or if they cannot agree in such appointment, to be appointed by the sheriff, and that no public street shall be opened or extended and no building shall be erected in the town within the limits embraced in the said feuing plan or within the said books of levels except in accordance with the said books of levels or with such agreement as aforesaid in respect to levels, unless the permission of the Board 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.

Superior not to be bound to act on feuing plan.

327. Nothing in this Act contained shall be held to require the heirs of entail of the estates of Greenock and Crawfurdsburn respectively, without their own consent, to open or extend any streets laid down on the said feuing plan not already opened, nor to prevent the said heirs of entail respectively from granting feus of any parts of the 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 levels thereof being first agreed upon with the Board or otherwise ascertained in manner herein-after provided, without prejudice to the proper lining and clearing of streets and courts in manner after provided.

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Board to make compensation on altering levels of opened streets.

328. If the Board shall propose to alter the level of any public street opened prior to this Act coming into operation, any proprietor 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 dean of guild, and the heir of entail of the estates of Greenock or Crawfurdsburn, as the case may be, shall be entitled to appear and be heard in regard to such proposed alteration, and if the level shall be allowed by the dean of guild to be altered, then such person shall have right to compensation or otherwise to have made up to him any damage which may thereby be caused to his lands and heritages, and the right to compensation and the amount thereof, as well as all other questions in this matter, shall be considered and decided by the dean of guild, subject to review or appeal as before provided.

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

329. The feuing plan and books of levels referred to in this Act, 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.

Register of public streets.

330. The register of public streets made up under the Act of 1865, with the additions and alterations made thereon from time to time, shall be taken and deemed to be the register of public streets under this Act, and shall at all reasonable times be accessible to the proprietor or occupier of any land or heritage.

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

331. And whereas streets and courts have been partly or wholly opened, and have been maintained by the Board, or by other body or person, 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 Board may allow temporarily to remain uncompleted, and which the Board or other body or person may temporarily maintain in that state: Nothing in this Act contained shall be held to relieve proprietors of lands and heritages of their obligations to pay and relieve the Board of the expense of making and completing such streets or courts, or portions of such streets and courts, as herein-after provided, nor shall such proprietors be relieved of such their obligations till such streets and courts have been entered in the register of public streets herein provided for as completed.

Errors in register or relative plan may be corrected by dean of guild.

332. The said register of public streets shall be kept by the clerk of the Board, and if any completed street or court be not entered therein as a completed street or court, it shall be lawful for the proprietor of any lands or heritages adjoining such street or court at any time to apply to the dean of guild to cause the said register to be amended or corrected in this respect, and the dean of guild shall thereupon grant warrant to cite the master of works, and any

other person or persons whom he may consider interested, or to cause notice of the application to be given in one or more newspapers published in Greenock, and shall inquire into, try, and decide the question raised in such application, and may direct the clerk of the Board to make any alteration on the register and relative plan which he shall think proper, and may award expenses to or against any of the parties.

Clerk to make entries in register from time to time, as directed by dean of guild.

333. It shall be the duty of the clerk, by warrant from the dean of guild, granted on the application of the master of works or other persons concerned, or, without such application, of the dean of guild's own motion, from time to time to enter in the register of public streets and courts, and to describe by a reference to numbers or marks on the feuing plan, or on the Ordnance map of the town if beyond the limits of the feuing plan, any street or court which after this Act coming into operation shall be opened, and in such entry to set forth whether it is completed or uncompleted, and every other particular which he is directed by the dean of guild to make or insert therein, and in the case where a street or court shall be completed after it has been entered in the said register as uncompleted the clerk shall, on a warrant from the dean of guild, granted on the application of any person interested, or by direction of the dean of guild without such application, on his own motion, make a new entry setting forth that the same has been completed, and he shall affix a date to all entries to be made in the said register after the same has been completed by the master of works, and the entries in the said register and the relative numbers or marks on the feuing plan or said Ordnance map shall be conclusive evidence whether any street is completed or uncompleted and of the said other particulars, and a certified extract of any such entry and a certified copy or tracing of lands or heritages contained in any portion of the said plan or map on which any number or mark is made shall, on demand, be given by the clerk to the proprietor or occupier of any land or heritage on payment of a fee of two shillings and sixpence, and shall be received as evidence in all courts of such entry or that such lands or heritages are so marked on the plan, and the said fee shall be paid to the treasurer of the Board.

Plan and sections to be made and regularly corrected to show existing public sewers.

334. The master of works having laid down on a copy of the feuing plan and on said Ordnance map of the town the course of the existing public and common sewers, and prepared sections of the said public and common sewers, with reference to a common datum point, and to bench marks placed at convenient distances and places in the town, he shall from time to time make such

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corrections on or additions to the said plan and sections as are necessary to show the public sewers within the town at the time, and such plan and sections or a copy thereof shall be kept in the office of the master of works, and shall at all reasonable times be accessible to the proprietor or occupier of any lands and heritages within the town, without charge.

Provisions for opening streets.

335. Whereas it is expedient to make provision for facilitating the opening and extending of streets by the Board: Therefore, subject to the provisions in this Act contained, where any street is laid down on the feuing plan as projected, or has been projected and partially built upon, but has not yet been opened or has only been partially opened, either in respect of length or breadth, it shall be in the power of the Board, upon obtaining the consent of the proprietor of such street as after mentioned, to open and extend such street or court in conformity with the said feuing plan and books of levels where the same shall be applicable, or where the same shall not be applicable, according to levels to be fixed as herein-after provided, and to declare the same a street, and thereafter to compel the feuars in terms of this Act to pay for the completion of the same as herein-after provided.

Notice of resolution to open streets to be given.

336. With a view to such opening it shall be in the power of any member of the Board to give notice, in the way in which notices of motions are usually given, at any monthly meeting of the Board, of his intention at a subsequent monthly meeting, not being later than the third monthly meeting after that in 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, either in length or breadth, shall be opened in conformity with the said feuing plan and books of levels, where the same shall be applicable, or in conformity with the levels fixed as herein-after provided.

Consent of proprietor to be necessary.

337. The Board shall not entertain such motion without the consent of the proprietor of the lands upon which such street or the portion of such street is to be opened or extended, but upon such consent being given it shall be competent at any monthly meeting of the Board thereafter, and not being later than the third monthly meeting after that at which notice of motion was given, for any member of the Board to bring such motion before the Board, and if the Board so resolve such street or part of a street shall be forthwith opened, subject to the obligation of proprietors of lands and heritages to pay for the completion of the same in terms of this Act; and it shall be competent to the Board to open any street to a less extent than is specified in such notice of motion, but not to a greater extent.

Board to agree as to making streets not on feuing plan.

338. It shall be lawful for the Board to agree with any person for the making of new streets for the public use through the lands of such person, and as to the time and manner of making the same, and to agree that such streets shall become, and the same shall on such agreement accordingly become, when completed, streets to be maintained and repaired by the Board, and, unless otherwise agreed upon, such streets shall be completed at the expense of the feuars in the line thereof 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 Board.

339. Every person who intends to make or lay out any new street or portion of street which does not appear upon the feuing plan shall give notice thereof to the Board in order that the level of such street or portion of street (as the case may be) may be fixed, and thereupon the level thereof shall be fixed in manner after provided, with all convenient speed after the delivery of such notice.

Levels, how to be fixed.

340. The levels of such new street shall be fixed by the person proposing to lay out such new street and the Board, or in case of difference by an engineer to be mutually chosen by such person and the Board, and in the case of their not agreeing in naming an engineer such 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 levels shall be defrayed by the Board.

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

341. Before any new building shall be commenced in any street the levels of such street shall be fixed as provided above, and the superior shall inform the Board of the width and direction of such street between the centres of the next proposed intersecting streets, and if any person shall commence to build or make any erections whatsoever 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.

342. The Board may cause such proportion of the width of any new or improved street made by them, or any other new street made or to be made within the town, to be laid out for carriageway, and such proportion of the width thereof for footway as they think proper, but in ordinary circumstances not more than two thirds of the width shall be laid out for carriageway.

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

343. In all public streets laid out after the passing of this Act, no hatchway, trapdoor, sliding gate, step, or other obstruction shall be allowed to occupy any part of the footway, except under special circumstances and with the express authority of the Board

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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 Board: Provided no projection on the footway or within ten feet above the level of any street shall, without special permission of the Board, 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.

344. After such resolution to open any street shall have been passed, or such agreement to make a new street shall have been entered into, in case the feuars in the line thereof shall offer no obstruction to the opening of the same, the street shall be forthwith opened by the Board, but if any feuar shall offer any obstruction to such opening, or shall not forthwith remove any fence, building, or erection on the line of the same, then the procurator fiscal shall present a petition to the dean of guild craving warrant to the master of works to enter upon the street to be opened or extended, and to line off the same in conformity with the said feuing plan and book 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 said feuing plan or in such agreement; and a copy of such petition or of so much thereof as concerns each proprietor of lands and heritages in such street shall be served on each proprietor in the manner provided in section 271 hereof, 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 such person to make any claim to the part of the line of street so enclosed or covered, and that nothing herein contained shall confer upon any person any claim for compensation therefor.

Dean of guild may impose conditions in public interest.

345. In granting any warrant for opening a new public street, the dean of guild may impose such conditions as he may consider expedient with reference to the following matters; namely,

With reference to the width of the street relatively to the height of the buildings, or the height of the buildings relatively to the width of the street, so as to secure as far as possible that the maximum height of the front walls of such buildings on each side thereof shall not exceed the space between such

front walls, except in the case of public buildings, the height of which shall be in the discretion of the dean of guild;

With reference to the level of the street if the same be not fixed in terms of this Act, and its suitableness for the construction of a public sewer:

And every such condition shall be obligatory on the feuars along the line of said streets, and shall be enforceable and carried into effect by or at the sight of the master of works, and any person violating any such condition or obstructing the master of works in the execution of his duty shall be guilty of a guild offence, and be liable to a penalty not exceeding ten pounds.

Formation of foot-pavements and roadways.

346. Where any public street or portion of a public street shall not have been completed, it shall be competent to the procurator fiscal, by direction of the Board, to present a petition to the dean of guild craving warrant to the Board to make or to finish foot-pavements of first-class Caithness flagstones or other approved materials, with kerbs and gutter courses of granite or other approved materials, and causeways of dressed whinstones, or granite, or other approved materials, in such street or portion of such street, or craving warrant to make either such pavements, kerbs, and gutter courses, or such causeways, at the expense of the proprietors of lands and heritages in such street or such portion of a street, such expense including the whole of the expense of making such foot-pavements, kerbs, and gutter courses, and the expense of making such causeway to the central line of the street, opposite to such lands and heritages, and all other expenses incurred by the Board in connexion with the same, and a copy of such petition or of so much thereof as concerns each such proprietor, shall be served on each proprietor in the manner provided in section 271 hereof, and the dean of guild shall fix a diet for hearing the parties under the said petition.

Master of works to make an estimate of expense.

347. Along with such petition the procurator fiscal shall produce a probable estimate by the master of works of the expense of executing the work proposed to be performed under the warrant craved, and stating the proportion of such expense effeiring to each of the proprietors named in the petition, and where any of the said work is to be executed opposite to unfeued ground the proportion of the expense effeiring to such unfeued ground shall be specified.

Objections which may be stated.

348. 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 proprietor to raise any question or to state any objection except, 1st, that he is not the proprietor within the meaning of this Act of the lands or heritages to which such requisition applies, if he shall allege that to be the fact; or, 2nd, that the proportion of expense

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proposed to be charged against him is excessive; or, 3rd, with respect to the time to be allowed for removing obstructions on the line of the street, or the right to compensation or other mode of making up damage, if any; and the dean of guild shall consider such questions or objections if stated, and shall decide the same, and shall fix and ascertain the parties to be charged, and the proportions of expense to be paid by such parties respectively, and shall grant the warrant craved, subject to such conditions as he may think fit.

Board may carry out warrant.

349. The Board shall thereupon be entitled to make foot-pavements of first-class Caithness flagstones or other approved materials, with kerbs and gutter courses of granite or other approved materials, and causeways of dressed whinstones, or granite, or other approved materials, in such street or portion of a street, and otherwise carry out the directions of such warrant.

Board to be relieved of expense by proprietors.

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

Dean of guild may decern for expense.

351. Upon the work mentioned in the said petition and estimate being finished, or finished as far as practicable, in a street or portion of a street, the procurator fiscal shall lodge a report in the case stating that the work has been finished, and craving decree for the amount effeiring to each proprietor, with a proportion to be fixed

by the dean of guild of the expenses of the cause, if such amount and proportion of expense have not been previously paid, and the dean of guild shall decern as craved, and the dean of guild shall also by his decree fix and ascertain the amount of the expense of the operations effeiring to unfeued ground.

Causeways in squares.

352. The proprietors 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 Board shall at their own expense make the causeway in the remainder of such square so far as no other proprietor of lands and heritages is bound in terms of this Act to make such causeway.

Foot-pavements and causeways opposite unfeued ground, and sewers and drains, to be made by the Board.

353. And whereas parts of the ground on the line of public streets and squares already opened have not been feued out by the superiors of the ground, and in opening new public streets and squares it may happen that part of the ground on the line of the same will remain for a time unfeued, the superiors shall not under any of the provisions of this Act or of the Acts incorporated herewith be bound to make foot-pavements or causeways, or kerbs or gutter courses, or to macadamise any public street or square, or to make drains or sewers, or public sewers or private sewers, or to relieve the Board of the expense of making the same opposite to such unfeued ground, but it shall be lawful for the Board to make foot-pavements and causeways, and sewers and drains, in the manner by this Act provided opposite to such unfeued ground, and to advance and pay ad interim the expense of so doing in so far as effeirs to such unfeued ground, subject to the right of relief from the feuars of such unfeued ground when the same shall come to be feued; and so soon as any part of such ground shall be feued the Board shall charge in the manner herein-after provided the expense so advanced by them, so far as effeirs to such unfeued ground, and interest thereon as herein-after provided, against the persons taking such part of the ground in feu, in proportion to the length of frontage to such street of the successive parts of the unfeued ground, as they shall come to be feued.

Iron plates, &c. may be laid for facilitating traffic.

354. The Board may lay or continue in any portion of a turnpike road within the town, with the consent of the trustees of such road, and in any of the public streets, iron plates or granite blocks for the purpose of facilitating the passage of traffic along the same, and may from time to time remove, alter, repair, or renew such iron plates or granite blocks, and make byelaws for regulating the use thereof.

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Board may form streets in a temporary manner.

355. Notwithstanding anything herein-before provided, it shall be lawful for the Board, instead of requiring that foot-pavements and causeways or either of them in any uncompleted public street shall be made in a permanent manner as herein-before provided, to resolve that such street be laid with gravel, or with stones or ashes, or in the manner known by the term "macadamised," or be laid or formed in such other temporary manner as the Board may think proper at the expense of the proprietors of lands and heritages in such street, or fronting or adjoining the line of such street, and to form such street accordingly, and the said expense shall be borne by such proprietors, and shall be fixed and recovered in the same way and from the same proprietors as the expense of making foot-pavements and causeways in the manner herein-before provided: Provided that although such street should be so macadamised or otherwise temporarily laid or formed, the Board shall nevertheless have power at any future time when they shall think fit, but not sooner than seven years from the date of the said resolution, to require foot-pavements and causeways to be made in such street at the expense of the proprietors of the lands and heritages therein, and otherwise to make the same a completed street in the mode and terms herein-before provided.

As to unfeued ground.

356. The superiors or proprietors of the estates of Greenock and Cartsburn, and their respective successors in the said estates, who are exempted as herein-before provided from making and from paying the expense of making foot-pavements or causeways and macadamising any street opposite to unfeued ground on the said estates, shall not be bound to lay or form, or to pay the expense of laying or forming, any uncompleted street opposite to unfeued ground on the said estates, under the powers and as provided in the immediately preceding section, but it shall be lawful for the Board to lay or form any uncompleted street in the manner herein-before provided opposite to such unfeued ground, and to advance and pay ad interim the expense of so doing in so far as effeirs to such unfeued ground, subject to the right of relief from the feuars of such unfeued ground when the same shall come to be feued, and so soon as any part of such ground shall be feued the Board shall charge the expense so advanced by them, so far as effeirs to such unfeued ground, and interest thereon as herein-after provided, against the persons taking such part of the ground in feu, in proportion to the length of frontage to such street of the successive parts of the unfeued ground, as they shall come to be feued, and said expense may be recovered in the same way as is herein provided for the recovery of the expense of making foot-pavements and causeways.

Crossings to be made for foot passengers.

357. In all cases where either turnpike roads or public or private streets are macadamised or formed in a temporary manner, the works shall include suitable and convenient crossings of dressed whinstone or granite for foot passengers.

Levelling of uncompleted streets.

358. Where it shall be found necessary to excavate or fill up the solum of any uncompleted street (the levels of which have been fixed as provided in this or the recited Acts), so as to make such street conform to the said levels before being temporarily or permanently formed, the Board may execute the said work, and the Dean of Guild Court shall on application of the procurator fiscal ascertain and apportion the expense thereof among the feuars of property 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.

As to payment of expense of levelling by subsequent feuars.

359. In the event of any portion of the property in the line of the said street being unfeued at the date of any such application, it shall be competent, as often as any party or parties subsequently feu any portion of property in the line of the said street, for the procurator fiscal to apply to the Dean of Guild Court to have any portion of the expense of such excavations or filling up remaining unpaid, and interest thereon as herein-after provided, apportioned among and decerned for against all or any of the subsequent feuars in the line of street, in the same manner and to the same extent as if they had been feuars at the date of such original application, and the dean of guild shall ascertain, apportion, and decern for the same accordingly.

Board may take up causeways and form street on some other mode.

360. It shall be lawful for the Board, after a permanent foot-pavement or causeway has been made in any public street or any part thereof in the mode herein-before provided, to take up and remove such foot-pavement or causeway, and in such street or part of a street to cause the footpath to be hornized, 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 Board, and the proprietors of lands and heritages on the line of the same shall not be bound at any future time to remake such foot-pavement or causeway.

Power to road trustees and Board to contract for maintenance of turnpike roads.

361. It shall be lawful for the Board and for the trustees of any turnpike road to contract for the maintenance and repair by the Board of any portions of such turnpike road within the town, on such terms and conditions and during such period or terminable in such event as to them shall seem proper, and any contracts which have been entered into between the trustees under the Act

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of 1840 or the existing Board and the trustees of any such turnpike road for or with reference to the objects and purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same manner as if such contracts had been entered into between the Board and the said trustees after this Act comes into operation: Provided always, that no such contract hereafter entered into shall be valid or effectual unless agreed to at a general meeting of such trustees specially called for the purpose, and (if such contract be for a longer period than one year) confirmed at another such meeting called in like manner and held not less than three weeks nor more than six weeks thereafter, and that no person qualified as a trustee by holding the office of provost, bailie, treasurer, master of works, or other municipal office in the town, shall be entitled to vote at any such meeting in relation to any such contract.

Statute labour roads may be assumed by agreement.

362. The powers conferred on the Board and the trustees of any turnpike road to contract for the relinquishment by such trustees and the assumption by the Board as streets of such turnpike roads or parts thereof, by section 369 hereof, shall extend and apply to all roads maintained by the conversion of statute labour so far as situated in the town, or any part of such roads, and the mode of proceeding in regard to such relinquishment and assumption of turnpike roads prescribed by the said clause shall extend and apply to the relinquishment and assumption of roads maintained by statute labour conversion money hereby authorised: Provided always, that no person qualified as a trustee by holding the office of provost, bailie, treasurer, master of works, or other municipal office in the town, shall be entitled to vote at any meeting in relation to the relinquishment and assumption of such roads.

Management of streets.

363. The management and exclusive control of the public streets, except statute labour roads, shall be vested in the Board; and in the case of any street which may be hereafter opened or partially opened, whether in regard to the length or the breadth of the same, the heirs of entail of the estates of Greenock and Cartsburn respectively, after they shall have given consent to such opening in the way in this Act provided, shall not be parties to any proceedings which may be necessary to effect or complete such opening, and from the time such consent shall be given the management and control of the public streets to be opened shall be vested in the Board, who by themselves alone shall have power and be entitled to take any proceedings necessary for effecting and completing such opening in the way by this Act provided; and after any public street has been opened no person shall have power to build or set up any

erection thereon, either of a temporary or permanent kind, or to allow any building or erection either of a temporary or permanent kind to continue thereon, without the warrant of the dean of guild: Provided also, that nothing herein contained shall affect the rights of any party in the property of the ground over which the streets within the town pass.

Solum of street not to be opened without warrant.

364. 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, shall be guilty of a guild offence, and shall be liable in 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, or altered.

Master of works to be called.

365. 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.

366. Every person who shall open the solum of any public street or court shall be bound to complete the work on account of which the said opening shall be made, with all convenient speed, and to fill up the said opening, and to replace to the entire satisfaction of the master of works any foot-pavement or causeway, of whatever kind, which shall have been disturbed in the course of his operations, and also to make up all damage done to and to repair and leave in complete order any pipe or sewer, footpath or roadway, or other work or construction taken up, opened, or otherwise affected in the course of his operations.

Every such person to keep part opened in repair for twelve months.

367. Every such person shall further be bound to keep up and maintain the part of such street or court, or such pipe or sewer, or other work or construction so taken up, opened, or otherwise affected, for the period of twelve months after the completion of the work, and during such period, when and so often as he shall be required by the master of works, he shall be bound to take up and relay such foot-pavement or causeway, and to repair such pipe, sewer, work, or construction to the satisfaction of the master of works; and in case such person shall refuse or neglect or shall delay timeously to comply with the requisition in any notice given to him by the master of works to execute any work or operation under the terms of this section within the time specified in such notice, such person shall be guilty of a guild offence, and shall be liable to a penalty

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not exceeding five pounds, and it shall be competent for the dean of guild, on the application of the procurator fiscal, to decern for the said penalty, and at the same time to authorise the master of works to execute or finish the work specified in such notice at the expense of the person bound to execute the same, and the dean of guild may thereafter fix and ascertain such expense and may decern therefor against such person.

Board may place fences to footways.

368. The Board shall from time to time place such fences and posts on the side of the footways of streets as may be needed for the protection of passengers on such footways, and they may place posts in the carriageways of such streets so as to make the crossing thereof less dangerous for foot passengers, and they shall from time to time repair any such fences or posts, or may remove the same or any obstructions to any such carriageway or footway, as they think fit.

Removal of toll-bars within burgh.

369. It shall be lawful for the Board and for the trustees of any turnpike road the whole or any portion of which is within the burgh to contract for the removal of any toll-bar thereon from within or nearer to the limits of the burgh, and also, if thought expedient, for the relinquishment by such trustees and the assumption by the Board as a public street of the whole of the said turnpike road so far as situated in the burgh, or of part thereof, all on such terms and conditions and in consideration of such single or annual payment out of the funds belonging to or under their control respectively as may be mutually agreed on: Provided always, that no such contract shall be valid and effectual unless agreed to at a general meeting of such trustees specially called for the purpose, and confirmed at another such meeting called in like manner and held not less than three weeks nor more than six weeks thereafter, and that no person qualified as a trustee by holding the office of provost, bailie, dean of guild, treasurer, master of works, or other municipal office in the burgh, shall be entitled to vote at any such meeting in relation to any such contract: Provided also, that where the whole money borrowed on the credit of the tolls of any such turnpike road shall not have been discharged, no such contract shall be valid without the consent thereto in writing of the persons entitled to three fourths of the money remaining due upon such tolls, and of such trustees as shall have become personally liable for the same: Provided further, that it shall be lawful for the trustees of any turnpike road from which a toll-bar shall be removed in pursuance of the provisions herein-before contained to levy at such bar where re-erected, and also at the other bars on the said road, the same tolls as they might have levied if such bar had not been removed.

Exemption of roads under trustees.

370. The provisons of this Act in regard to maintaining streets, excepting foot-pavements as above provided, shall not apply to any roads or streets which are or may come under the management of turnpike or other road trustees until the same shall be assumed by the Board, and this Act shall in no respect repeal, alter, or affect the powers or obligations of such trustees, or the provisions of any Act of Parliament under which they act.

Provisions not to extend to farm roads.

371. 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.

Further parts of 25 & 26 Vict. c. 101. incorporated.

372. In all other matters connected with the naming of streets and numbering the houses, the improvement of streets, and the removal of obstructions within the town, the same shall be regulated by sections 158 to 168, both inclusive, of the General Police Act, which are hereby incorporated with this Act: Provided always, that those sections shall not apply to unopened streets.

II.—Formation of Public Sewers, &c.

Public sewers to be made and maintained by Board.

373. The Board shall have the power to construct such drains and sewers as they may consider necessary, and shall make provision for draining the public streets and thoroughfares within the town in a suitable manner, and may with that object construct or continue in or under any of the said streets 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 town, and may repair, maintain, and cleanse the said sewers: Provided always, that they shall make reasonable compensation to the proprietors 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 be fixed and ascertained by the dean of guild on the application of either party: Provided also, that no drains or sewers shall be made by the Board in any unfeued lands without the consent of the proprietor thereof, and also that no drains or sewers shall be made by the Board under the site of any unopened street without the consent of the proprietor thereof, except that in the latter case in the event of such consent being refused the Board may appeal to the sheriff, who shall hear parties, and who is hereby authorised, if he sees fit, to grant warrant for the construction of such drains and sewers under the site of such unopened street on such terms and conditions as may appear to him to be just.

Further provisions as to sewers.

374. In the formation of public sewers the Board shall, so far as the ground is feued, construct eye pipes and junctions opposite each

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property, and in the case of unfeued ground construct the same at distances not exceeding sixty feet apart on either side, and the Board shall also carry up to the line of the kerbs opposite each property, and in the case of unfeued ground at distances not exceeding sixty feet apart on either side as aforesaid, not less than nine-inch fire-clay drains, which shall be connected into the public sewer and laid with an inclination of not less than one inch to every six feet, and the whole cost of the said connexions and side drains shall be allocated and decerned for against each proprietor opposite to whose property the said connexions and side drains have been constructed, and in the case of unfeued ground the same shall be allocated, decerned for, and recovered in the same manner as is herein-after provided with reference to the cost of the public sewer itself.

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

375. Subject to the provisions of this Act, the proprietors of all lands and heritages in or adjoining or fronting any 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 street shall comprehend back tenements having no street frontage or not, shall severally be bound to pay and relieve the Board of the expense of constructing an ordinary public sewer in such street or part of a street, including the expense of making such sewer across the intersection of streets, in proportion to the length of frontage to the street of their respective lands and heritages as compared with the total length of the sewer upon which such expense shall be laid out and incurred by the Board at the time, as such proportion shall be ascertained and decerned for by the dean of guild on the application of the procurator fiscal, in the same way as proprietors of lands and heritages are bound to pay and relieve the Board of the expenses of making foot-pavements and causeways: Provided always, that where the interior sectional area of such sewer exceeds seven-and-a-half square feet the Board 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 proprietor 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 proprietor of 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 proprietor 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 proprietor of such lands and heritages shall, in addition to his payments for the first, second, and third sewers, also be bound to pay the 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.

Drainage of back properties.

376. 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 proprietors 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 proprietor 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.

377. Before beginning to construct such sewers the procurator fiscal shall present a petition to the dean of guild craving warrant to execute the work, 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 herein-before provided with regard to a petition with respect to foot-pavements and causeways 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 causeways, and the dean of guild shall ascertain the expense of constructing such sewers and the proportions thereof effeiring to the several proprietors 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 Board in making foot-pavements and causeways in

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streets, and the sums so decerned for shall be recoverable in the same way as the expenses of making foot-pavements and causeways in streets under this Act.

Common sewers in courts, &c.

378. The Board may require the proprietors of lands and heritages adjoining to or having right of access by a private court or passage common to more than one proprietor 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 Board and proprietors to contract for construction and maintenance of common sewers.

379. In case any one or more of such proprietors shall fail to construct such common sewer within the time required by the Board, it shall be lawful for the Board jointly with any one or more of such proprietors, or in case all of such proprietors shall fail to construct such common sewer within the time required by the Board, it shall be lawful for the Board, 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 proprietors 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-before provided with respect to public sewers, and the Board shall be relieved thereof by such proprietors, and the same shall be ascertained and decerned for by the dean of guild, and be recoverable by the Board in the manner herein-before provided with respect to expense of the construction of public sewers.

Proprietors of lands and heritages to construct private sewers, and maintain rhones or pipes for waste water from roof, &c.

380. Subject to the provisions of this Act, the Board may require the proprietors of all lands or heritages adjoining or near to any public street or court, so far as not already done, to construct on such lands or heritages in a suitable manner, and from time to time to alter, renew, add to, repair, and maintain, one or more private sewers for the purpose of draining such lands or heritages, and also to construct in a suitable manner, and from time to time to alter, renew, add to, repair, and maintain, rhones or pipes for conveying into such private sewers the roof or waste water from any buildings on the lands or heritages belonging to him and to prevent the water flowing over on the footpaths, and may also require any proprietor of lands or heritages adjoining any such street or court to connect such private sewer or sewers with the public common sewers, and by these means, so far as consistent with the levels, effectually to drain the said lands and heritages to the satisfaction of the master of works; and in case any one or more of such proprietors shall fail

to construct such private sewer in a suitable manner, or to alter, renew, add to, repair, and maintain such rhones and pipes, it shall be lawful for the Board, under warrant of the dean of guild, themselves to construct, alter, renew, add to, or repair such private sewer and such rhones or pipes, and to connect the same with the public or common sewers, and the costs thereof shall be paid by such proprietors, and the same shall, on the application of the procurator fiscal, be ascertained and decerned for by the dean of guild and be recoverable by the Board.

Special public sewers may be constructed.

381. Where in the opinion of the Board 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 occupier 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 occupier of the land or heritage on which such trade or manufacture is carried on, and the occupier 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 to 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 Board may from time to time direct shall be effectually drained into such special public sewer to the satisfaction of the master of works: Provided always, that if any occupier to whom such notice is addressed shall consider himself aggrieved by the requisition therein contained, he may within six days thereafter appeal to the dean of guild, who shall grant warrant to cite the master of works, and shall thereupon inquire into, try, and decide the questions raised in such application, and may award expenses to or against any of the parties, and the decision of the dean of guild shall be final, and shall not be subject to suspension, reduction, advocation, or appeal, or to any other form of review or stay of execution.

Cost thereof to be paid by persons using the same.

382. The occupier or occupiers of lands and heritages bound to use any special public sewer shall severally be bound to relieve the Board from the expense of constructing the same, and the proportion of such expense effeiring to every such occupier shall be paid in one single payment, unless within fourteen days after notice given to him by the Board such occupier shall declare his option to pay his proportion of such expense by annual payments, and the amount of

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such single payment or of such annual payments, as the case may be, and the duration thereof, may be settled by agreement between the Board and any such occupier, or in case of dispute shall be settled by the dean of guild, and shall be decerned for by him in the same manner as is herein-before provided with regard to the expense of public sewers.

To prevent the contamination of rivers and streams.

383. Every person who directly or by means of any private sewer suffers the refuse of any trade or manufacture, or any sewage or other matter, to flow from any lands or heritages occupied by him into any stream at a point where in the opinion of the Board such refuse, sewage, or other matter will injuriously pollute the water therein, shall be liable to a penalty not exceeding five pounds for each day or part of a day during which such refuse, sewage, or other matter shall so flow after such persons shall have been required by the Board to prevent such pollution, and such penalty may be recovered before the dean of guild; and if in the opinion of the Board any such refuse, sewage, or other matter cannot be conveniently carried into any public or common sewer, so as to leave such stream unpolluted, it shall be lawful for the master of works to require the occupiers of such lands or heritages to construct in a suitable manner, and from time to time to alter, renew, add to, repair, and maintain, one or more special private sewers for the purpose of carrying such refuse, sewage, or other matter either into the sea or into such stream at a point where in the opinion of the Board it will not be injurious, or into any public or common sewer, and it shall be in the power of the Board to contribute to the expense of constructing or of maintaining any such special private sewer such sum as they shall think fit, and by agreement with the proprietors of the lands and heritages on the line through which such special private sewer is constructed, or of such of them as possess the major part of the frontage thereto, to obtain as a condition of such contribution a right to use it as a public sewer; and in case any one or more or all of such occupiers shall fail to construct such special private sewer within the time required by the Board, it shall be lawful for the Board jointly with any of such occupiers, under a warrant from the dean of guild, or by themselves, to construct such special private sewer, and to maintain the same at the expense of such occupiers, and to recover such expense by summary procedure before the dean of guild.

Provisions as to bridges.

384. In all cases where bridges have been constructed in any portion of a public street, for the purpose of crossing streams or ravines, and where any portion of the ground on either side of such bridge is unfeued, the Board shall construct a public sewer and form the street along the bridge to the extent of such portion of

such unfeued ground, but should the ground afterwards be feued on either side the feuar shall be bound to pay and relieve the Board of such expense, according to the extent of such feued ground.

III.—Maintenance of Public Streets and Public Sewers.

Proprietors relieved of maintenance on completion.

385. The Board, on the completion of public streets or portions of public streets, by making foot-pavements and causeways and by constructing public sewers therein in the mode and at the expense of the proprietors of lands and heritages as herein-before provided, shall be bound to maintain and shall make provision for maintaining in a suitable manner, and for altering, repairing, and renewing such foot-pavements, causeways, and public sewers; and on an entry of such completion being made in the register of public streets, such entry shall relieve the proprietors of lands and heritages on the lines of such public streets from liability for the future maintenance or renewal of the said foot-pavements, causeways, and public sewers, and an extract of the said entry shall be given by the clerk to any proprietor, if required, without payment of any fee.

Public sewers to vest in Board.

386. All public sewers and drains within the town, 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 Board.

Occupiers to use best practicable means for preventing effluvia.

387. The occupiers of all lands or heritages on which any trade or manufacture is carried on shall, previous to suffering the refuse therefrom to flow either into an ordinary or a special public sewer, use the best practicable means for preventing the production of noxious or offensive effluvia or incrustation or chemical action therein, and any occupier who refuses or neglects to use such means shall be guilty of a guild offence, and be liable to a penalty not exceeding five pounds for each day during which such refusal or neglect continues, and if within twelve months he is twice found liable in a penalty for the said offence it shall be lawful for the dean of guild, on the application of the procurator fiscal, to interdict him from suffering the refuse from his trade or manufacture to flow into any public sewer.

Penalty for using any public sewer, except in pursuance of notice or by leave.

388. Every proprietor or occupier who shall connect any private sewer passing in or through any land or heritage belonging to him, or who shall suffer such private sewer to be connected, with any public sewer, or who shall suffer any water or other thing to flow from such lands and heritages into any public sewer except in pursuance of a notice by or with the consent of the Board, or otherwise than according to plans, sections, and specifications to be furnished or approved of in manner herein-before

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provided with reference to buildings, shall be guilty of a guild offence, and be liable to a penalty not exceeding five pounds for each day during which such unauthorised connexion or flow of water continues.

Penalty on proprietors for not keeping common sewers clean.

389. If any common sewer now existing or which may hereafter be constructed in any private court or passage be not kept effectually trapped and cleansed, every proprietor of lands or heritages adjoining to and having a right of access by such private court or passage shall be guilty of a guild offence, and be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings in respect of every day during which such common sewer shall not be so trapped and cleansed after the imposition of the first-mentioned penalty.

Penalty if private sewers not kept clean.

390. If any private sewer now existing or which may hereafter be constructed be not kept effectually trapped and cleansed, every proprietor of lands and heritages in or through which it is made shall be guilty of a guild offence, and be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings in respect of every day during which such private sewer is not so trapped and cleansed after the imposition of the first-mentioned penalty.

Board may clean common or private sewer at proprietor's expense.

391. In case a proprietor of lands and heritages bound under this Act to keep any common or private sewer clean shall fail to do so to the entire satisfaction of the sanitary inspector, the Board may keep such sewer clean for any period they think fit, at the expense of such proprietor, and such proprietor shall be bound to repay to the Board the expense so laid out by them, and if any such proprietor shall fail so to repay such expense within seven days after he shall have been required on behalf of the Board to do so, it shall be competent to the procurator fiscal to present a petition to the dean of guild craving him to decern against such proprietor for the amount so due by him at the time, and upon a report by the sanitary inspector, and upon hearing the proprietor 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 Board shall not take such proceedings before the dean of guild against any one proprietor in respect of any one sewer oftener than twice in one year.

If drains or trenches left open in streets, watchman may be set at proprietor's expense.

392. Where any drain, sewer, trench, or other opening in any street has been left open, insecure, or dangerous to the lieges, it shall be lawful for any constable or officer 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 summary complaint before the magistrate or dean of guild, by way of penalty, at the instance of the procurator fiscal of court, provided the magistrate or dean of guild consider the charge to be reasonable.

Penalty for throwing rubbish into sewers.

393. If any person throws or permits to fall into any sewer or drain any cinders, ashes, brick, stone, earth, or other substances, he shall be guilty of a guild offence, and be liable to a penalty not exceeding forty shillings.

Drains, &c. to be under control of Board.

394. All drains and cesspools shall be under the survey and control of the Board, and shall be altered, repaired, and kept in proper order at the expense of the proprietors of the lands and buildings to which the same belong, or for the use of which they are constructed or contrived.

Recovery of penalties.

395. All penalties in respect to the construction, maintenance, cleaning, and using of public, common, or private sewers may be recovered before and decerned for by the dean of guild on the application of the procurator fiscal, or of any person interested with concurrence of the procurator fiscal.

Penalty for contravening preceding enactments.

396. In any case not herein specially before provided where any person shall contravene any enactment included under the heading "Buildings," or under the heading "Streets and Sewers," for which no specific penalty has been provided, such persons shall be deemed guilty of a guild offence, and be liable to a penalty not exceeding ten pounds sterling.

Part of 25 & 26 Vict. c. 101. incorporated.

397. All other matters connected with the making or trapping of drains, vaults, and cellars under a street, or places for the deposit of refuse, shall be regulated by the General Police Act, and for that purpose clauses 190 to 195 of the said Act, both inclusive, are hereby incorporated with this Act.

IV.—Recovery of Expense of Public Streets and Sewers.

Definition of term expense of streets and sewers.

398. The words expense of streets and sewers shall mean and include the whole expense of making and levelling any uncompleted street or part of a street, macadamising the same, making footpaths or foot-pavements, including kerbs and gutter courses, making causeways, and making sewers or drains therein, or any one or more of such works, whensoever the same may be done under the authority of this Act, and all expenses incurred by the Board in connexion with such work.

Assessor of Dean of Guild Court

399. As soon as the total expense to the Board of streets and sewers, or of any one or more of such works, whensoever they may

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to send certificate of expense to clerk and treasurer of Board.

be executed under the authority of this Act, shall 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 procurator fiscal of court), he shall direct the assessor of court to send a certificate under his hand to each of the clerk and the treasurer of the Board of the amount of the expense so ascertained and fixed.

Board may resolve to levy expense by special assessment.

400. In all cases where the expense of streets and sewers due and payable by individual proprietors shall exceed the sum of ten pounds, the Board shall within such time as they shall think proper resolve that the Board shall be recouped and repaid such expense, and all interest which may grow due thereon or on the portion of such expense which may from time to time remain unpaid till repaid, as well as the cost or proportion of cost of borrowing money to pay the said expense and interest, and the cost of imposing, levying, and recovering the same by means of an annual special assessment to be levied in just and equal portions for the period of ten years, and which shall be imposed upon and levied and recovered from the proprietors from time to time of the several lands and heritages on both sides of the street as specified in said certificate by said assessor, and which resolution shall specify the annual amount of such special assessment: Provided always, that when any proprietor 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 as appearing from such certificate or in such annual assessment roll, with the interest and expense effeiring thereto, which he shall be entitled to do at any time, such proprietor and his successors, and such lands and heritages, shall be freed from all further liability for such special assessment.

Collector to make up special assessment roll;

401. A certified copy of such resolution shall be sent by the clerk of the Board to the treasurer of the Board, and he shall also send a certified copy to the collector of the police assessments under this Act, who shall under the direction of and on behalf of the Board, and in each year during which the said special assessment shall be in force, and at the same period as he makes up the roll of ratepayers liable for the said police assessments, make up a roll of the proprietors for the time being of the several lands and heritages along both sides of the line of the street specified in said certified copy resolution, and shall set against the names of such proprietors for the year for which such special assessment roll shall be made up the number of feet of frontage of their respective lands and heritages, as the same shall appear from the certificate or decree foresaid, and the amount of such year's special assessment upon such extent of frontage fixed by the Board.

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And proceed to recover with same powers as he has for police assessment.

402. Upon the said special assessment roll being made up it shall be signed by the provost or any one of the magistrates, and thereupon the collector shall proceed to levy and recover the said special assessment from said proprietors, 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 said police assessment, which conditions and provisions shall, in so far as the circumstances will admit, apply to the imposition, intimation, and recovery of the said special assessment.

Provisions as to unfeued ground.

403. Whenever ground which was unfeued at the time of making any public street or sewer or portion thereof comes to be feued, the proportion of the expense of such street or sewer or portion thereof effeiring to such unfeued ground shall be ascertained and fixed in the manner and according to the procedure herein-before 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 clerk and also to the treasurer of the Board of the proportion of such expense so ascertained and fixed, and the Board shall, subject to the provisions of the next succeeding section, 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 Board: Provided always, that if the Board shall not require payment of such expense within two months after receiving notice of such ground having been feued, or, where such expense is to be defrayed by special assessment as herein-after provided, if the Board shall not impose such assessment on the third Tuesday of September next following the expiration of the said period of two months, such interest shall cease on the expiration of the said period of two months, or on the third Tuesday of September next following, as the case may be; and, as herein-before provided, in any event interest shall not be charged for any period exceeding seven years.

Further provisions as to unfeued ground.

404. 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, together with simple interest thereon as herein-before provided, exceeds the sum of ten pounds, the Board shall resolve that such amount and interest, with the interest which may grow due thereon or on the portion thereof which may from

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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 herein-before provided, and the resolution of the Board 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 herein-before 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 Board shall annually out of the police 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 herein-before provided.

Treasurer to show balance remaining due each year.

405. Upon the treasurer receiving from the assessor of the Dean of Guild Court the certificate mentioned in section 399 or the certificate mentioned in section 403 of this Act, and the certified copy resolution mentioned in section 401 of this Act, from the clerk of the Board, he shall open an account in the books of the Board for the particular special assessment mentioned in the said certified copy resolution, to the debit of which account he shall place the amount of the expense specified in the foresaid certificate by the dean of guild assessor, and all interest that shall grow due thereon or on the portion of such expense that shall from time to time remain unpaid till repaid, and the cost or proportion of cost of borrowing money to pay the said expense and interest, and also the cost of imposing, levying, and recovering the special assessment mentioned in the said certified copy resolution, and at the end of each of the Board's financial years on the first Monday of August, after crediting all sums he may have received from time to time from the collector on account of the said special assessment, he shall in such account show the balance remaining due on such special assessment at the end of each financial year.

Power to take mortgages on security of special assessments.

406. At the end of each financial year the treasurer shall also make up and certify a statement of all the balances that shall then remain due of any special assessments as to which he shall have

received certified copies of resolutions from the clerk of the Board, and the aggregate amount of such balances, with the sum of five thousand pounds added, shall form the aggregate amount which the Board shall be entitled to borrow or to be owing on mortgages of the said special assessments during the following financial year in terms of the powers to borrow herein conferred.

Special assessments to be real burden on lands.

407. Such special assessments shall, with the legal interest thereof 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 proprietorship 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 the said assessments shall not form real burdens on unfeued lands until the same shall be feued out, and that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties.

Expenses to be a charge on lands.

408. All "expense of streets and sewers" and other expenses by this Act, or any byelaw thereunder, made payable by or recoverable from the feuar or proprietor 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: Provided always, that such expenses and interest shall not form a real burden and charge on unfeued lands until the same shall be feued out: Provided also, that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties.

Treasurer to give certificate of arrears when required.

409. The treasurer of the Board shall, when required by any person, be bound to provide to such person a certificate under his hand showing with reference to any lands or heritages within the town what arrears of the "expense of streets and sewers," or other expenses (if any), are past due, and the name of the proprietor of such lands or heritages as appearing in his books, 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 or charged in his books he shall be entitled to a fee of one shilling from the person requiring the same, for which fee he shall be bound to account to the Board.

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Same rule to apply to works previous to Act.

410. With respect to any work begun or contracted for but not completed or executed by the Board before the commencement of this Act, the provisions of this Act relative to "expense of streets and sewers," and other expenses, shall 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 with a view to the determination of the amount of said expenses, 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.

411. 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 proprietor and occupier as between themselves under any special contract relative thereto.

XXXII.—LANDS TO BE ACQUIRED BY AGREEMENT FOR NEW SLAUGHTER-HOUSE, &c.

Land for new slaughter-houses, manure depôts, and powder magazines.

412. Whereas from the situation of Greenock it is impossible to find suitable sites within the town for the public slaughter-houses and powder magazines by this Act authorised to be erected and maintained, and also for manure depôts, and it is expedient that the Board should be authorised to purchase, acquire, and hold lands for these purposes within such a limit of the town as they may think advisable: Therefore the Board may by agreement purchase, acquire, take, and hold lands for these purposes or any one or more of them.

XXXIII.—SPECIAL POWERS.

Byelaws may be made to prevent cruelty, &c.

413. The Board may from time to time make byelaws for the following purposes or any of them; namely,

For inspecting the premises of game and poultry dealers and preventing cruelty therein; and

For regulating the sale of milk and securing its purity and cleanliness, and for requiring its sale by the imperial standard measure.

As to public-houses beyond parliamentary boundary.

414. The superintendent of police, and the various officers and constables acting under him, shall have and may exercise the same powers with respect to any public-houses, hotels, or other premises used for the sale of exciseable liquors beyond the parliamentary boundary of Greenock, but within the limits of the town as defined

by this Act, that they have or may exercise with respect to licensed premises within the parliamentary boundary.

Cleansing carts, &c. to be exempted from tolls.

415. The cars, carts, and other vehicles employed by the Board in the cleansing of the town shall be exempted from all tolls situated within the limits of the town.

Penalty on drunken and disorderly persons refusing to quit licensed houses on request: constables to assist in expelling them if required.

416. Any person who shall be drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of beer, wine, or spirituous liquors by retail to be consumed on the premises, or for refreshment, resort, and entertainment, under the provisions of this Act, and shall refuse or neglect to quit such shop, house, premises, or place upon being requested so to do by the manager or occupier or his agent or servant, or by any constable, shall on conviction thereof before a magistrate be liable to pay a fine not exceeding forty shillings, and all constables are hereby authorised, empowered, and required, on the demand of such manager, occupier, agent, or servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly persons from such shops, houses, premises, and places.

Ventilation of sewers.

417. The Board 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 Board 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 Board shall have and exercise every power which is by this Act conferred upon them with reference to the construction of sewers and drains.

Other portions of 25 & 26 Vict. c. 101. incorporated.

418. All matters connected with municipal establishments and billet masters shall be regulated by the General Police Act, and for that purpose clauses 439 and 440 of the said Act are hereby incorporated with this Act.

XXXIV.—GENERAL PROVISIONS.

I.—Notices.

Form of notice under this Act.

419. Every notice given in pursuance of this Act may be in writing or in print, or partly in writing and partly in print, and shall be signed by the person giving the same, and any person who shall counterfeit such signature, or who without authority shall give

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any such notice, shall be liable to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

Power to cancel or vary notice.

420. It shall be lawful for the person sending such notice to cancel it, or to give a new notice to the same or to any other person in respect of the matter or for the enforcement of the obligation referred to in it.

Particulars to be stated in notice, and relief of proprietor who pays a share of cost.

421. Where by the terms of this Act the Board has right to require any proprietor, occupier, or other person to execute any work or operation, and shall intend to require such work or operation to be executed, the Board shall give notice thereof to such proprietor, occupier, or other person, and shall in every notice so given describe the work required to be executed either directly or by a reference to plans, sections, or specifications, or to a specimen stated as deposited in the office of the Board or in the office of the clerk to the Dean of Guild Court or master of works for inspection, and shall specify the period allowed for the execution of such work, and the Board shall state by writing deposited in such office the estimated expense of executing the same, and where such notice is given to several proprietors, occupiers, or other persons, and shall require them to execute the same work, the Board shall also state the proportion of such cost effeiring to the proprietor to whom it is addressed, and such proprietor may by paying the amount so stated to the treasurer within ten days after such notice or thereafter with concurrence of the Board, relieve himself from liability for the proportion of such cost effeiring to him, unless the work specified in such notice is afterwards varied or altered, or the notice cancelled, in which last case any sum that may have been paid to the Board by such proprietor shall be repaid to him.

Power to proprietor to lodge objections to notice.

422. If any proprietor, occupier, or other person to whom such notice shall be given shall consider himself aggrieved by the requisition therein contained, he may within five days thereafter appeal to the dean of guild by delivering to the clerk 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.

Penalty for failure to comply with notice.

423. Every proprietor, occupier, or other person to whom such notice shall be given who shall not relieve himself from liability in manner herein-before provided shall be bound to comply with the requisition therein contained, and subject to any alterations or conditions made or imposed by the dean of guild under any appeal

to him, and if any such proprietor, occupier, or other person shall fail to comply therewith before the expiry of the period specified in such notice or allowed by the dean of guild, he shall be liable to a penalty not exceeding ten shillings for every day or part of a day thereafter during which the work specified in the said notice shall not be executed or shall not be performed as required by the said notice, without prejudice to the powers herein-after conferred on the Board to execute the work so specified on the failure of the person so required to execute the same.

Claim of relief by proprietor who complies with notice.

424. If any proprietor, occupier, or other person shall execute the whole work specified in such notice within the period specified therein or allowed by the dean of guild, to the satisfaction of the master of works, and which work by the terms of this Act is to be executed jointly by several proprietors, occupiers, or other persons, the Board shall pay to the person so executing the work the sums, if any, which they have received from any other proprietor, occupier, or other person liable to them for such work, and the proprietor, occupier, or other person so executing such work shall be entitled to recover, by summary action before the Dean of Guild Court, from all proprietors, occupiers, or other persons liable to the Board who have not settled and obtained relief from their liability their proportions of the expense of the said work as damages.

Procedure on failure of all the proprietors to comply with notice.

425. If any proprietor, occupier, or other person to whom notice shall have been given by the master of works requiring him to perform any work under the provisions of this Act, or of any Act incorporated herewith, and who has not relieved himself from liability in manner herein-before provided, shall fail to comply as aforesaid with the requisition contained in such notice, it shall be lawful for the procurator fiscal to apply to the dean of guild for a warrant to execute the work therein specified and to fix the proportion or amount of the expense thereof for which each proprietor, occupier, or other person shall be liable, and the dean of guild shall hear the parties if they desire to be heard, and shall grant a warrant to execute such work, subject to such conditions as he may think fit, and shall thereafter ascertain and fix the expense thereof, and decern against the proprietors, occupiers, or other persons to whom notice was given, or such of them as shall not have relieved themselves from liability in manner herein-before provided, for the proportions of such cost due by them, and may award expenses to or against any of the parties to such application, but no such application shall operate as a relief from liability for any penalties incurred previous to the date thereof.

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Service of notices upon Board.

426. Any summons or notice or any writ or other proceeding at law or in equity requiring to be served upon the Board may be served by the same being left at or sent through the Post Office directed to the Board at their office.

Notices by advertisements.

427. All notices required by this Act to be given by advertisement shall be advertised in a newspaper circulating in the town.

Authentication of notices and orders.

428. Every order, summons, notice, or other such document requiring authentication by the Board shall be sufficiently authenticated if signed by two members of the Board or by the clerk of the Board, 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.

Proof of debts in bankruptcy.

429. And with respect to the proof of debts in bankruptcy or insolvency, if any person against whom the Board have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, the clerk or treasurer of the Board, 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 Board, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such clerk or treasurer, and not of the Board.

II.—Execution of Works by Board.

Power to execute works, &c. in default of persons liable.

430. Whenever by this Act, or any byelaw thereunder, or any notice or order of the Board, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Board may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act or by any such byelaw, notice, or order as aforesaid prohibited being done, and it nevertheless is done, the Board may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Board in any such case shall be repaid to them by the person making default in the execution or doing of or improperly or insufficiently or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

431. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting

(A.) The Board shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her

Post Office telegraph system.

Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Board have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Board, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Board executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Board shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Board shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Board for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Board to Postmaster General, and penalty.

(D.) The Board shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Board, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Board shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Board to the Crown, and be recoverable

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accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Board:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Other portions of 25 & 26 Vict. c. 101. incorporated.

432. All matters connected with the execution of works by the Board not herein-before provided for shall be regulated by the General Police Act, and for that purpose clauses 392 and 393 of the said Act are hereby incorporated with this Act.

III.—Execution of Works by Owners.

Further parts of 25 & 26 Vict. c. 101. incorporated.

433. In all other matters connected with the execution of work by owners, the same shall be regulated by the General Police Act, for which purpose clauses 398 to 407, both inclusive, are hereby incorporated with this Act.

IV.—Repetition of Offences, &c.

Penalties on repetition of offences.

434. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Punishment of abettors.

435. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing, procuring, aiding, abetting, or wilfully permitting or suffering such act or thing to be done shall be punishable in like manner, if the nature of the case permits, and if an intention to the contrary does not appear in this Act.

V.—Relief of Persons jointly interested.

Joint proprietors or occupiers to relieve each other rateably.

436. Where several persons are interested jointly as proprietors or as occupiers of the same lands or heritages, they shall relieve each other from any liability imposed on them by this Act, and 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

437. Where any work in, under, or upon a street shall be by this Act directed to be executed, maintained, or cleansed by any proprietor or occupier of lands or heritages adjoining it, and where

there are several proprietors 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 proprietors 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.

roll as regards work in a street.

438. Where any work in, under, or upon any lands or heritages is by this Act directed to be executed, maintained, or cleansed by any proprietor or occupier thereof, and where there are several proprietors 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 proprietors 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.

Claim of relief to be fixed as regards works in private lands and heritages.

439. 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.

Principle of apportioning other claims of relief.

440. Every claim of relief under the foregoing provisions may be made and sued for as damages.

How said claims to be enforced.

441. Where the proprietor of any lands or heritages shall be liable to the Board, or to any officer on behalf of the Board, in any sum due in pursuance of the provisions of this Act, it shall be lawful for the Board or for such officer to recover the amount from the occupier of such land or heritages to the extent of the rent due by such occupier at the date when notice of the said claim shall be given in manner herein-before provided, or which thereafter from time to time shall become due by him to such proprietor, and the occupier shall after such notice be bound to retain and account to the Board or to such officer for any rent due by him, and shall be entitled to an abatement from his landlord corresponding to the sums so retained and accounted for, without prejudice to the other rights, powers, and securities conferred upon the Board by this Act for or in regard to any sum due to them by such proprietor.

Power to Board to recover sums due by proprietor from occupier.

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VI.—BYELAWS TO BE MADE BY VIRTUE OF THIS ACT.

Further parts of 25 & 26 Vict. c. 101. incorporated.

442. In all matters connected with the byelaws to be made in virtue of this Act, the same shall be regulated by clauses 375 to 383, both inclusive, of the General Police Act, which are hereby incorporated with this Act: Provided that all byelaws made by the magistrates or the dean of guild shall be subject to the same provisions with regard to notices and appeal to the sheriff as byelaws made by the Board under the said Act: Provided further, that all byelaws made under this Act may be enforced by the imposition of penalties for each breach of such byelaws, not exceeding forty shillings in the case of police offences, and not exceeding ten pounds in the case of guild offences.

VII.—POWER TO LAY OUT BUILDINGS.

Power to take down buildings, and lay out lands of new.

443. The Board may take down the whole or any part of the buildings situated on any part of the lands acquired by them under the authority of this Act, and sell and dispose of the materials thereof, and may lay out and use the said lands of new, in such way and manner as they may deem best for the purposes of this Act, or may sell or dispose of the ground or buildings, or any part or portion thereof, or lease or feu the same on such terms and subject to such conditions as they may fix on, or they may erect buildings thereon and dispose thereof or lease the same, and generally they may deal with the lands, houses, and heritages acquired by them under this Act as absolute proprietors thereof, subject only to the conditions and provisions of this Act and the Police Acts for Greenock for the time being.

VIII.—FORM IN WHICH BOARD MAY TAKE CONVEYANCES, &c.

Form in which Board may take and grant conveyances.

444. The Board may take the titles to property acquired by them under this Act in the form and manner provided by "The Titles to Land Consolidation (Scotland) Act, 1868," in name of the Board of Police of Greenock, and may grant conveyances of property and bonds and other deeds and instruments under the same name and in the same manner, and all such conveyances, bonds, deeds, and instruments granted by the Board shall be deemed to be sufficiently executed if sealed with the corporate seal of the Board, and signed by three members of the Board and by their clerk, and witnessed according to the law of Scotland.

XXXV.—RECOVERY OF DAMAGES, AND EXPENSES OF ACT.

Recovery of damages.

445. All claims recognised in this Act as damages may be recovered according to the ordinary procedure before any competent

court, or summarily before the sheriff, whose decision shall be final and not subject to suspension, reduction, or appeal, or to any other form of review or stay of execution. A.D. 1877.

Procedure in cases for recovery of damages.

446. Every summary proceeding before the sheriff for the recovery of damages shall be subject to the following rules and regulations:

It shall commence by an application in writing or in print, or partly in writing and partly in print, at the instance of the clerk or of the treasurer or of the procurator fiscal as representing the Board, or of the person making the claim:

The sheriff shall grant warrant for citing the person against whom the claim is made:

The subsequent steps may be either in writing or vivâ voce, as the sheriff shall think expedient:

The sheriff may award expenses to or against either the pursuer or defender:

The provisions herein-before made applicable to the case of persons resident furth of the county or furth of Scotland shall apply to all proceedings before the sheriff for recovery of damages.

Expenses of Act.

447. The charges and expenses attending the obtaining and passing of this Act, and incidental thereto, shall be paid out of the police assessment.

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The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Certificate by Collector, and Application to Sheriff or Magistrates, and Summary Warrant to be granted thereon.

(1.) Certificate by Collector, and Application.

I (*A.B.*), collector of police and other assessments for the town of Greenock, do hereby certify that the preceding list is a true extract from the roll of the said assessments made up in pursuance of the provisions of the Greenock Police Act, 1877, according to which assessment roll the (police *or* special, *as case may be*) 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 having failed to pay the said assessments due by them respectively, notwithstanding of the same having 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, and I therefore crave your lordship [*or* honours] to grant summary warrant against the persons who have failed in payment as aforesaid for recovery of the said assessments so remaining unpaid, and penalty due by them respectively, all in terms of the said Act of Parliament.

[*A.B.*] Collector.

(2.) Warrant.

[*Place and date.*] The sheriff *or* sheriff-substitute [*or* magistrate, *as the case may be*] having considered the foregoing certificate and application, with relative list or extract, grants warrant as craved, with the powers and subject to the conditions and in terms of the said Act of Parliament.

(Signed) [*C.D.*]

SCHEDULE (B.)

Form of Bond of Annuity.

By virtue of "The Greenock Police Act, 1877," we, the Board of Police constituted by the said Act, in consideration of the sum of paid to our treasurer by [*A.B.*] of for the purposes of the said Act, bind ourselves to pay to the said [*A.B.*] and his executors, administrators, and assignees, an annuity of pounds per annum during the life of the said [*A.B.*] [or *C.D.*] [*or* for the period of years from and after the term of one thousand eight hundred and , *as the case may be*], payable half yearly by equal portions at the terms of Whitsunday and Martinmas in each year, and in case of failure in punctual payment of any such annuity we bind ourselves to pay interest at the rate of five pounds per centum per annum on each term's payment until paid, and we grant and assign unto the said [*A.B.*] and his foresaids such proportion of the police assessment authorised by the said Act as the said sum of does or shall bear to the whole sum which is or shall be borrowed upon the credit of the said assessment, to be held by the said [*A.B.*] and his foresaids until the said annuity and all interest that may become due thereon shall be fully paid and satisfied, declaring that the said annuity shall cease and determine at the term of Whitsunday or Martinmas immediately preceding the death of the said [*A.B.*] [or *C.D.*], or at the term of one thousand eight hundred and , as the case may be, and on payment of the annuities due at and preceding that term, with any interest that may have accrued thereon, the said assessment shall be redeemed and freed of the annuity hereby granted in all time thereafter. In witness whereof [*insert testing clause according to the law of Scotland*].

(L.S.)

SCHEDULE (C.)

Warehouse Proprietors in Greenock.

John Chatfield Macgregor.
Eliza Macgregor.
William M'Arthur & Company.
James Richardson & Company.
Baine & Johnston.
Alexander Ewing.
John C. Hunter.
Gray & Buchanan.
M'Kenzie & Kelso, or the proprietor of warehouse rented by them.
Alexander Graham Dunlop, & William Carstares Dunlop.
Archibald Patten & Company.

A.D. 1877.

SCHEDULE (D.)

Part I.

28 and 29 Vict. c. 300.

216. (Board may agree with proprietors in Clyde Street for adjustment of lines.)

218. (Providing funds for execution of esplanade.)

220. (Future feuars to contribute.)

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 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.

Also the following clauses relating to gas and water; viz.,

289. (Parties to agreement to supply gas at certain prices.)

290. (Consumers to provide private pipes.)

291. (Power to carry private pipe across intervening building.)

292. (Parties to agreement to supply meters at certain rates.)

293. (Meters hired to remain property of the parties to the agreement.)

294. (Parties to the agreement may require security for meter.)

295. (Application of Acts for regulating measures used in sales of gas.)

296. (Parties to the agreement to provide model gasholder.)

297. (Inspector of meters.)

298. (Proceedings to be taken in case of defect in meter.)

299. (The parties to the agreement may examine meter.)

300. (Accounts.)
301. (Recovering of accounts.)
302. (Power to stop supply of gas.)
303. (10 and 11 Vic. cap. 15. incorporated.)

Part II.

34 & 35 Vic. c. 44.

1. (Short title.)
2. (Incorporation of general Acts.)
3. (Interpretation.)
16. (Payment of consideration money to Corporation.)
17. (Application of consideration money by Corporation.)
18. (Transfer of gasworks and lands to Board.)
19. (Payment of stamp duty.)
20. (Deeds and securities granted in favour of Corporation to remain in force.)
21. (Debts and liabilities of Corporation to be discharged by the Board.)
22. (Board to pay annual burdens.)
23. (Actions not to abate.)
24. (Former proceedings saved.)
25. (Power to manufacture gas, &c.)
26. (Board liable for nuisance.)
27. (Power to hold licenses under letters patent.)
28. (Power to maintain, discontinue, &c. existing works.)
29. (Power to make embankment or sea wall.)
30. (Limits of lateral deviation.)
31. (Limits of vertical deviation.)
32. (Mode of forming access to Inch Green.)
33. (Power to divert roads, &c.)
34. (Period for completion of works.)
35. (Power to take lands referenced.)
36. (Corrections of errors and omissions, &c.)
37. (Period for compulsory purchase.)
38. (Power to agree for easements, &c.)
39. (Reclamation of part of bed of Firth of Clyde.)
40. (New gasworks on lands in Third Schedule, or reclaimed.)
41. (No gasworks to be erected except on certain lands.)
42. (Limits of Act.)
43. (Power to supply gas fittings, &c.)
44. (Quality of gas.)
45. (Board to maintain apparatus to test illuminating power of gas.)
46. (Provisions for testing quality of gas.)
47. (Cost of experiment to be paid according to the event.)
48. (Power to lay pipes against buildings.)
49. (Power to require consumption by meter.)
50. (Power to remove meters and fittings.)
51. (Fraudulently injuring meters, &c.)

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52. (For preventing frauds and waste of gas.)
53. (Obligations on Board as to supply.)
54. (Price of gas.)
55. (Incoming tenant not liable for arrears.)
56. (Recovery of sums due.)
57. (Application of lighting part of Act of 1865.)
58. (Power to supply gas beyond limits.)
59. (Not to light, &c. Port Glasgow and Gourock without consent of police authorities.)
60. (Power to borrow on mortgage.)
61. (Form of mortgages, &c.)
62. (Power to borrow on cash credit.)
63. (Application of money borrowed.)
64. (Creation of funded debt.)
65. (Register of holders of funded debt.)
66. (Transfer of funded debt.)
67. (Annuity to be paid.)
68. (Security of holders of funded debt.)
69. (Board not bound to register partial transfer.)
70. (Transmission of mortgages in case of bankruptcy.)
71. (Gas guarantee rate may be imposed.)
72. (Assessment of gas guarantee rate.)
73. (Occupiers to be liable in assessments, subject to abatements in certain cases.)
74. (No fractional part of a pound under five shillings to be reckoned.)
75. (Appointment of surveyor, &c.)
76. (Notice of assessment to be given.)
77. (Appeal to the sheriff.)
78. (Decisions not appealed from to be final.)
79. (Assessment roll to be prepared and certified by surveyor.)
80. (Second notice of assessment to be given to defaulters.)
81. (Recovery of assessments.)
82. (Appeal against oppressive proceedings of collector.)
83. (Appointment of judicial factor.)
84. (Powers and duties of judicial factor, and continuance of factory.)
85. (Sinking fund.)
86. (Separate account.)
87. (Application of revenue.)
88. (Sale of surplus land.)
89. (Recovery of penalties.)

And the Schedules.

Part III.

38 & 39 Vic. c. 113.

4. (Power to take lands referenced.)
5. (Powers for compulsory purchase limited.)
6. (Omission or mis-statement in plans, &c. may be corrected.)
7. (Certificates to be deposited.)

8. (Power to take down buildings and lay out lands of new.)
9. (Power to erect, fit up, and let houses, &c. for working classes.)
10. (Form in which Board may take and grant conveyances, &c.)
11. (Provision as to ejectment of labouring classes.)
12. (Further provision therefor.)

Agreement between the Board and the Vale of Clyde Tramways Company confirmed.

13. The agreement set forth in the First Schedule to this Act annexed, made between the Board of the one part and the Vale of Clyde Tramways Company of the other part, is by this Act confirmed and made binding as between the Board and the Vale of Clyde Tramways Company: Provided that the twenty-first article of the said agreement shall be read and have effect as if it provided only that the Board of Police shall not be responsible to the Vale of Clyde Tramways Company for the loss and damage therein specified.

And the First Schedule.

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