CHAPTER cxxxvii.

An Act for extending the Municipal and Police Boundaries of the burgh of Hamilton in the county of Lanark; for authorising the making of new streets, the improvement of existing streets, and the construction of additional water-works; for providing for the improvement and good government of the burgh; for regulating the supply of gas and water thereto; and for other purposes. A.D. 1878.

[4th July 1878.]

WHEREAS the burgh of Hamilton in the county of Lanark is a burgh which contributes to send a member to Parliament, and the General Police and Improvement (Scotland) Act, 1862, was in whole adopted in the burgh in the year 1863, and is now in force therein: 25 & 26 Vict. c. 101.

And whereas it is expedient that the boundaries of the burgh should for municipal, police, and sanitary purposes be extended, and that provision should be made for dividing the extended burgh (herein-after called "the burgh") for those purposes into wards:

And whereas it is expedient that the number of the magistrates and town councillors of the burgh (herein-after called "the Corporation") should be fixed and their powers defined, and that provision should be made with respect to their qualification and election, and with respect to the qualification of electors for municipal purposes within the burgh:

And whereas it is expedient that provision should be made for regulating the common good of the burgh and the purposes to which the same shall be applied:

And whereas it is expedient that provision should be made for the regulation and government of the burgh, and with respect to the supply of gas and water thereto:

And whereas it is expedient that the Commissioners of Police of the burgh (herein-after called "the Commissioners of Police") on the one part, and the trustees of any turnpike or statute labour roads on the other part, should be empowered to enter into agree-

3204 9

A.D. 1878.

ments for the transference of any such roads or any parts thereof situate within the burgh, and of all or any of the property, rights, and privileges connected therewith belonging to such trustees, to and for vesting the same in the Commissioners of Police, and for the abolition of tolls on any such roads or parts thereof, and the removal of toll-bars therefrom, and for the apportionment of the debt affecting the same, and the liquidation thereof:

And whereas it is expedient that the Corporation should be empowered to execute the street improvements and to construct the new streets herein-after referred to, and that for defraying the cost thereof they should be authorised to apply the revenue of the common good of the burgh, or any part thereof, and to borrow money on the security of such revenue, and of the lands acquired by them in connexion with the said works:

And whereas it is expedient that the Hamilton Waterworks Commissioners should be reconstituted, that their powers should be enlarged, and that they should be authorised to construct the waterworks herein-after referred to, and to borrow a further sum of money; and that the limits of supply of water fixed by the Hamilton Waterworks Act, 1854, should be extended:

17 & 18 Vict. c. xc.

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited in the offices at Glasgow and Hamilton respectively of the principal sheriff clerk of the county of Lanark, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Hamilton Burgh Act, 1878.

Commencement of Act.

2. This Act shall commence and come into operation on and from the first day of October one thousand eight hundred and seventy-eight, except in so far as it is specially provided to come into operation at any earlier period.

25 & 26 Vict. c. 101. to apply to burgh.

3. The provisions of the General Police and Improvement (Scotland) Act, 1862, shall, except in so far as inconsistent with or varied by the provisions of this Act, on and from the commence-

ment of this Act, be held to have been adopted in and to apply to the burgh. A.D. 1878.

38 & 39 Vict. c. 49. to apply to burgh.

4. The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, shall apply to the burgh as if it were a parliamentary burgh, containing, according to the last published census, a population of upwards of twenty-five thousand.

Incorporation of general Acts.

5. The following Acts and parts of Acts (as far as the same respectively are applicable for the purposes, and are not inconsistent with the provisions of this Act) are incorporated with this Act: viz., the Lands Clauses Consolidation (Scotland) Act, 1845, except sections one hundred and twenty to one hundred and twenty-five inclusive thereof, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, the Waterworks Clauses Act, 1863, the Gasworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, the Gasworks Clauses Act, 1871, and the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, with the exception of clauses eighty-four, eighty-six, and eighty-seven.

8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.
10 & 11 Vict. c. 16.

Interpretation of terms.

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

The expression "the existing burgh" means the burgh of Hamilton as existing previous to the commencement of this Act:

The expression "the burgh" means the burgh of Hamilton as extended by this Act:

The expression "the district annexed" means and comprehends so much of the territory of the burgh as is outside the limits of the existing burgh:

The expression "the parliamentary burgh of Hamilton" means the burgh of Hamilton within the boundaries thereof, as fixed by the Public Act second and third William the Fourth, chapter sixty-five:

The expression "the Corporation" means the provost, magistrates, and councillors of the burgh:

The expression "the Police Commissioners" means the Corporation in their capacity of commissioners of police under the Police Act and this Act:

A.D. 1878.

The expression "the Waterworks Commissioners" means the Hamilton Waterworks Commissioners as reconstituted under the provisions of this Act:

The expression "the Waterworks Commissioners of the existing burgh" means the Hamilton Waterworks Commissioners in office at the commencement of this Act:

The expression "the dean of guild" means the dean of guild of the burgh, and shall include the dean of guild court of the burgh, acting in the execution of this Act:

The expression "the town clerk" means the town clerk of the burgh, and the expression "the clerk" means the town clerk or the clerk of the Police Commissioners, as the case may be:

The expression "the sheriff" means the sheriff of Lanarkshire, and includes his substitutes, and the expression "the sheriff clerk" means the sheriff clerk of Lanarkshire, and includes his deputes:

25 & 26 Vict. c. 101.

The expression "the Police Act" means the General Police and Improvement (Scotland) Act, 1862, and any Act amending that Act:

The expression "person" includes corporation, company, trustees, and commissioners:

The expression "the Valuation Acts" means the Public Act of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland," and any Acts amending that Act:

The expression "the valuation roll" means the valuation roll made up under the Valuation Acts:

The expression "lands and heritages" has the same meaning as in the Valuation Acts:

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

18 & 19 Vict. c. xc.
26 & 27 Vict. c. lxix.
38 & 39 Vict. c. cv.

The expression "the Hamilton Water Acts" means the Hamilton Waterworks Act, 1854, the Hamilton Waterworks Amendment Act, 1863, and the Hamilton Water Act, 1875, collectively; and the expressions "the Act of 1854," "the Act of 1863," and "the Act of 1875" mean the first-mentioned, the second-mentioned, and the last-mentioned of those Acts respectively:

The expression "petroleum" includes any rock oil, Rangoon oil, oil made from petroleum, coal, schist, shale, peat, or other

bituminous substance, and any products of petroleum or any of the above-mentioned oils : A.D. 1878.

In the Acts wholly or partially incorporated with this Act, as applicable to the special provisions of this Act, the expression "the special Act" means this Act; the respective expressions "the works" and "the undertaking" comprehend the lands authorised by this Act to be acquired as well as the works authorised by this Act to be executed; the expression "the promoters of the undertaking" means the Corporation or the Waterworks Commissioners, according to the subject matter of the special provisions of this Act to which that expression applies.

Municipal.

Limits of burgh.

7. The burgh shall comprise the district the boundaries of which are described in the First Schedule to this Act in addition to the existing burgh; and the provisions of this Act and of all Acts for the time being in force relating to burghs in Scotland which contribute to return members to Parliament and are not royal burghs, or to the municipal corporations, magistrates, or police commissioners thereof, shall, subject to the provisions of this Act, apply to and have effect in the burgh as defined by this section, in the same way and to the same effect as if the burgh as so defined were a burgh which contributed to return a member to Parliament.

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

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

Act not to affect school boards.

9. Nothing in this Act contained shall affect or alter the powers, duties, jurisdictions, rights, and obligations of any school board having or which may have schools or other buildings within the burgh, or their rights of property, or of levying assessments under the Education (Scotland) Act, 1872, and any Acts amending the same; and the rights of ratepayers within the district annexed and within the existing burgh to vote for and elect members of their respective school boards shall remain in all respects the same as if this Act had not been passed. 35 & 36 Vict. c. 62.

Division of burgh into wards.

10. The burgh shall be divided into five wards, whereof the first four shall be the same as the wards of the existing burgh, and the fifth shall be the district annexed; and the boundaries of

A.D. 1878.

the said five wards shall, until altered as herein-after provided, be those which are set forth in the Second Schedule to this Act.

As to future readjustment of wards.

11. The Corporation may, after the expiration of three years from the passing of this Act, resolve, by a majority of not less than two thirds of their number, that the boundaries of the wards as fixed by this Act shall be adjusted anew for municipal and police purposes; and upon any such resolution being adopted, the chief magistrate of the burgh, the sheriff (excluding his substitutes), and a person to be appointed by one of Her Majesty's Principal Secretaries of State, or any two of those parties, shall proceed to make such readjustment, and, in determining the boundaries of the wards, regard shall be had by them to the number of town councillors in the burgh, and to the number of municipal electors, and also to the value of the property as appearing on the valuation roll; and the parties aforesaid shall cause the proposed boundaries to be delineated upon a plan, which shall be open to the inspection of all persons concerned for the space of fourteen days, and notice shall be given previous to the first of the said fourteen days, by advertisement in one or more newspapers published or circulating within the burgh or the county of Lanark, of the place where the said plan is to be seen; and upon a day after the expiry of the said fourteen days, to be specified in the said advertisement, the parties aforesaid shall hear all concerned and desiring to be heard for their interests, and thereupon the said proposed boundaries shall be finally adjusted by the parties aforesaid, who shall report the same to one of Her Majesty's Principal Secretaries of State; and on their report being approved of by him the readjusted boundaries shall be published, once at least, in the Edinburgh Gazette, and in one of the newspapers published or circulating within the burgh or county aforesaid, and shall, on and after the first Tuesday in November in the then current year, be the boundaries of the wards in the burgh, in lieu of the boundaries thereof by this Act prescribed.

Qualification of electors.

31 & 32 Vict. c. 102.

12. The right of electing the town council for the burgh (herein-after called "the council") shall be in and belong to all such persons as have, or shall have, the qualifications specified and described in the fifth section of the Municipal Elections Amendment (Scotland) Act, 1868; and for the purposes of that section the burgh shall be held to be a parliamentary burgh which contributes to return a member to serve in Parliament, the municipal boundaries of which have been extended under a local Act of Parliament beyond the limits of the parliamentary boundaries thereof.

As to valuation roll.

13. The assessor for the parliamentary burgh of Hamilton under the Valuation Acts shall, at the same time as he makes up

the valuation roll for the same for the year from Whitsunday one thousand eight hundred and seventy-eight to Whitsunday one thousand eight hundred and seventy-nine, also make up a valuation roll for the district annexed, so far as situated beyond the parliamentary burgh of Hamilton, and the assessor for the burgh shall annually thereafter make up a valuation roll for the burgh, distinguishing the lands and heritages within the district annexed from the lands and heritages within the existing burgh, and the procedure and right of appeal and forms shall be such and the same as are provided by the said Acts in relation to the existing parliamentary burgh of Hamilton; and for all municipal and police purposes, and for all assessments imposed, or which may be imposed, within the burgh by any legally appointed assessing body under this Act, or any other Act, the said roll shall be deemed to be the valuation roll under the Valuation Acts, and the expense of making up such roll shall be paid out of the assessments authorised to be levied by the Corporation under the powers of the Valuation Acts and this Act: Provided always, that the said valuation roll shall not affect the valuation roll made up for the county of Lanark, and that no lands and heritages shall be assessed for the same purposes both in the burgh and in the county of Lanark, although such lands and heritages may be included in the valuation roll made up for the said county, but the district annexed shall be liable to be assessed for the purposes of the Police Act, the Hamilton Water Acts, and this Act by the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively only.

Register of municipal electors to be prepared.

14. Notwithstanding the date herein-before fixed for the commencement of this Act, immediately upon the completion of the first registration of parliamentary electors for the burgh of Hamilton which shall take place subsequently to the passing of this Act, a register of the electors for the burgh, to be called "the Hamilton Municipal Register" (herein-after referred to as "the municipal register"), for the purposes of this Act, shall be formed, containing—

First, the names of all persons then standing in the parliamentary register for the parliamentary burgh of Hamilton; and,

Secondly, the names of all persons other than the above, whose names would be entitled to appear on the said parliamentary register if the limits of the burgh were wholly within the parliamentary boundaries of the burgh of Hamilton;

and the municipal register to be so prepared may consist of two divisions, namely, the parliamentary register, comprising the names of the class of voters first above mentioned, and a supplementary

A.D. 1878.

register, comprising the names of the class of voters secondly above mentioned, arranged in wards, and shall be continued, added to, and amended from year to year, under the authority of the sheriff and in manner directed by this Act; and on the said municipal register being completed for each year the town clerk shall sign the same, and the said register shall form the register of persons entitled to vote in the election of councillors for the burgh until the same shall be revised and a new register be completed.

Register how to be made up.

15. For the purpose of enabling the municipal register to be made up, the assessor of the parliamentary burgh of Hamilton, acting under the provisions of the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter fifty-eight, as amended by any subsequent Act, shall in the year one thousand eight hundred and seventy-eight, and the assessor of the burgh shall annually thereafter, along with the lists of voters required by the said last-mentioned Act to be delivered to the town clerk, also make up and deliver to him a list of all persons primâ facie possessed of the qualifications described in the Acts regulating for the time the qualification of persons entitled to vote in the election of members of Parliament for burghs in Scotland in respect of subjects situated within the limits of the burgh, but beyond the boundaries of the parliamentary burgh of Hamilton; and such additional lists shall be dealt with and disposed of in all respects, and claims and objections may be lodged and shall be dealt with and disposed of in the same way and manner, and so far as regards municipal and police purposes to the same effect, as the lists required to be made up and delivered, and the claims and objections allowed, by the said Act of the nineteenth and twentieth years of the reign of Her present Majesty, as amended as aforesaid.

Registers to be printed annually.

16. The town clerk shall cause the registers framed in accordance with the provisions of this Act to be printed annually, and shall deliver copies of the registers of any ward to every registered elector of the burgh who may apply for the same, on payment of the fees contained in Table 2 of the Schedule B. annexed to the said Act of the nineteenth and twentieth years of the reign of Her present Majesty, and the expense of forming the municipal register, and of printing the same annually, after deducting any sums received for copies sold, shall be defrayed in the way and manner provided by the said last-mentioned Act for defraying the expenses of making up and printing the register of parliamentary voters.

As to appointment of

17. The appointment by the provost or senior magistrate immediately before any annual election of legal substitutes to preside

at the polling places, and of persons to officiate as poll clerks in the several wards, shall be valid, notwithstanding the going out of office of the provost or senior magistrate after making such appointment.

poll clerks, &c.

18. The Provost, Magistrates, Councillors, Police Commissioners, and office bearers of the existing burgh in office at the time of the commencement of this Act shall continue in office and be the Provost, Magistrates, Councillors, Police Commissioners, and office bearers of the burgh until the number of the council for the burgh shall have been completed in manner herein-after provided at the first election of councillors then next ensuing.

Existing magistrates, &c. to continue till new council elected.

19. The council of the burgh shall consist of fifteen councillors, and such councillors shall elect from among their own number a provost, four bailies, and a treasurer, and shall also elect one of such bailies to be dean of guild, and eight members of the council shall constitute a quorum.

Number of councillors and magistrates.

20. On the first Tuesday of November in the year one thousand eight hundred and seventy-eight, the persons whose names are entered in the municipal register in each of the first, second, third, and fourth wards shall elect one councillor for the burgh, and the persons whose names are entered in the municipal register in the fifth ward shall elect three councillors for the burgh, and the said seven councillors so elected shall, along with the eight councillors for the existing burgh who, if this Act had not been passed, would have continued in office as councillors for the existing burgh, be the councillors for the burgh for the year ensuing, and on the first Tuesday of November in each year thereafter the councillors for the burgh to go out of office and to be elected shall be as prescribed by the public Act of the third and fourth years of the reign of His late Majesty King William the Fourth, chapter seventy-seven, and any Act explaining or amending that Act; and all annual elections of councillors for the burgh, and all elections of the provost, magistrates, and office bearers shall, except as otherwise herein provided, be conducted and regulated in all respects in the manner directed by the Acts of Parliament regulating the election of magistrates and town councils in burghs in Scotland which contribute to return members to Parliament and are not royal burghs, and which are divided into wards, and the several provisions and enactments of the said Acts, so far as not altered by or inconsistent with the provisions of this Act, shall be as valid and effectual for carrying this Act into execution as if they were herein specially enacted and made applicable to the burgh.

Election of councillors.

A.D. 1878.

Certain magistrates of existing burgh to hold similar offices in the burgh.

21. If the term of office of the provost of the existing burgh, or of any of the magistrates thereof, would not have expired if this Act had not been passed, such provost or magistrate shall, for the period during which his term of office would not have expired, hold the office of provost or magistrate of the burgh, as the case may be.

Jurisdiction of Corporation and Police Commissioners.

22. The Provost, Magistrates, Council, and Police Commissioners respectively shall, from and after the day on which they shall severally come into office, have, possess, and exercise over the burgh and the inhabitants thereof all the jurisdictions, powers, rights, and authorities which the Provost, Magistrates, Council, and Police Commissioners respectively of the existing burgh now have, possess, and exercise over the existing burgh and the inhabitants thereof, whether at common law or by statute, or by royal charter or otherwise, including all powers of imposing, levying, and recovering rates, dues, taxes, and assessments, and otherwise; and for all municipal purposes, and for all rates and assessments, the valuation roll to be made up in each year for the burgh under the Acts in force for the time being for the valuation of lands and heritages in Scotland shall be deemed to be the valuation roll under the said Acts.

Powers of other jurisdictions to cease.

23. Subject to the provisions of this Act, all jurisdictions, rights, powers, and authorities which, previous to the commencement of this Act, were exercised or exerciseable by any local or other authority within or over the district annexed, or part or parts thereof, shall cease and determine from and after the commencement of this Act: Provided always, that nothing herein contained shall be held or construed to affect, alter, or diminish the jurisdictions, rights, powers, or authorities which are or may be exercised or exerciseable by the trustees acting in virtue of any local or general Act of Parliament, of or relating to any turnpike or statute labour road, or any part or parts thereof, situated within the burgh, but the same, notwithstanding any of the provisions in this Act contained, shall remain and continue in full force and effect.

Existing trusts vested in magistrates and council.

24. Subject to the provisions of this Act, all mortifications, endowments, and trusts, however constituted, charitable bequests, or other grants held or administered by the council or the magistrates or office bearers of the existing burgh, by themselves or in conjunction with any person or persons, body or bodies (but under the liabilities to which the same are legally subject), shall be vested in, held, and administered by the council or the magistrates or office bearers of the burgh, or so many of their number, to be

chosen by the council for that purpose, as are appointed by the deeds or writings under which such mortifications, endowments, trusts, bequests, or other grants are constituted, together with the other trustees also therein nominated for the purposes, and with the rights, powers, and authorities, and subject to all the conditions and provisions under and upon which the same were conveyed, granted, or settled by the granters or makers of such mortifications, endowments, trusts, bequests, or other grants: Provided always, that nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any trust deed or other conveyance whereby any mortification, endowment, trust, bequest, or other grant is constituted; and that the extension by this Act of the limits of the existing burgh shall not confer on any person within the district annexed, other than the magistrates, councillors, and office bearers of the burgh, any right to be an ex-officio trustee, guardian, governor, or other manager of or under any mortification, endowment, trust, bequest, or other grant of which any description of persons within the existing burgh were thereby declared to be ex-officio trustees, guardians, governors, or other managers; saving always and reserving to all and every person and persons or class or community of persons all and every right of property or personal privilege or immunity within the existing burgh, excepting as the same may be affected by the provisions of this Act, which they respectively had or enjoyed before the commencement of this Act.

Property of the burgh vested in the Corporation.

25. The common good, including all property, heritable and movable, and all means, revenues, and income of every description arising therefrom and belonging to the existing burgh, or to which the existing burgh is entitled, or which are held or administered by any person for or on behalf of the community of the existing burgh, for the public ends and purposes thereof, shall be and the same is hereby vested in the Corporation: Provided always, that so much of such common good as consists of lands, described in the Seventh and Eighth Schedules to this Act, and the gasworks thereon belonging to the existing burgh, and the share belonging to the existing burgh of the buildings known as the Burgh Buildings, and of the land on which the same are erected, and all rents, profits, and interests arising therefrom, shall be held by the Corporation for the behoof and benefit of the burgh, and that the remainder of such common good, and all rents, profits, and interests arising therefrom, shall be held by the Corporation for the exclusive behoof and benefit, as heretofore, of the portion of the

A.D. 1878.

burgh comprised within the boundaries of the existing burgh, and shall, subject to the provisions of this Act, be applied solely within such portion of the burgh, and to the same or similar purposes as heretofore, or to the entire or partial relief of the ratepayers of such portion of the burgh from all or any of the rates and assessments leviable from them in respect of property within such portion of the burgh.

District annexed disjoined from county of Lanark.

26. The district annexed shall be and the same is hereby disjoined from the county of Lanark for all the purposes of the Police Act and this Act, and the whole provisions, powers, and authorities of the Police Act and this Act, whether with regard to the assessment and recovery of rates, or otherwise, shall apply to and may be exercised by the Corporation and Police Commissioners respectively in the same manner and as fully in all respects with regard to the district annexed, and every part thereof, as to all or any portions of the existing burgh.

Compensation to be made to commissioners of supply of the county of Lanark.

27. Whereas the commissioners of supply of the county of Lanark have incurred a debt for the erection of prisons, which is chargeable upon the southern prison district of the county, and the proportion of which debt applicable to the district annexed is fourteen pounds fourteen shillings and threepence, and a further debt for the erection of police stations within the Hamilton police district of the county, the proportion of which applicable to the district annexed is one hundred and six pounds two shillings and fourpence: And whereas by the operation of this Act the said commissioners of supply will be deprived of the portions of the assessments applicable to the extinction of the said respective debts which, if this Act had not passed, would have continued to be leviable by them from lands and heritages within the district annexed, and also of those portions of the assessment under the County General Assessment (Scotland) Act, 1868, and of the assessment under the County Voters Registration (Scotland) Act, 1861, which, if this Act had not passed, would have continued to be leviable by the said commissioners of supply from the said lands and heritages: And whereas it is just and proper for the said several purposes that the Police Commissioners should make the payments after provided to the said commissioners of supply: therefore the Police Commissioners shall at the first day of January one thousand eight hundred and seventy-nine pay to the said commissioners of supply the said sums of fourteen pounds fourteen shillings and threepence, and one hundred and six pounds two shillings and fourpence, and the further sum of seventy-five pounds as compen-

31 & 32 Vict. c. 82.

24 & 25 Vict. c. 83.

sation for the loss of the said portions of the assessments under the County General Assessment (Scotland) Act, 1868, which, but for the passing of this Act, would have been leviable by the said commissioners of supply upon the district annexed, together with interest on the said several sums at the rate of five pounds per centum per annum till payment thereof, and the said payments shall be charged upon the assessments for police purposes levied in the burgh; and the Police Commissioners shall further on the said first day of January one thousand eight hundred and seventy-nine, and annually thereafter on the first day of January so long as the district annexed shall continue to be part of the county for the purposes of parliamentary elections, pay to the said commissioners of supply such proportion of the expenses payable by the said commissioners of supply for the registration of voters in the parliamentary district of North Lanarkshire as the number of voters taken yearly in the district annexed shall bear to the total number of voters taken yearly in the said parliamentary district, and interest thereon at the rate fixed till payment thereof.

31 & 32 Vict. c. 82.

Jurisdiction of sheriff not to be affected.

28. Nothing in this Act shall alter, diminish, or affect the existing authority and jurisdiction of the sheriff of the county of Lanark.

Rights of property, &c. of burgesses reserved.

29. Subject to the provisions of this Act, nothing herein contained shall affect or be construed to affect any rights of property or commonty or servitude, or any rights, privileges, or immunities possessed or enjoyed by burgesses, corporations, crafts, proprietors, or tenants within the burgh, or other vested rights; but, subject as aforesaid, all such rights, privileges, and immunities shall remain and be exercised and enjoyed by burgesses, corporations, crafts, proprietors, or tenants and others respectively, in the same manner and to the like extent as if this Act had not been passed.

Actions by or against Corporation to be in name of town clerk and not to abate.

30. Except as herein-after specially provided, all actions, suits, or proceedings in respect of any matter or thing relating to the execution of this Act or the Police Act, to be brought by or against the Corporation, shall be in the name of the town clerk for the time being as the party, pursuer, or defender representing the Corporation; and no action, suit, or proceeding wherein the Corporation shall be concerned as pursuers or defenders in the name of the town clerk shall cease or abate by death, resignation, or removal of the town clerk, or by any change in the persons holding office in the Corporation, but the town clerk for the time being shall be deemed to be the pursuer or defender, as the case may be, in every such action, suit, or proceeding.

A.D. 1878.

Corporation to be Hamilton Waterworks Commissioners.

31. On and after the eleventh day of November one thousand eight hundred and seventy-eight, the Corporation shall be substituted for the commissioners appointed by the fifth section of the Act of 1875 (herein-after called "the intended commissioners"), and shall, for the purposes of the Hamilton Water Acts and this Act, have within the limits of compulsory supply of water hereinafter defined all the powers, rights, and privileges which those commissioners would have had within the existing burgh if this Act had not been passed, and shall be the Commissioners for executing within the burgh the purposes of the Hamilton Water Acts, and such of the purposes of this Act as they are required or authorised to carry out, and shall be styled "the Hamilton Waterworks Commissioners," and by that name may hold lands, and sue and be sued (and in this Act are referred to as "the Waterworks Commissioners"), and all the undertaking and works, lands, and property vested in or belonging to the Waterworks Commissioners of the existing burgh, or in or to any person on their behalf, including the contingent fund and sinking fund by the Hamilton Water Acts created, and the securities upon which the same may be invested, shall at the date last mentioned become and be vested in and belong to the Corporation and their successors in office, as such Commissioners; and, subject to the provisions of this Act the Corporation, as such Commissioners, shall be entitled to make, levy, demand, and recover the rates which the intended commissioners would have been authorised to make, levy, demand, and recover, and shall stand in the place of, and have and exercise all the powers, rights, and authorities, and be subject to all the obligations and liabilities by the Hamilton Water Acts conferred or imposed upon the Waterworks Commissioners of the existing burgh or upon the intended commissioners.

Deeds granted and debts contracted confirmed and secured.

32. All bonds, bills, promissory notes, assignations, leases, grants, conveyances, or other deeds, obligations, or securities made or granted to or by or on behalf of the Magistrates and Council, the Commissioners of Police, and the Waterworks Commissioners of the existing burgh respectively, shall respectively be as good, valid, and effectual to all intents and purposes, as against or for the benefit of the part of the burgh comprised within the boundaries of the existing burgh, as if the same had been made under the authority of this Act, and shall be enforceable in the same manner and to the same extent as if this Act had not been passed.

Arrears of former rates may be collected, and

33. Every rate and assessment which shall have been authorised to be collected and levied by any local authority having jurisdiction over the burgh, or any part thereof, previously to the commence-

ment of this Act, together with all arrears of the same, shall continue to be due and payable, and may be collected and levied by the parties who respectively imposed the same, and by the same ways and means and under the same restrictions and regulations as if this Act had not been passed, and shall be received and applied by the same parties respectively to and for the purposes for which the same were authorised to be levied; and all debts due to the Magistrates and Council, the Commissioners of Police, and the Waterworks Commissioners of the existing burgh respectively, by any person prior to the commencement of this Act, may be demanded and recovered from such person and received and applied by the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively for behoof of the part of the burgh comprised within the boundaries of the existing burgh.

debts and penalties recovered.

34. For the purpose of carrying this Act into execution the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for any of the purposes of this Act which in the discretion of the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively would be better regulated and managed by means of such committees, and may delegate to such committees the exercise of any of the powers of the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively under this Act: Provided that the acts of every such committee shall, in case the Corporation, the Police Commissioners, or the Waterworks Commissioners respectively so order, but not otherwise, be submitted to the Corporation, the Police Commissioners, or the Waterworks Commissioners, as the case may be, for their approval, and also that no expenditure or payment, or contract to expend or pay any sum, made by any such committee, shall be lawful or valid when the sum shall exceed twenty-five pounds unless the committee shall have been authorised by the Corporation, the Police Commissioners, or the Waterworks Commissioners respectively to make such expenditure, payment, or contract.

Corporation, Police Commissioners, and Waterworks Commissioners may appoint committees for execution of Act.

35. With regard to the appointment of all or any of such committees as aforesaid, the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively shall have power to name the convener, and to fix the number of each committee who shall form a quorum; and the convener who shall preside at any meeting of any such committee, or, in his absence, the preses to be elected by the committee for the time, shall be entitled to a

Number, quorum, and constitution of committees.

A.D. 1878.

casting vote in case of equality, and the committees so to be formed shall, if so directed as aforesaid, report their proceedings at each ordinary meeting of the Corporation, of the Police Commissioners, or of the Waterworks Commissioners, as the case may be.

As to regulation of committees.

36. The Corporation, the Police Commissioners, and the Waterworks Commissioners may respectively from time to time make such regulations as they think fit for the guidance of any committee appointed by them.

Officers to continue in office until removed.

37. Notwithstanding the transfer by virtue of this Act of the powers of the Magistrates and Council and of the Commissioners of Police and of the Waterworks Commissioners of the existing burgh respectively to the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively of the burgh, the several persons holding office under, or who may at the commencement of this Act be employed by the Magistrates and Council, by the Commissioners of Police, or by the Waterworks Commissioners of the existing burgh, shall respectively hold and exercise over the burgh their offices under the Corporation, the Police Commissioners, and the Waterworks Commissioners respectively, by the same tenure as they respectively held and exercised the same under the Magistrates and Council, Commissioners of Police, and Waterworks Commissioners of the existing burgh respectively, until they shall respectively be lawfully displaced by the Corporation, Police Commissioners, or Waterworks Commissioners, as the case may be.

Chamberlain to be appointed by Corporation.

38. The Corporation shall elect a chamberlain (herein-after called "the chamberlain") for the burgh, to act during their pleasure, and whose duties shall be to keep the accounts of the Corporation, to collect and pay all assessments, rates, and moneys levied by or due to or by the Corporation, and to perform within the burgh all the duties and functions hitherto performed within the existing burgh by the treasurer thereof: Provided always, that no person who shall be elected chamberlain shall during his tenure of such office be a councillor.

Security to be given by chamberlain.

39. The Corporation shall pay to the chamberlain such remuneration for the performance of the duties of his office as shall be fixed by them, and they shall and are hereby required to take full and ample security from the chamberlain for the faithful performance of the duties of his office, and such security shall be so taken from the chamberlain before he shall enter upon the duties of his office, and shall be continued during his tenure of office.

Chamberlain to keep accounts.

40. Accounts of all property, heritable and movable, vested in or belonging to the Corporation, showing the nature of such property, and of all moneys received and disbursed, shall be kept by the chamberlain; and all such accounts may at all reasonable times be inspected and perused without fee or reward by any person assessed, and also by any person entitled to any money due and owing on the credit of such assessment; and any such person may take copies of or extracts from any such accounts, without payment of any fee; and any person in whose custody or power any such accounts are, who shall refuse inspection thereof or to permit copies or extracts to be taken as aforesaid, shall be liable to a penalty not exceeding five pounds.

Chamberlain to lodge all moneys received by him in bank.

41. The chamberlain shall and he is hereby required to lodge all moneys received by him in a bank incorporated by charter or Act of Parliament, or in a branch of such a bank in the burgh to be appointed by the Corporation, upon an account or accounts to be opened in the name of the Corporation, and to be operated upon by the chamberlain, and the chamberlain shall not make any drafts on the said account or accounts except for such payments for the purposes of this Act as shall from time to time be authorised by the Corporation, or by a committee appointed by them under the powers of this Act, and as shall be certified by the town clerk to have been so authorised.

On insolvency or default of chamberlain deficiency may be assessed.

42. In case of the insolvency or other default of the chamberlain, and of the sums chargeable against him not having been paid by his cautioners or securities, and not being recoverable, such sums shall be chargeable against and form a burden upon the next annual assessment for the same purposes as those for which such sums were applicable, and shall be estimated and taken into account in fixing the rate of such next annual assessment.

Chamberlain eligible for office of treasurer and collector under Police Commissioners and Waterworks Commissioners.

43. The Police Commissioners may elect and appoint as treasurer and collector for the burgh, under and for the purposes of the Police Act and this Act, and the Waterworks Commissioners may appoint as their treasurer and collector, under and for the purposes of the Hamilton Water Acts and this Act, the person who shall have been or may be elected the chamberlain by the Corporation.

Power to magistrate to grant licensing certificates.
25 & 26 Vict. c. 35.
39 & 40 Vict. c. 26.
40 & 41 Vict. c. 3.

44. All applications for certificates under the Public General Acts passed in the ninth year of the reign of King George the Fourth, chapter fifty-eight, and in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven, the Public Houses Acts Amendment (Scotland) Act, 1862, the Publicans Certificates (Scotland) Act, 1876, and the Publicans Certificates (Scotland) Act, 1876, Amendment Act, 1877, in re-

A.D. 1878.

ference to premises within the burgh, shall be made to and be disposed of by the magistrates to be elected under this Act, who shall exercise within the burgh all the powers conferred upon magistrates of burghs by those Acts or any of them, and all appeals from their judgments shall be made to and disposed of according to the provisions of the said Acts.

As to weights and measures.

45. The provisions of the several Public General Acts relative to weights and measures shall within the burgh be enforced exclusively by the Corporation and magistrates to be elected under this Act, and by the inspector or inspectors appointed or to be appointed by them in terms of those Acts and this Act.

Power to continue police court, &c.

46. The Corporation and Police Commissioners respectively may, for the purposes of the burgh, continue and maintain a police court or police courts, and offices and stations, within the burgh, and may from time to time enlarge the same, and provide and maintain additional courts, stations, watch-houses, lock-up houses, and other places necessary for police purposes, and furnish and fit up the same.

As to council of dean of guild.

47. The dean of guild shall be assisted in the execution of his duties by a council consisting of four members, annually elected as herein-after provided, who shall be styled councillors of the dean of guild, and who shall hold office till their successors are appointed: Provided always, that the dean of guild and depute dean of guild may respectively act in the execution of their 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.

Election of councillors of dean of guild.

48. The Corporation, as soon as the full number thereof shall have been completed by the annual election of councillors, shall elect four of their number to be councillors of the dean of guild for the year succeeding such election, and in case any of them shall die or resign during his year of office, the Corporation shall elect another of their number in his stead.

Corporation to appoint depute dean of guild.

49. The Corporation, as soon as they shall have elected the councillors of the dean of guild, shall elect one of them to be depute dean of guild, who shall during the absence of the dean of guild, or in case of his resignation or death, hold and possess the same jurisdiction and powers as the dean of guild: Provided always, that such depute dean of guild shall hold that office only so long as he shall hold the office of councillor of the dean of guild.

Powers, &c. of dean of guild.

50. The dean of guild shall, subject to the provisions of this Act, have and exercise within the burgh all the jurisdiction, powers, and privileges possessed or exercised by a dean of guild in any royal burgh in Scotland, and all the jurisdiction, powers, and privileges conferred on him by this Act.

A.D. 1878.

Certain provisions of 25 & 26 Vict. c. 101. to apply to this Act.

51. All proceedings under the provisions of the 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 watercloseets, precautions during repairs, and old and ruinous tenements, fires, and ventilation, and cleansing, contained in sections fourth, fifth, seventh, and ninth of Part Fourth of that Act, intituled "Ordinary Police Purposes," and in sections first, eleventh, and twelfth of Part Fifth of that Act, intituled "General Police Regulations," and comprehending clauses one hundred and fifty-eight to one hundred and sixty-eight, both inclusive, clauses one hundred and ninety to one hundred and ninety-four, both inclusive, clauses two hundred and ten and two hundred and eleven, clauses two hundred and thirteen to two hundred and fifteen, both inclusive, clauses two hundred and thirty-three to two hundred and forty-seven, both inclusive, and clauses three hundred and forty-eight to three hundred and fifty, both inclusive, of that Act, may be taken either before the magistrates or before the dean of guild.

Power to dean of guild to decree for penalties.

52. It shall be lawful for the dean of guild, on the application of the procurator-fiscal of the burgh, 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.

Clerk to Police Commissioners and procurator fiscal to be clerk and fiscal in dean of guild courts.

53. The clerk to the Police Commissioners shall be the clerk to the dean of guild and dean of guild court, and the procurator fiscal of the burgh 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 Police Commissioners, and the Police Commissioners shall pay to such clerk and procurator fiscal such remuneration for the performance of the duties of such offices respectively as shall be fixed by them.

Dean of guild to have jurisdiction although proprietor reside furth of the burgh.

54. Any citation, application, notice, or other document required by the Police Act or this Act to be served on the owner of any lands and heritages, or other person whom it is necessary to proceed against or make a party to or to cite in any proceedings under the Police Act or this Act, may be lawfully served by being delivered to such owner or other person, or left at his dwelling-house or place of business or premises, or sent by post addressed to such owner or other person, if his dwelling-house or place of business or premises or address be known; and the dean of guild shall have jurisdiction and be a competent judge in all proceedings under this Act although any owner of lands and heritages, or person

A.D. 1878.

charged with a guild offence, or whom it is necessary to proceed against, or to make a party to or to cite in any proceedings under this Act, shall reside furth of the burgh or furth of Scotland, and any such citation, application, or other document served on the known agent of any such owner or other person resident furth of the burgh or furth of Scotland, or posted in a registered letter addressed to such owner or other person at his usual or last known place of abode or place of business, shall be deemed to have been as validly and effectually served as if such owner or other person actually resided within the burgh, and such citation, application, notice, or other document had been delivered to him personally: Provided always, that where the address of any such owner resident furth of the burgh or furth of Scotland or of his agent shall not be known, then a copy of the citation, application, notice, or other document addressed to such owner shall be delivered to or left at the dwelling-house of the occupier of such lands and heritages if there shall be any known occupier, and a certificate by the procurator fiscal indorsed on such application, notice, or other document, of which a copy has been served in manner herein provided, shall be sufficient evidence of such service.

Powers and duties of councillors of dean of guild.

55. 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.

Procedure in cases before dean of guild.

56. 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 the judgments of the dean of guild shall be subject to review as the judgments of deans of guild in royal burghs are subject to review: Provided always, that in any case where a claim of compensation shall be brought before the dean of guild, either party to such proceedings shall have right to appeal against the judgment of the dean of guild on such claim to the sheriff, and the sheriff shall consider and decide such appeal in a summary way, and his judgment thereon shall be final and not subject to review, and the sheriff shall have power to decide all questions of expenses in such appeals.

Enforcement of decrees of dean of guild for payment of money.

57. Subject to the provisions of this Act, all decrees made and pronounced by the dean of guild for the payment of sums of money 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.

Enforcement of decrees ad factum prestandum.

58. 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; and if the person 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, 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, 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.

59. In the event of any person lawfully cited failing to appear before the dean of guild court to answer to any proceedings against such person, it shall be lawful to such court to hear and determine such proceedings in the absence of such person.

As to recovery of penalties imposed by dean of guild.

60. In all cases where the dean of guild shall, under the authority of this Act, impose any fine or penalty not otherwise provided for, such fine or penalty, if not paid within seven days after the date of decerniture or the date on which it shall be imposed, may be recovered by the procurator fiscal on the part of the Police Commissioners according to the ordinary procedure under decrees pronounced by the dean of guild in a royal burgh.

Warrants and decrees may be enforced with concurrence.

61. Every warrant or decree by the dean of guild may be executed within any part of Scotland with concurrence of any sheriff or justice of the peace within whose jurisdiction it is sought to be enforced.

Rules and fees for procedure in dean of guild court.

62. The dean of guild may from time to time frame rules for the procedure before the dean of guild court, and tables of the fees to be exacted in that court, and byelaws for the enforcement of such rules, by penalties or otherwise, and the recovery of such fees, which fees and penalties shall be paid into and become part of

A.D. 1878.

the police funds of the burgh: Provided always, that none of such rules, tables of fees, or byelaws shall have any force until approved of by the Police Commissioners and confirmed by the sheriff.

NEW STREETS, STREET IMPROVEMENTS, AND WATERWORKS.

Power to Corporation to execute works and acquire lands.

63. Subject to the provisions and for the purposes of this Act, the Corporation may enter upon, take, and use all or any of the lands shown on the deposited plans and described in the deposited book of reference, and may make, in the lines and according to the levels shown on the deposited plans and sections, the works hereinafter described, or some of them, or some parts thereof, and all proper carriageways, footways, and other works and conveniences in connexion therewith respectively. The works herein-before referred to and authorised by this Act are—

A new street (marked 1 on the plans), in continuation eastward of Holmes Street, commencing at the junction of that street with the street called Bailie's Causeway, and terminating by a junction with the turnpike road leading from Hamilton to Edinburgh, about seventy yards eastward from the junction of Blackswell Lane with that road, with power to the Corporation to stop up and appropriate the site of Blackswell Lane between Townhead Street and the said road;

A new street (marked 3 on the plans), commencing at a point opposite the northern boundary of the town's lands, where the prolongation in a straight line of the western building line of Douglas Street would intersect the said northern boundary, and terminating by a junction with the turnpike road called the Bothwell Road, near the northern boundary wall of the Hamilton Combination Poorhouse;

A widening and improvement (marked 4 on the plans) of Quarry Street, from its junction with Brandon Street and Duke Street to its junction with Cadzow Street and Townhead Street;

A widening and improvement (marked 5 on the plans) of Townhead Street, from the junction therewith of Low Patrick Street to a point about sixty yards north-westward from the junction of Townhead Street with Miller Street;

A widening and improvement (marked 6 on the plans) of the street called Quarry Road, commencing at the junction of Orchard Street with that road, and terminating at a point about fifty yards from the junction of Tuphall Road with Quarry Road;

A widening and improvement (marked 7 on the plans) of the streets called Quarry Road and Gateside Street at their junction;

A.D. 1878.

A widening and improvement (marked 8 on the plans) of Brandon Street on the south side thereof, commencing at a point about thirty yards eastward from the junction of Orchard Street with that street, and terminating at a point nearly opposite the eastern enclosure wall of the Brandon Street United Presbyterian Church;

A widening and improvement (marked 9 on the plans) of Union Street, commencing at a point about twenty-four yards north-westward from the centre of the bridge carrying that street over Cadzow Burn, and terminating at or near the gate of the approach from Union Street to Auchincampbell House;

A widening and improvement (marked 10 on the plans) of the street called Windmill Road, from a point nearly opposite the northern boundary of the Saffronhall United Presbyterian Church, and terminating at the junction of Windmill Road with Cadzow Street;

A widening and improvement (marked 11 on the plans) of Wellhall Road on the southern side thereof, commencing on the east side of the bridge carrying that road over the Glasgow, Bothwell, Hamilton, and Coatbridge Railway, and terminating at a point about seventy yards westward from the junction of Wellhall Road with Burnbank Road;

A widening and improvement (marked 12 on the plans) of Burnbank Road, commencing at or near Burnbank toll-bar, at the junction of High Blantyre and Low Blantyre Roads, and terminating at a point nearly opposite the gate of approach from Burnbank Road to Linnhouse;

which works and conveniences connected therewith, and lands to be taken for the purposes aforesaid, will be and are situate in the parish of Hamilton, and partly in the burgh of Hamilton, in the county of Lanark.

Waterworks Commissioners may make waterworks.

64. Subject to the provisions of this Act, the Waterworks Commissioners may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary dams, weirs, sluices, culverts, cuts, accesses, and other works and conveniences in connexion therewith, and all pipes, drains, cuts, and other works necessary for diverting, taking, impounding, and collecting the waters herein-after mentioned as to be diverted and impounded, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are—

A.D. 1878.

1. A conduit or pipe, commencing at a point in the distributing tank belonging to the Waterworks Commissioners (known as the Townhill Tank), and terminating in the turnpike road leading from Hamilton to Strathaven at a point about one hundred and twenty-five yards measured along the said road southward from the milestone indicating one mile from Hamilton and six miles from Strathaven;

2. A conduit or line of pipe, commencing in the stream called the Rotten Burn, at a point near and to the eastward of the point where that stream crosses the boundary line between the parishes of Hamilton and Blantyre, and terminating in the stream which flows past the farmsteading of Laigh Muirhouses into the Wellbrae Reservoir of the Waterworks Commissioners at a point about three hundred and eighty yards south-eastward from the said farmsteading;

which works and conveniences connected therewith, and lands to be taken for the purposes aforesaid, will be and are situate in the parish of Hamilton in the county of Lanark.

Omission or misstatement in plans or book of reference may be corrected.

65. If there be any omission, misstatement, or erroneous description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited book of reference, the Corporation or the Waterworks Commissioners, as the case may be, may, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, apply to the sheriff for the correction thereof; and if it appear to the sheriff that such omission, misstatement, or erroneous description arose from accident or mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is misstated or erroneously described, and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

66. The certificate of the sheriff shall be deposited in the office at Hamilton of the sheriff clerk of the county of Lanark, and a duplicate thereof shall be deposited with the session clerk of the parish of Hamilton, and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively along with the other documents to which they relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate; and the Corporation or the Waterworks Commissioners, as the case may be, may purchase, take, and use, for the purposes of this Act, any lands in accordance with such certificate as if such omission, misstatement, or erroneous description had not been made.

A.D. 1878.

Agreement with Duke of Hamilton confirmed.

67. The agreement between His Grace the Duke of Hamilton and Brandon, whereof a copy is set forth in the Ninth Schedule to this Act, is hereby confirmed.

For protection of John Urquhart.

68. The Waterworks Commissioners shall carry the conduit or pipe first herein-before mentioned through the lands belonging or reputed to belong to John Urquhart in the line shown on the deposited plans, and at least four feet below the surface of such lands, and shall not construct any other works on or under such lands; and the Waterworks Commissioners shall supply the said John Urquhart, and his heirs and successors, and their tenants in Fairhill, with water by meter for domestic purposes at the rate which shall for the time being be charged by them for the supply of water for domestic purposes: Provided that the said John Urquhart shall, at his own expense, lay and connect with such conduit or pipe a service pipe for the purpose of obtaining such supply.

Power to divert water.

69. The Waterworks Commissioners may, within the limits of deviation shown on the deposited plans, divert, and may impound and store up in their reservoirs and other works, and may appropriate, use, and distribute, for the purposes of the Hamilton Water Acts and this Act, the waters of the said stream called the Rotten Burn, and the affluents of that stream.

Lands may be taken by Waterworks Commissioners by agreement.

70. In addition to the lands authorised to be taken by the Hamilton Water Acts and this Act, the Waterworks Commissioners may purchase by agreement lands, not exceeding in the whole one acre, for the purposes of depôts, pipe yards, and other buildings and conveniences in connexion with their undertaking.

Periods for compulsory purchase of lands.

71. The powers of this Act for the compulsory purchase or taking of lands shall not be exercised after the expiration of four years from the commencement of this Act.

Power to take easements, &c. by agreement.

8 & 9 Vict. c. 19.

23 & 24 Vict. c. 106.

72. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation and the Waterworks Commissioners respectively any easement, right, or privilege, not being an easement of water, required by these bodies respectively for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

A.D. 1878.

Notice to be given of taking houses of labouring classes.

73. The Corporation shall, not less than eight weeks before they take fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, hand-bills, or other general notice placed in public view upon or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Accommodation to be procured for persons of the labouring classes to be displaced.

74. Before displacing any person or persons belonging to the labouring classes, who may for the time being be the occupier or occupiers of any house or part of any house which the Corporation are by this Act authorised to take, the Corporation shall (unless they and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, such question shall be determined by the sheriff; and the Corporation may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may apply for the purposes of this section, or any of them, any moneys which they may have already raised or are authorised to raise.

Lateral and vertical deviations.

75. In executing the several works by this Act authorised, the Corporation and the Waterworks Commissioners respectively, as the case may be, may, subject to the provisions of this Act, deviate from the respective lines of the said works shown on the deposited plans to any extent within the limits of deviation shown thereon; and the Corporation may deviate from the respective levels of the works which they are by this Act authorised to make, as referred to the datum line shown on the deposited sections, to any extent not exceeding three feet; and the Waterworks Commissioners may deviate from the respective levels of the works which they are by this Act authorised to make, as referred to the datum line shown on the deposited sections, to any extent not exceeding five feet: Provided that none of the said works shall, by means of any such deviation, extend into the lands of any person whose name is not mentioned in the deposited book of reference, without his previous consent, unless his name be omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is provided in cases of unintentional errors in the book of reference.

Power to alter roads, &c. temporarily.

76. For the purposes and during the execution of the several works which the Corporation are by this Act authorised to make, and subject to the provisions of this Act, the Corporation may from time to time divert, alter, or stop up temporarily any streets, roads, lanes, paths, passages, sewers, drains, watercourses, telegraphic apparatus, gas pipes, and water pipes in any of the lands shown on the deposited plans, and specified in the deposited book of reference, and which they may from time to time find it expedient for any of those purposes so to interfere with.

Power to make minor works.

77. Subject to the provisions of this Act, and within the limits shown on the deposited plans as the limits of lands proposed to be acquired under the powers of this Act, the Corporation may, in connexion with the works which they are by this Act authorised to make, and for the purposes thereof, make junctions and communications with any existing streets or roads which may be intersected or interfered with by any of such works or be contiguous thereto, and, for the purpose of such junctions or communications, may alter the lines or levels of existing streets or roads, and may remove, stop up, alter, divert, inclose, or appropriate all or any part of any courts, lanes, paths, passages, sewers, drains, watercourses, telegraphic apparatus, gas pipes, and water pipes within the limits aforesaid.

Damage to buildings to be compensated for by Corporation.

78. Where by reason of the alteration of the level of any street, or the execution of any other work by this Act authorised, any house, building, or premises is or are damaged or otherwise injuriously affected, the Corporation shall make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as is agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation shall be ascertained, apportioned, and recovered under the Lands Clauses Consolidation (Scotland) Act, 1845, as in cases of disputed compensation for lands.

8 & 9 Vict. c. 19.

Regulating interference with sewers, &c.

79. Before interfering with any sewer, drain, watercourse, telegraphic apparatus, gas pipe, or water pipe, the Corporation shall, at their own expense, provide a good and sufficient substitute therefor in a position as near thereto as may be consistent with the execution of the works which they are by this Act authorised to make, and shall make full compensation to all parties interested for any loss or damage which they may sustain by reason of such interference; and in the event of difference as to the fitness or sufficiency of any such substituted works, or as to the amount of any such compensation, such difference shall be determined by the sheriff, whose decision shall be final.

A.D. 1878.

As to costs of alteration of levels of streets, &c.

80. If, in consequence of the execution of any of the works which the Corporation are by this Act authorised to make, any alteration of the levels of any street, road, or lane, or of any steps, doors, or entrances into any house or building, or of any pavement adjoining thereto, shall be rendered necessary, such alteration shall be made by and at the expense of the Corporation.

As to carriage and footways, vaults, cellars, &c.

81. The Corporation may cause such parts of the new and widened streets, herein-before authorised to be formed by them, to be laid out and formed as carriageways, and such parts thereof to be laid out and formed for foot passengers, as they may think fit, and may construct and provide in connexion therewith such vaults, cellars, arches, sewers, drains, and other works and conveniences as they may think proper, and may by public auction or private bargain sell, feu out, or grant leases of such vaults and cellars, or may permit the owners or lessees of the lands or buildings on the sides of such streets to construct vaults and cellars under such streets, and to hold or occupy such vaults and cellars upon such terms and conditions as may be agreed upon.

As to management and maintenance of new and improved streets.

82. All the new streets by this Act authorised, on being completed, shall, together with the solum thereof, so far as acquired under the powers of this Act, be vested in the Corporation, and shall be managed and maintained as public streets of the burgh by the Police Commissioners; and all widened and improved portions of roads and streets by this Act authorised, on being completed, shall, as respects management, maintenance, and tolls (where tolls are exigible), and in all other respects, be held to be parts of and to be subject to the same provisions as the existing roads and streets so widened and improved respectively; and the sewers in such new streets and widened and improved streets shall be vested in and under the charge of the Police Commissioners in terms of the Police Act.

Corporation may take down buildings and lay out lands anew, and sell or let those not required.

83. The Corporation may take down the whole or such part as they think fit of the buildings situate on any of the lands acquired by them under the authority of this Act, and sell and dispose of the materials thereof, and may lay out the said lands anew in such way and manner as they may deem best, and may by public auction re-sell, feu out, or grant leases of such portions of the lands and the buildings thereon which they may acquire as aforesaid as may not be required or used for the purposes of the works by this Act authorised, on such terms and subject to such conditions as they may determine, and for such prices, feu duties, ground annuals, rents, or other consideration as they can obtain for the same; and may in like manner sell such feu duties and

ground annuals, and generally may deal with the lands and buildings acquired by them under this Act as absolute proprietors thereof, subject only to the conditions and provisions of this Act. A.D. 1878.

Form in which conveyances may be taken and granted by Corporation. 31 & 32 Vict. c. 101.

84. The Corporation 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 the name of "The Provost, Magistrates, and Council of the burgh of Hamilton," and may grant conveyances of property, and mortgages and other deeds and instruments, under the same name and in the same manner; and all such conveyances, mortgages, deeds, and instruments shall be deemed to be sufficiently executed if signed by two members of the Corporation and the chamberlain of the burgh, and if witnessed according to the law of Scotland.

Revenue of common good may be applied towards cost of works.

85. The Corporation may from time to time apply the whole, or such part as they think fit, of the annual revenue of so much of the common good of the burgh as they shall hold under the provisions of this Act for behoof of the portion of the burgh comprised within the boundaries of the existing burgh, for the purpose of defraying the cost of the lands which they are by this Act authorised to acquire, and of the works which they are by this Act authorised to make, and of the buildings, fittings, and other accommodation which they are by this Act authorised to erect and provide.

Assessments.

As to valuation of railways, &c. for assessment.

86. The annual value of all lands and heritages used exclusively as a canal, or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance (excepting stations, depôts, and buildings), and of all quarries, and manufactories, underground gas and water pipes, and underground gas and water works, and of all woodland, arable, meadow, or pasture ground, or other ground used for agricultural purposes, shall, for the purpose of all assessments under the Police Act, the Hamilton Water Acts, and this Act, except as hereinafter provided, be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof as entered in the valuation roll, and the annual value of all mines and minerals, including workshops, offices, railway sheds and sidings, and other works used in connexion with mines, shall, for the purpose of the sewer rates, under the Police Act, be held to be the nearest aggregate sum of pounds sterling to one eighth of the annual value thereof as entered in the valuation roll, and the annual value of all mines and minerals, including as aforesaid, shall, for the purpose of the other assessments before referred to, be held to be the nearest

A.D. 1878.

aggregate sum of pounds sterling to one sixth of the annual value thereof as entered in the valuation roll; and, in the event of any dispute arising as to the lands and heritages falling under the above exceptions, it shall be lawful to the owner and occupier of such lands and heritages 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 Corporation, the Police Commissioners, and the Waterworks Commissioners, as the case may be, 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.

Party aggrieved may appeal.

87. If any person shall think himself aggrieved by any rate imposed by the Corporation, the Police Commissioners, or the Waterworks Commissioners respectively, under the authority of the Police Act, the Hamilton Water Acts, or this Act, or aggrieved by any gas rent charged by the Corporation, he may appeal to the Corporation, the Police Commissioners, or the Waterworks Commissioners, as the case may be, within fourteen days from the date of the notice of such rate or the demand for such rent; and those bodies are hereby respectively authorised and empowered, if they shall think such person aggrieved, to give such relief in the premises as they shall deem reasonable.

As to recovery of arrears of rates.

88. The Corporation, the Police Commissioners, and the Waterworks Commissioners may recover any arrears of the rates and charges and gas rents due to them respectively under the provisions of this Act, or any of the Acts recited in or incorporated with this Act, by obtaining from the sheriff a summary warrant to recover such arrears, with the addition of ten per centum on the amount thereof as costs, from the persons liable to pay the same, which warrant the sheriff shall grant on production of a list of the names and addresses of the persons so in arrear, showing the amounts respectively due by them, and on proof to his satisfaction that such persons have been severally required to make payment of the said arrears by requisitions printed or written, or partly printed and partly written, delivered to such persons personally or left at their respective dwelling places at least fourteen days previously, and that such arrears are truly due by such persons; and such warrant, in the case of owners of lands and heritages of a yearly rent or value not exceeding five pounds, shall contain authority to arrest the rents of such lands and heritages respectively for such arrears and costs, which arrestment when executed may be followed up by action of forthcoming in any competent court; or such arrears may be recovered by means of the ordinary procedure before any com-

petent court, and legal diligence following thereon according to the law and practice of Scotland: Provided that, if any person so in arrear shall not have previously appealed against such rates, charges, or gas rents, such person may, on consignation of the sum alleged to be due and costs in the hands of the chamberlain of the burgh, treasurer of the Police Commissioners, or treasurer of the Waterworks Commissioners, as the case may be, cite such chamberlain or treasurer to appear before the sheriff, who shall thereupon summarily inquire into and dispose of any objections to such rates and charges and gas rents, and may wholly or partially confirm or recall the said warrant; and the decision of the sheriff shall be final, and not subject to review in any court or by any process whatsoever. A.D. 1878.

Power to enforce warrant for recovery of arrears.

89. The Corporation, the Police Commissioners, and the Waterworks Commissioners respectively may, in virtue of the said warrant, instruct any messenger at arms, or sheriff officer, or other officer of court, to enter into the premises of the persons so in arrear, and poind, seize, and remove or secure their goods, chattels, and effects, or so much thereof as will fully satisfy the respective amounts due by them, including costs, and may, after the lapse of four days, in the event of nonpayment of the said arrears and costs, instruct any messenger at arms, sheriff officer, officer of court, or licensed auctioneer to sell and dispose of the said goods, chattels, and effects, and apply the proceeds in or towards payment of such arrears and costs.

Abatement to be allowed to owners who pay rates imposed on occupiers.

90. Where in any case the owner or lessee of any houses or tenements occupied by persons employed in collieries not entered separately in the valuation roll, but entered therein at the aggregate value thereof, shall pay the whole rates to be imposed under this Act, or any of the recited Acts, on the occupiers of such houses or tenements in respect of such houses or tenements, the Corporation, Police Commissioners, or Waterworks Commissioners, as the case may be, shall allow to such owner or lessee an abatement of ten per centum on the amount of such rates: Provided always, that no abatement shall be claimable by or be allowed to any such owner or lessee who shall not pay such rates within fourteen days after the time when the same shall have been demanded: Provided also, that such owner or lessee shall be entitled to receive from such occupier or occupiers the amount of the rates payable for their respective possessions.

Application of rents by Corporation.

91. The Corporation shall apply the rents coming into their hands from lands and buildings acquired by them under the authority of this Act in manner following; (that is to say,)

A.D. 1878.

First, in defraying the costs incurred by them in maintaining and managing such lands and buildings, and in paying any feu duties or ground annuals exigible in respect thereof:

Secondly, in payment of the interest of money borrowed by them under the authority of this Act:

Thirdly, in payment of the sum required to be annually set apart by them as a sinking fund, as herein-after provided:

Lastly, in executing the works authorised by this Act, and carrying into effect the other powers of this Act with respect thereto, and to no other purpose whatsoever.

Borrowing Powers.

Corporation may borrow money on mortgage.

92. The Corporation may, for the purpose of defraying the cost of the lands which they are by this Act authorised to acquire, and of the works which they are by this Act authorised to construct, and of the buildings, fittings, and other accommodation which they are by this Act authorised to erect and provide, borrow on mortgage any sums not exceeding in the whole thirty thousand pounds, and in security of the payment of the money so borrowed, and interest thereon, make and grant mortgages of the annual revenue of the portion of the common good reserved for behoof of the part of the burgh comprised within the boundaries of the existing burgh, and may grant bonds and dispositions in security, in the form in use according to the law of Scotland, over any lands which may be acquired by them under the powers of this Act, but which shall not be permanently required for the formation of the new and widened streets by this Act authorised, or over any feu duties or ground annuals payable to them in respect of any such lands; and such mortgages and bonds and dispositions in security shall be good, valid, and effectual if subscribed by any two members of the Corporation and the chamberlain of the burgh; and the proceeds of the sale of any such lands, feu duties, and ground annuals shall be applied in the first place in payment of the sums so borrowed on the security thereof, and next towards the acquisition of any other lands or the execution of any works which the Corporation are by this Act authorised to acquire and execute, or the payment of other moneys borrowed by the Corporation: Provided always, that nothing in this Act contained shall prejudice any mortgages or assignations in security granted by the Corporation of the existing burgh on the security of the common good and subsisting at the date of the passing of this Act, but such mortgages and assignations shall be and remain in full force, and be as good, valid, and effectual in all respects, as if this Act had not been passed.

A.D. 1878.

Corporation may re-borrow.

93. If after having borrowed the sums of money by this Act authorised, or any part thereof, the Corporation shall pay off the same, or any part thereof, otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for the Corporation again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured, and so from time to time.

Corporation may borrow on cash account.

94. The Corporation may accept and take from any bank or banking company credit on cash accounts, to be opened and kept, according to the usage of bankers in Scotland, with such bank or banking company in the name of the Corporation, to the extent of the sums which the Corporation are authorised to borrow under the powers of this Act: Provided always, that the whole sums due and owing by the Corporation on such cash accounts, and for money borrowed by them on mortgages, or on bonds and dispositions in security as aforesaid, shall never, when taken together, exceed the sums by this Act authorised to be borrowed by the Corporation.

As to appointment of judicial factor.

95. In the event of any principal money borrowed on any mortgage, or on bonds and dispositions in security as aforesaid, or any interest thereon, not being paid within one month after such payment is due and demand thereof is made in writing, any person or persons holding singly or together any such mortgage or bond and dispositions in security, as the case may be, in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds, may render his or their security effectual by the appointment from time to time of a judicial factor; and the application for such appointment shall be made by summary petition to the Court of Session, or, in the time of vacation, to the Lord Ordinary on the bills, which appointment shall be made accordingly, unless before such application is advised the amount of such interest or principal, as the case may be, with interest and expenses, is paid, or it appears to the satisfaction of the Court or Lord Ordinary that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation is made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor, &c.

96. The judicial factor appointed under this Act, on finding security in common form, shall exercise all the powers of the Corporation in relation to the property of the Corporation conveyed by such mortgages or bonds and dispositions in security of the moneys thereby borrowed, and the Corporation shall hand

A.D. 1878.

over to him all books and documents necessary for that purpose; and after defraying the expenses of such application, and all other necessary expenses, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several persons entitled to payment thereof; and the judicial factory shall continue not only until all arrears of interest on mortgages and bonds and dispositions in security due at the date of his appointment, and all interest due on those sums, and any such interest becoming due during his continuance in office, with interest and expenses (including the expenses of the application for his appointment, and of the execution of the purposes thereof), are paid, but also until any such interest which, though not due, becomes current during his continuance in office, and a sufficient sum to meet expenses, are paid or are consigned in one of the chartered banks, or banks established by Act of Parliament, in Scotland; and on such payment or consignation the Corporation may apply for the recall of the appointment of the judicial factor to the Court of Session or Lord Ordinary as aforesaid, who may recall the same accordingly.

Liability of property of Corporation acquired under this Act, &c.

97. The lands, buildings, and works acquired and constructed under the powers conferred by this Act on the Corporation, and the prices, feu duties, ground annuals, rents, or other consideration obtained for or arising from such lands, buildings, and works, and the moneys borrowed under the powers conferred by this Act on the Corporation, shall, subject to the provisions of this Act, not be applicable by the Corporation to any purposes other than those provided for with respect thereto by this Act; and the other estates, funds, and property of the burgh or of the Corporation, and the revenue arising therefrom, shall not, except to the extent provided for in this Act, be applicable to any of the purposes of this Act, or attachable for any debts, obligations, or expenses incurred in relation to those purposes.

Application of money borrowed by Corporation.

98. The moneys borrowed by the Corporation under the authority of this Act, whether upon mortgage, bond, and disposition in security, or cash credit, shall be applied in defraying the cost of this Act, and of the lands which they are by this Act authorised to acquire, and of the works which they are by this Act authorised to construct, and of the buildings, fittings, and other accommodation which they are by this Act authorised to erect and provide, and to no other purpose whatsoever.

Sinking fund.

99. The Corporation are hereby authorised and required, in each year after the expiration of three years from the time at which they shall borrow any money under this Act, to set apart as a

sinking fund, from and out of the revenue of the portion of the common good reserved for behoof of the part of the burgh comprised within the boundaries of the existing burgh, such a sum as shall, by accumulation with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in sixty years the whole of the money so borrowed by them; and such sinking fund shall be from time to time applicable to paying off the moneys so borrowed by the Corporation, and to no other purpose whatsoever; and whenever the Corporation shall have paid off any of such moneys out of the sinking fund they shall thenceforward in each year, until the whole of such moneys shall have been so paid off, pay into such sinking fund, in addition to the sum required to be set apart as aforesaid, a sum equal to the annual interest of the moneys so paid off: Provided always, that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the principal moneys then remaining due on such security as aforesaid by the Corporation, the Corporation may, instead of setting apart the said yearly income, apply the same in payment of the interest upon the principal moneys so remaining due, and may during such period discontinue the payment to such sinking fund of the yearly sum herein-before required to be set apart.

Power to Waterworks Commissioners to borrow on mortgage.

100. In addition to the moneys authorised to be borrowed under the Hamilton Water Acts, the Waterworks Commissioners may from time to time borrow any moneys not exceeding in the whole fifteen thousand pounds, and may mortgage or assign in security of the moneys so borrowed the rates which by the Act of 1854 and this Act they are authorised to levy; and if, after having borrowed the said moneys, or any part thereof, the Waterworks Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Waterworks Commissioners may borrow on cash credit.

101. The Waterworks Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Waterworks Commissioners, according to the usage of bankers in Scotland, to the extent of the moneys which the Waterworks Commissioners are by this Act authorised to borrow, or any part thereof, and to make and grant, if required, mortgages or assignations of the rates which by the Act of 1854 and this Act they are authorised to levy, in security of the payment of the amount of such credit, or of the moneys advanced from time to time on such cash account, with interest thereon: Provided that the whole moneys due and owing by the Waterworks Commissioners on such

A.D. 1878.

cash account, and for money borrowed by them on mortgages or assignations of the said rates, or any part thereof, shall not, when taken together, exceed the aggregate amount of the moneys authorised to be borrowed under the Hamilton Water Acts and the moneys which they are authorised to borrow under this Act.

Existing mortgages under Hamilton Water Acts to have priority.

102. All mortgages granted previously to the commencement of this Act, under the powers and for the purposes of the Hamilton Water Acts, on the security of the works and rates by those Acts authorised to be mortgaged, and subsisting at the passing of this Act, shall, during the continuance of such mortgages, have priority over any mortgages granted by the Waterworks Commissioners under the powers of this Act.

Powers of existing Acts to apply to money borrowed by Waterworks Commissioners under this Act.

103. Subject to the provisions of this Act, the whole powers, provisions, and directions of the Hamilton Water Acts with respect to the manner of borrowing the sums thereby authorised to be borrowed, and to the mortgages and securities to be granted therefor, and to the borrowing of sums to pay off existing securities, and to the transfer or assignment of securities, and to the power to the mortgagees to appoint a judicial factor, are hereby made applicable to the moneys to be borrowed and the mortgages or assignations in security to be granted by the Waterworks Commissioners under the authority of this Act, in the same manner as if the moneys to be borrowed by them under this Act had been borrowed under the authority of those Acts.

Application of money borrowed by Waterworks Commissioners.

104. The moneys borrowed by the Waterworks Commissioners under the authority of this Act shall be applied by them for such of the purposes of this Act as they are by this Act required or authorised to carry out, and for the purposes of the Hamilton Water Acts, and for those purposes only: Provided always, that no part thereof shall be applied to purposes for which the annual revenue of the Waterworks Commissioners is applicable.

Waterworks Commissioners may apply to purposes of this Act funds not required for other purposes.

105. The Waterworks Commissioners may apply towards such of the purposes of this Act as they are by this Act required or authorised to carry out, other than the maintenance of waterworks, and the annual charges and expenses of the Waterworks Commissioners, any moneys which they have power to borrow under the Hamilton Water Acts, and which may not be required for the purposes for which the same were authorised to be borrowed.

Water sinking fund.

106. In addition to the sinking fund prescribed by the Act of 1875, the Waterworks Commissioners shall annually, from and after the commencement of this Act, in addition to the reserve fund by the Act of 1854 provided, set apart and appropriate as a sinking fund, out of the several rates levied and received by them, such

sums of money as they shall think fit, not being less than the sums herein-after mentioned; that is to say, until the expiration of seven years from the commencement of this Act a sum of one hundred and fifty pounds, and from and after the expiration of that period, and until the expiration of fourteen years from the commencement of this Act, a sum of one hundred and seventy-five pounds, and thereafter a sum of two hundred pounds; and the sums so from time to time set apart shall be applied, so far as the same will extend, towards the payment of such of the principal moneys owing by the Waterworks Commissioners as they may find it necessary or expedient to pay off, or the same shall be invested in the public funds, or in Government or real securities, or in the purchase of stock or shares in any bank in Scotland incorporated by Act of Parliament or royal charter, or may be deposited at interest in any such bank in the name of the Waterworks Commissioners; and the dividends or interest of the moneys so invested or deposited shall from time to time be invested or deposited in like manner, in order that the said moneys may accumulate at compound interest; and when such accumulated fund shall amount to a sum which, in the opinion of the Waterworks Commissioners, can conveniently be applied for that purpose, the stock, shares, funds, or securities wherein the same shall be invested, or the moneys so deposited, shall from time to time be converted into money or called up, and the moneys arising from such conversion or so called up shall be applied, so far as the same will extend, towards payment of such of the principal moneys owing by the Waterworks Commissioners as they shall be enabled thereby to pay off.

Form and execution of mortgages by Waterworks Commissioners.

107. Every mortgage to be granted by the Waterworks Commissioners under the powers of this Act shall be by deed duly stamped, in which the consideration shall be truly stated, and may be in the form of the Third Schedule to this Act annexed, or to the like effect, and shall be subscribed by at least two of the Waterworks Commissioners and their treasurer, but no Waterworks Commissioner shall, nor shall the treasurer of such Commissioners, by subscribing any such mortgage, or any interest warrant relating thereto, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, or any interest thereon, or of any sums whatsoever in respect thereof; and the respective mortgagees shall be entitled one with another to their respective proportions of the rates, rents, or charges or revenue comprised in such mortgages respectively, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced,

A.D. 1878.

with interest, without any preference one above another by reason of the priority of advancing such moneys, or of the dates of any such mortgages respectively.

Mortgages may be accompanied with interest warrants.

108. The Waterworks Commissioners may issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of the Fourth Schedule to this Act annexed, or to the like effect, signed by the treasurer of the Waterworks Commissioners, for the periodical payment of the interest to become due on the principal sum thereby secured, during the period for which such mortgage is intended to subsist; and the delivery to the Waterworks Commissioners or to their treasurer, or to any person duly authorised on their behalf respectively, of any such interest warrant duly stamped as a receipt shall be a valid and sufficient discharge to them for the interest in respect of which the same was issued.

Transfer of mortgages.

109. Any person entitled to any such mortgage may transfer his right and interest therein to any other person; and every such transfer shall be by deed, or by indorsation on the mortgage, duly stamped, wherein the consideration shall be truly stated, and may be in the form of the Fifth Schedule to this Act annexed, or to the like effect.

Transmission of mortgages in case of bankruptcy.

110. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto, there shall be produced to the treasurer of the Waterworks Commissioners official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Mortgages to be personal estate.

111. All such mortgages, and all money advanced and lent on the security of the revenue of the common good or of the rates authorised to be levied by the Waterworks Commissioners, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharges of mortgages.

112. Every such mortgage granted by the Waterworks Commissioners may be discharged by an indorsement on such mortgage, according to the form contained in the Sixth Schedule to this Act annexed, or to the like effect; and such discharge, when signed by the person entitled to such mortgage, and duly stamped, shall be valid and effectual to all intents and purposes.

GAS AND WATER SUPPLY.

Water limits for compulsory supply.

113. The limits for the compulsory supply of water as defined in the nineteenth section of the Act of 1854 shall from and after the commencement of this Act be extended so as to include the

district annexed, and from and after the eleventh day of November one thousand eight hundred and seventy-eight the public water rate by that Act authorised to be levied (herein-after called "the public water rate") may be levied by the Waterworks Commissioners within the burgh, and from and after such last-mentioned date all the provisions of the Hamilton Water Acts applicable to and in force at the commencement of this Act within the limits of the Act of 1854 shall be applicable to and in force within the burgh, in the same manner and to the same effect in all respects as if the limits of the burgh had been the limits of the Act of 1854; and all rates leviable by the Waterworks Commissioners shall be applicable to such of the purposes of this Act as they are by this Act required or authorised to carry out, as well as to the purposes of the Hamilton Water Acts. A.D. 1878.

Supply of water to houses occupied by persons employed in collieries.

114. Notwithstanding anything contained in this Act or the Police Act, it shall not be lawful for the Police Commissioners or Waterworks Commissioners to lay down service pipes for supplying with water houses occupied by persons employed in collieries in the district annexed, except with the consent of the owners and lessees of such houses, but the inhabitants thereof (unless otherwise agreed with such owners and lessees) shall be supplied with water by means of public wells and fountains, in manner provided in section 35 of the Act of 1854.

Repeal of ss. 30–33 of 38 & 39 Vict. c. cv.

115. Sections thirty to thirty-three, both inclusive, of the Act of 1875 are hereby repealed.

Sheriff to grant certificate of repayment of money borrowed by Waterworks Commissioners, &c.

116. The sheriff of the county of Lanark shall and he is hereby required, on the summary application of any one of the Waterworks Commissioners, or of any person rated or liable to be rated for the public water rate, and on proof being adduced to the satisfaction of such sheriff, to grant a certificate in writing that the whole of the principal moneys due and owing for the purposes of the Hamilton Water Acts and this Act, and the interest thereof, and all debts and obligations due and owing by the Waterworks Commissioners, have been paid off and discharged; and for enabling the sheriff to determine as to the granting of such certificate the Waterworks Commissioners shall be bound, and they are hereby required, to produce and exhibit to such sheriff all such books and other documents and writings to them belonging as he may think fit, and may in that behalf direct.

On publication of certificate certain rates to cease to be levied,

117. On the first Monday following the publication in the Edinburgh Gazette of the said certificate the rates by the Act of 1854 and this Act authorised to be levied and recovered shall, except as herein-after mentioned, cease and determine, with the

A.D. 1878.

but Waterworks Commissioners may levey modified or occasional rates.

exception of any rates then made or due and owing, and of the rates herein-after provided; but in order to provide for the management, maintenance, and repair, and also for such extension as may be found necessary of the waterworks and works in connexion therewith belonging to the Waterworks Commissioners, they may levy and recover within the burgh such modified or occasional rates, exclusive of the public water rate herein-before mentioned, as may be necessary for such purposes; and such modified or occasional rates shall be so levied and recovered by the Waterworks Commissioners in the same manner and with all the powers and privileges in all respects, as far as may be applicable, as is provided in reference to the rates in the Act of 1854 authorised other than the public water rate: Provided always, that the said modified or occasional rates shall not in any one year exceed twopence in the pound of the rackrent or annual value of the property rateable in respect thereof.

If modified rates insufficient full amount of rates may be levied.

118. In the event of the rates to be levied and recovered as last herein-before provided proving inadequate to defray the management, maintenance and repair, and extension, so far as may be necessary, of the said waterworks and works in connexion therewith, or in the event of the said waterworks and works in connexion therewith, or any part thereof, becoming dangerous or falling into decay, or being injured by an accidental or unforeseen cause, it shall be lawful for the Waterworks Commissioners to resume, make, levy, and recover within the burgh the full amount of the several rates by the Act of 1854 and this Act authorised, including the public water rate, in the same manner and with all the powers and privileges in all respects, so far as may be applicable, as is by the Act of 1854 provided in reference to the rates by that Act authorised, and to continue the said rates until the amount shall be realised which shall be adequate to all or any of the purposes aforesaid, and until the sum which it may be necessary to raise and disburse for such purposes, or any of them, with the interest thereof, shall be satisfied and paid; and thereafter the Waterworks Commissioners shall be limited and restricted to the levying and recovering of the said modified or occasional rates as herein-before provided.

Disputes as to levying modified or full amount of water rates to be settled by sheriff.

119. In the event of any dispute arising between the Waterworks Commissioners and any person rated or liable to be rated by them as to the necessity for making, levying, and recovering the said modified or occasional rates, or the full amount of the said rates, as herein-before provided, or as to the necessity for continuing the same in whole or in part, the said dispute shall

be settled by the sheriff of the county of Lanark, on the summary application of any one of the Waterworks Commissioners, or of such person; and the decision of the sheriff shall be final and conclusive, and shall not be subject to review in any manner or in any court whatever.

Regulations for preventing waste of water supplied by Waterworks Commissioners.

120. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water supplied by the Waterworks Commissioners, the Waterworks Commissioners may from time to time prescribe the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, waterclosets, and other apparatus to be used, and may interdict any arrangement and the use of any pipes, valves, cocks, cisterns, waterclosets, and other apparatus which in their judgment may tend to any such waste, misuse, undue consumption, or contamination.

Conditions of supply.

121. The Waterworks Commissioners shall not be bound to supply any water unless the pipes, valves, cocks, cisterns, waterclosets, or other apparatus to be used be made of such size, nature, strength, and materials, and be so arranged and repaired, as the Waterworks Commissioners from time to time prescribe or approve: Provided always, that any rules made by the Waterworks Commissioners in the exercise of the powers conferred on them by this section and the immediately preceding section shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Supply of water may be cut off if apparatus defective.

122. If the apparatus in any house or premises be out of repair, or be so used or contrived as that the water supplied by the Waterworks Commissioners is or is likely to be wasted, misused, unduly consumed, or contaminated, it shall be lawful for the Waterworks Commissioners (without prejudice to any other remedy in respect thereof) to cut off, shut off, or lock up such apparatus, or the communication or service pipe leading thereto, and to cease to give a supply of water to such house or premises so long as the defect or cause of damage remains or is not remedied.

Tube or hose not to be affixed to mains or pipes without consent of Waterworks Commissioners.

123. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Waterworks Commissioners, without their written consent, to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Waterworks Commissioners, or to any service pipe or apparatus of such owner or occupier, for the purpose of washing horses, carriages, or other vehicles, windows, and houses or buildings, or for watering gardens or washing pavements or roads, or for any other purpose; and any person who contravenes this enactment

A.D. 1878.

shall be guilty of an offence, and shall for every such offence forfeit and pay to the Waterworks Commissioners a penalty not exceeding five pounds.

Waterworks Commissioners may repair apparatus on failure by owner or occupier.

124. If any apparatus shall be out of order, the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same; and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do, the Waterworks Commissioners may repair, renew, and make water-tight all such apparatus, and shall be entitled to recover in the name and at the instance of their clerk or treasurer, from the owner or occupier so failing, the cost of such repair or renewal, together with any penalty which may have been incurred for wilful waste of water, or for suffering such apparatus to be out of repair, in the manner herein-after provided for the recovery of penalties, or by action in any court of competent jurisdiction.

As to supply of water by measure.

125. The Waterworks Commissioners may supply water for other than domestic purposes by measure; and in the event of the rent or consideration money for any water so supplied remaining unpaid for fourteen days after the same has become due and has been demanded, it shall be lawful for the Waterworks Commissioners, on giving at least forty-eight hours notice of their intention so to do, to the person by whom such rent or consideration money is due, to cut off the connexion or service pipe by means of which such water is supplied, and to cease to give such supply so long as such rent or consideration money, the expense of cutting off such water, and the costs of recovering such rent or consideration money and expense remain unpaid: Provided always, that nothing shall be done under this section which shall interfere with a proper supply of water for domestic purposes within the limits of this Act for the compulsory supply of water.

Power to rate owners of houses in certain cases.

126. The owners of all dwelling-houses, or parts of dwelling-houses occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of six pounds, shall be liable to the payment of the domestic water rate instead of the occupiers thereof, and the powers and provisions in the Hamilton Water Acts and this Act contained for recovery of the domestic water rate from occupiers shall apply to the owners of such houses and tenements; and the person receiving the rent of any such house or tenement as aforesaid from the occupier thereof, on his own account, or as agent or factor for any person interested therein, shall be deemed the owner of such house or tenement: Provided always, that the Waterworks Commissioners shall allow to the

owners of all such houses and tenements an abatement of ten per centum on the amount of domestic water rate paid by such owners: Provided also, that no abatement whatsoever shall be claimable by or allowed to any such owners who shall not pay the domestic water rate within fourteen days after the time when the same shall have been demanded: Provided also, that such owners shall be entitled to receive from the occupiers of such houses and tenements the amount of the rates payable for their respective possessions. A.D. 1878.

Recovery of charges for supplies of water for purposes not domestic.

127. The Waterworks Commissioners may recover any rates or charges due for the supply of water for other than domestic purposes, either according to the ordinary procedure before any competent court, or at any time after the expiry of fourteen days after such rates or charges shall be due and demanded by a written or printed requisition addressed to the tenant or occupier, and delivered or left on the premises to which the water has been supplied; and the Waterworks Commissioners may make application to the sheriff or magistrates for a summary warrant to recover such rates or charges, with costs, from the persons liable to pay the same, producing therewith a list of the persons in arrear, certified by the treasurer; and on such application being made the sheriff or magistrates shall grant warrant for summoning the persons named in such list, and witnesses for both parties, to appear before the sheriff or magistrates, or any one of them, at a time and place to be specified in such warrant, being not less than three days from the date of citation; and on the appearance of any of such persons to answer such summons at the time and place specified in such warrant, or at any other time or place to which the hearing may be adjourned, the sheriff or magistrates shall hear the parties, and any evidence they may adduce orally, and determine the matter in dispute summarily and without preserving any written record of pleadings or evidence, and the judgment or determination of the sheriff or magistrates shall be final and conclusive, and not subject to review in any court or by any process whatsoever; and the sheriff or magistrate shall grant warrant for recovery of the rates or charges in arrear, according to such judgment and determination in regard to the persons so appearing, and against the persons failing to appear, for the respective sums claimed in either case, with costs, if found due, which shall be fixed by the sheriff or magistrate at the time of granting such warrant for recovery, and such warrant may be enforced in the manner provided with respect to the recovery of arrears of rates.

Recovery of penalties.

128. All penalties imposed under the provisions of any of the Hamilton Water Acts or of this Act, or by the Acts incorporated with any of those Acts, and recoverable by the Waterworks

A.D. 1878.

Commissioners, may be recovered by them in the name and at the instance of their clerk or treasurer, according to the summary mode provided by the Public General Acts 7 William IV. and 1 Victoria, chapter 41, and 16 and 17 Victoria, chapter 80, or by the Summary Procedure Act, 1864.

27 & 28 Vict. c. 53.

Byelaws with respect to supply of water.

129. It shall be lawful for the Waterworks Commissioners to make byelaws for regulating all or any matters or things whatsoever connected with the supply of water, and for the prevention of waste, misuse, or undue consumption of water within the burgh, and to impose such penalties for breaches of such byelaws, not exceeding five pounds for each offence, as may be deemed expedient, and from time to time, as they shall think fit, to repeal, alter, and re-enact any such byelaws: Provided that such byelaws shall not be repugnant to the law of Scotland, and before being acted on shall be signed by at least two of the Waterworks Commissioners, and approved of and confirmed by the sheriff, and inserted weekly for at least two weeks in any newspaper published or circulating in the burgh; and all byelaws so made, signed, confirmed, and published shall be observed by and be binding upon all persons concerned therein.

Auditor to be appointed by Waterworks Commissioners.

130. The Corporation, the Police Commissioners, and the Waterworks Commissioners shall respectively at their respective first meetings after the passing of this Act appoint for the financial year then current, and thereafter annually, an auditor (being a person well skilled in accounts, and not being one of their own number, or holding office under them) to audit and docquet their accounts respectively; and such auditor shall be allowed such reasonable remuneration for his time, trouble, and responsibility as shall be fixed by such of the said bodies as shall have appointed him; and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, an auditor shall from time to time be appointed to supply such vacancy; and the whole books, accounts, vouchers, and documents of such of said bodies by whom such auditor shall have been appointed shall be laid before him for the purposes of such audit: Provided always, that the same person may be appointed auditor by each of the said three bodies.

Gas Supply.

Corporation may continue to maintain gasworks.
9 & 10 Vict. c. cxviii

131. The Corporation may continue to maintain the gasworks and property formerly belonging to the Hamilton New Gaslight Company, and transferred to and acquired by the Corporation under the powers of the Hamilton New Gaslight Act, 1846, and

may manufacture gas and residual products on the lands described in the Seventh Schedule to this Act, store gas on the lands described in the Eighth Schedule to this Act, and supply and sell gas and residual products within the burgh and within the limits of that Act, and levy and recover rates, rents, and charges for such supply of gas and for the use of meters: Provided always, that the Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Corporation as if the same were hereby authorised.

34 & 35 Vict c. 41.

Pressure of gas.

132. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure; and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

34 & 35 Vict. c. 41.

Quality of gas.

133. The prescribed number of candles shall be sixteen.

Testing place.

134. Within three months from the commencement of this Act a testing place shall be provided at the works of the Corporation.

Burner.

135. The prescribed burner shall be Sugg's London Argand Burner No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time the gas flame tails over the top of that glass a six-inch by two-inch chimney shall be used.

Local Government.

As to drainage of the burgh.

136. The burgh shall, from and after the first day of January next ensuing after the passing of this Act, be divided into two drainage districts, of which one shall consist of the existing burgh and the other shall consist of the district annexed; and the Police Commissioners shall, as soon after the commencement of this Act as conveniently may be, take the steps necessary for the efficient drainage of the district annexed, and for the purpose of carrying out therein, subject to the provisions of this Act, the provisions of clauses ninety-six to one hundred, both inclusive, and

A.D. 1878.

of section seven of Part IV. of the Police Act; and the assessments in respect of the special sewer rate and general sewer rate which may be required to be levied for that purpose shall be levied exclusively within the district annexed: Provided always, that when and so soon as the works necessary for the effectual drainage of the district annexed shall have been completed, and the cost thereof defrayed, the Commissioners may resolve that the burgh shall cease to be divided into drainage districts from a future day, which shall be specified by them in their resolution, and after such resolution shall have been published in the Edinburgh Gazette the burgh shall, from and after the day specified in such resolution, cease to be divided into districts for drainage purposes.

As to ventilation of sewers.

137. The Police Commissioners 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 Police Commissioners 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 Police Commissioners shall have and exercise every power which is by this Act conferred upon them with reference to the construction of sewers and drains.

As to ventilation of house drainage.

138. Proper ventilation shall, if required by the Police Commissioners, 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 they 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.

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

139. Where, in the opinion of the Police Commissioners, 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 Police Commissioners 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 Police Commissioners 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.

As to disposal of water raised from mines.

140. It shall be lawful for the owners, lessees, and occupiers of collieries to pass into the drains and sewers within the burgh the water raised from mines in its natural state, and the Police Commissioners shall form branch drains or pipes for carrying away such water, in the same manner as they would have been bound to do under the provisions of the Police Act, if such collieries had been houses or buildings; and the expense of forming such branch drains or pipes shall be recoverable in the same manner as if such collieries had been houses or buildings.

Police Commissioners may appoint special constables.

141. 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 Police Commissioners may from time to time appoint any of the owners or occupiers of lands and 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 superintendent of police.

Roll of special constables to be kept.

142. 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 Police Commissioners.

Special constables on duty to be under superintendent of police.

143. 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.

Board may make byelaws as to petroleum, &c.

144. The Police Commissioners may from time to time, for the purpose of guarding against accidents from petroleum, paraffin, and other inflammable oils, make byelaws for regulating the conveyance, loading, and unloading of such inflammable oils within

A.D. 1878.

the burgh, and in particular for declaring or regulating all or any of the following matters; namely,

The conditions, restrictions, and regulations under which such inflammable oils may be stored, kept, loaded, unloaded, conveyed, and carried within the burgh, 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 oils from any such places; and

The circumstances under which the superintendent of police and constables of the burgh may, without a warrant, enter any place in which such inflammable oils may for the time being be, or be reasonably supposed to be stored, kept, or deposited:

And the Police Commissioners 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: Provided always, that such byelaws shall not have any force until confirmed by the sheriff.

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

145. The Police Commissioners may order the owner or occupier of any inn, public-house, beer-house, eating-house, cook-shop, 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 Police Commissioners think fit, and thenceforward to maintain upon or adjoining to his premises, or at such place or places as the Police Commissioners shall point out, waterclosets and urinals to the satisfaction of the Police Commissioners; and if any person fails in any respect to comply with the provisions of this section 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.

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 Police Commissioners, and, in default thereof such occupier shall be liable to a penalty not exceeding ten shillings for every such offence.

As to foot pavements in front of houses occu-

147. Notwithstanding anything in the Police Act or this Act contained, the owners of houses occupied by persons employed in collieries shall not be bound to form foot pavements in front of

such houses, unless or until the streets, roads, or places in which such houses are situate are or shall become public thoroughfares: Provided always, that until foot pavements shall be formed such owners shall be bound to form in front of such houses sufficient footpaths, with kerbstones and water channels for surface drainage.

pied by persons employed in collieries.

148. If it shall appear to the officer of health, or the general or superintending medical officer appointed by the Police Commissioners under the powers of the Public Health (Scotland) Act, 1867 (in this Act respectively called "the medical officer"), that it is probable that infectious disease is being spread or is likely to be spread throughout the burgh 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 burgh, but within the limits of the county of Lanark, from which milk has been supplied to persons resident within the burgh, and to inspect every part of the said farmhouse, steading, or premises, and take samples of the water supplied thereto, and any person refusing to admit the medical officer or sanitary inspector to said farmhouse, steading, or premises shall be liable for every such offence to a penalty not exceeding five pounds.

Provision for inspection of farmhouses from which contaminated milk is supplied within the burgh. 30 & 31 Vict. c. 101.

149. The sheriff may, on a certificate from the medical officer that in his opinion an infectious disease is being spread or is likely to be spread throughout the burgh 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 burgh 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 Police Commissioners to prevent the sale or delivery of such milk within the burgh; 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 burgh during the period specified in the original or any subsequent order shall be liable to a penalty not exceeding forty shillings.

Sheriff may prohibit sale of milk in certain cases.

150. It shall be lawful for the Police Commissioners, on its being certified to them by the medical officer that epidemic infectious disease exists within the limits of the burgh, to issue an order requiring every householder within the burgh, or any particular district thereof, to report, within twenty-four hours from the time

Householders may be required to report cases of infectious or contagious

A.D. 1878.

disease to sanitary inspector.

when the existence of such disease in his house has been ascertained at the office of the sanitary inspector, any case of infectious diseases 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 burgh, and also by advertisement in a newspaper circulating in the burgh, and any householder failing to comply with such order of the Police Commissioners shall be liable to a penalty not exceeding twenty shillings.

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

151. 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.

152. 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 "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;" and any such teacher or person who shall wilfully contravene the provisions of this section shall be liable to a penalty not exceeding twenty shillings.

Washing infected articles in common washing-house prohibited.

153. Every person who in a washing-house or on a washing-green, common to two or more tenants or families, knowingly and wilfully washes or exposes any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and have not been previously to such washing or exposure disinfected at the place provided by the Police Commissioners 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.

154. 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 infectious disorder, knowingly and wilfully makes a false answer to such question shall be liable, at the discretion of the magistrates, to a penalty not exceeding forty shillings, or to imprisonment, with or without hard labour, for a period not exceeding one month.

A.D. 1878.

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

155. 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 Police Commissioners 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 burgh:

(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.

As to districts requiring sanitary measures.

156. 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.

Inspector may require houses in such districts to be cleansed.

157. It shall be lawful for the sanitary inspector during the said period to give notice, in manner herein-after provided, to the owner 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 owner or occupier of any other private dwelling-house which has been specially reported by the sanitary inspector to the Police Commissioners to be in such a filthy or unwholesome condition that the health of the inmates or of the public is thereby endangered, requiring such owner 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.

A.D. 1878.

Police Commissioners may remit expenses on ground of poverty.

158. It shall be lawful for the Police Commissioners, out of the moneys to be raised under the provisions of the Public Health (Scotland) Act, 1867, to defray the expense of any of the sanitary operations which, under the immediately preceding provisions, the owner or occupier of a private dwelling-house may be required to perform, if from the poverty of such owner or occupier it shall appear expedient to do so.

Police Commissioners to take precautionary measures with concurrence of medical officer.

159. It shall be lawful for the Police Commissioners, during the period to be fixed by the magistrates as aforesaid, to issue, and for the procurator fiscal to enforce, against every owner 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 Police Commissioners may, with the concurrence of the medical officer, from time to time think expedient for preventing, as far as possible, or mitigating such disease.

As to regulations for preventing disease.

160. 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 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 any district, street, court, or place:

(5.) For ticketing or marking with coloured placards any infected houses in any 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.

Police Commissioners may cancel or modify notice given by inspector.

161. If any such owner 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 sheriff, by delivering to the sheriff clerk written objections signed by him, and the sheriff shall inquire into and dispose of the questions competently raised in such objections.

A.D. 1878.

Penalty for non-compliance with notice unless cancelled.

162. Every such owner or occupier to whom such notice shall be given, who shall not comply therewith before the expiry of the period therein stated, or before the expiry of three days after the decision of the Police Commissioners 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.

Magistrates may grant warrant to execute work required by inspector.

163. If any such owner or occupier to whom such notice shall be given fail to comply therewith it shall be lawful for the magistrates, on a complaint by the procurator fiscal, to grant warrant to enter the lands and heritages of such owner or occupier, and to execute the work or enforce or otherwise carry out the directions and regulations therein specified at the expense of such owner or occupier, and the magistrates shall thereafter ascertain the cost thereof, and may find such owner or occupier liable in a penalty not exceeding the amount of such costs, but no such application shall operate as a relief to any owner 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 owner or occupier.

Medical relief to lodgers in case of illness may be provided.

164. The inspector of common lodging-houses of the burgh 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 Hamilton, or other officer of the parish of Hamilton, and also to the medical officer and to the procurator fiscal, and it shall be lawful for the magistrates, on the motion of the procurator fiscal, to direct that such inspector or other officer be sent for or 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 magistrates, be liable in a penalty not exceeding five pounds; but it shall not be lawful for the magistrates 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 Hamilton.

A.D. 1878.

Recovery of penalties.

165. Subject to the provisions of this Act, all penalties and expenses imposed or incurred under this Act may be sued for and recovered in the manner provided by the Police Act for the recovery of fines, penalties, and expenses under the police provisions of that Act.

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

166. It shall be lawful for the Police Commissioners, and for the trustees of any turnpike road, to contract for the maintenance and repair by the Police Commissioners 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: Provided always, that no such contract 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, dean of guild, or other municipal office in the burgh shall be entitled to vote at any such meeting in relation to any such contract.

As to removal of toll-bars within burgh.

167. It shall be lawful for the Police Commissioners, 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 near to the limits of the burgh, and also, if thought expedient, for the relinquishment by such trustees, and the assumption by the Police Commissioners 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, 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.

As to relinquishment of statute labour roads.

168. The powers herein-before conferred on the Police Commissioners, and the trustees of any turnpike road, to contract for the relinquishment by such trustees, and the assumption by the Police Commissioners as streets, of such turnpike roads or parts thereof, shall extend and apply to all roads maintained by the conversion of statute labour so far as situated in the burgh, or any part of such roads, and the mode of proceeding herein-before prescribed in regard to such relinquishment and assumption of turnpike roads 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, dean of guild, or other municipal office in the burgh shall be entitled to vote at any meeting in relation to the relinquishment and assumption of such roads.

Cleansing carts, &c. to be exempt from tolls.

169. The cars, carts, and other vehicles employed by the Police Commissioners in cleansing the burgh, and for the other purposes of this Act, shall be exempted from all tolls exigible within the burgh.

Buildings.

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

170. Every person who shall intend to erect or alter any building 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

A.D. 1878.

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.

Provision as to plan, elevation, and section.

171. The plan, elevation, and section referred to in the immediately preceding section 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.

172. 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.

Penalty for erecting or altering any building without applying to Dean of Guild.

173. Any person who shall erect or begin to erect, or who shall alter in manner foresaid any building, 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, 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.

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

174. 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 on the plan:

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

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

That in the case of a church, hotel, theatre, or other building intended for holding large numbers of people, provision is made for the said building being well and sufficiently lighted and ventilated, and the doors and passages 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

A.D. 1878.

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.

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 owner or any other person concerned from any legal responsibility in respect of the said building.

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

175. The dean of guild may, subject to the approval of the Police Commissioners, 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, ash-pits, 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.

As to open space about dwellings.

176. Every building to be erected on ground unfeued at the date of the commencement 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, ash-pits, coal-houses, or other conveniences for the use of such dwelling-houses), except where, on account of thorough ventilation of such open spaces being secured, or of other special circumstances stated in the order, the Police Commissioners think fit to allow a less space.

Open spaces not to be built upon.

177. 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 Police Commissioners 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 Police Commissioners.

Dean of guild's approval to cease after limited period.

178. 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 is 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.

A.D. 1878.

Dean of guild may authorise temporary occupation of road, &c. during works.

179. 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 burgh, 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 Police 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.

Hoarding to be removed at prescribed time under penalty.

180. 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.

181. 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 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 Police Commissioners are 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 or the payment of the sum due under the same, shall be held to relieve any owner 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.

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

When building completed not to be altered without new warrant.

183. 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 to a penalty not exceeding twenty pounds.

Police Commissioners may cause houses to be rounded off.

184. The Police Commissioners 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 Police Commissioners 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 Police Commissioners shall make compensation to any person who suffers damage thereby.

Elevations of buildings erected on front land to be approved by Police Commissioners.

185. All buildings or parts of buildings to be erected or altered on any ground which, in consequence of any improvement made by the Corporation, becomes front land, and all buildings or parts of buildings on any lands purchased or taken by the Corporation under the authority of this Act, shall be erected or altered according to such plan for the outside or front elevation thereof as the Corporation fix or approve, and in case the Corporation, 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.

Buildings not to be erected within 25 feet from centre of streets.

186. From and after the commencement of this Act no house, wall, or other building shall, without the consent in writing of the Police Commissioners previously obtained, be erected, or where an existing building is taken down be re-erected, within the distance of twenty-five feet from the centre of any street or thoroughfare now existing and opened within the burgh, whether at the time

A.D. 1878.

under their management or not, under the penalty for every such offence of five pounds, and of the expense of pulling down and removing such house, wall, or building, and the sheriff is hereby authorised, on the application of the Police Commissioners, to order such house, wall, or building to be pulled down and removed at the expense of the person erecting or re-erecting the same, or of the owner or occupier of the ground on which the same is erected or re-erected: Provided always, that where the building line of any such street or thoroughfare is less than twenty-five feet from the centre thereof, and the owner or lessee of any lands situate on either side of such street or thoroughfare shall intend forthwith to erect or re-erect any such building within twenty-five feet from the centre of such street or thoroughfare, and shall intimate such intention to the Police Commissioners, they shall be held as having consented to such erection or re-erection, unless they shall within three weeks after receiving such intimation undertake to make full compensation to such owner or to such lessee, as the case may be, and in the latter case also to the owner of the lands, for the value of such lands, so far as he or they may be prevented by the want of such consent from erecting or re-erecting such building, and for any damage which he or they may thereby sustain, so far as such lands lie between the existing building line of such street or thoroughfare, and the line, not exceeding twenty-five feet from the centre thereof, within which the Police Commissioners do not consent to such erection or re-erection, as such compensation may be agreed on between the Police Commissioners and such owner, or between the Police Commissioners and such lessee and owner respectively, as the case may be, or failing agreement as may be fixed by arbitration under the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, and upon payment of such compensation to such owner, or to such lessee and owner respectively, as the case may be, or upon consignation thereof in his or their name, and for his or their behoof, in any bank in Scotland incorporated by Act of Parliament or royal charter, the lands of which the value is so paid or consigned shall become part of such street or thoroughfare, and the solum thereof shall become vested in the Police Commissioners as validly as if such owner, or such lessee and owner, as the case may be, had executed in their favour a regular disposition thereof, and such disposition had been duly recorded in the register of sasines: Provided also, that all additions to such street or thoroughfare and alterations on the footpath, kerb, pipes, water runs, or other conveniences rendered necessary or proper by the widening of such street or thoroughfare, shall be made by and at the expense of the Police Commissioners.

8 & 9 Vict. c. 19.

A.D. 1878.

Miscellaneous.

Members of Corporation and Police Commissioners not to hold office under or enter into contracts with Corporation or Police Commissioners.

187. Subject to the provisions of this Act, any person who is a member of the Corporation or is one of the Police Commissioners shall not accept or hold any office or place of profit under this Act, or be concerned or participate in any manner in any contract for any work to be done under the authority of this Act, or in the profit thereof; but nothing herein contained shall prevent any joint stock company established by Act of Parliament, of which any such person shall be a member or shareholder, from entering into any contract with or doing any work for the Corporation or Police Commissioners: Provided always, that no such person shall vote upon any question relating to any such contract or work.

Members of Corporation and Police Commissioners not ineligible to act as justices.

188. A person shall not be incapable of acting as a justice of the peace in the execution of this Act, with reference to the levying of any penalty thereunder, by reason of his being a member of the Corporation or being a Police Commissioner.

Proceedings not invalidated by reason of vacancy or of defect or informality in appointment.

189. No proceeding of the Corporation or Police Commissioners, or of any committee of such respective bodies, shall be invalidated or be illegal in consequence of there being any vacancy in the number of the members of the Corporation, or of the Police Commissioners, or committee at the time of such proceeding, or of there having been any defect or informality in the appointment of the members of the Corporation or Police Commissioners, or of such committee.

Power to enter into contracts.

190. The Corporation and the Police Commissioners respectively, or any committee of such respective bodies empowered by them to that effect, may contract with any person for carrying into execution any of the works by this Act authorised, or for the supply of materials, or with respect to any other matters necessary for the purposes of this Act; and every such contract shall be signed by the chairman of the meeting at which it is made, and by the clerk to such respective bodies.

Power to compound for breach of contract.

191. The Corporation and the Police Commissioners respectively may compound with any person who has entered into any such contract, or granted any bond or other security for the performance thereof, with respect to any damages, penalty, or other claim arising in consequence of any breach or non-performance of such contract, upon payment of such sum of money or other consideration as such respective bodies may think proper.

General saving of rights.

192. Subject to the provisions in this Act contained—

(1.) The Corporation shall be seized and possessed of and entitled to all rights, interests, and property of or to which at the

A.D. 1878.

commencement of this Act the magistrates and council of the existing burgh were seized, possessed, or entitled:

(2.) All acts, matters, and things before the commencement of this Act done under the powers and authorities of any Acts, and which are at the commencement of this Act good, valid, and available, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, as if this Act had not been passed:

(3.) All actions, suits, prosecutions, or other proceedings by or against the Magistrates and Council or the Commissioners of Police of the existing burgh, by reason of any matter or thing done before the commencement of this Act, may be continued, commenced, or prosecuted by or against the Corporation or Police Commissioners:

(4.) All rates and rents at the commencement of this Act, imposed or due or accruing due to the Magistrates and Council, or the Commissioners of Police of the existing burgh, may, from and after the commencement of this Act, be collected and recovered by the Corporation or the Police Commissioners:

(5.) All books and documents relating to the existing burgh or to the Magistrates and Council, or the Commissioners of Police of the existing burgh, shall be receivable in evidence as if this Act had not been passed.

Saving of rights of Corporation or Police Commissioners.

193. Nothing in this Act shall take away or abridge any right, power, or authority which the Magistrates and Council or Police Commissioners of the existing burgh had or might have enjoyed independently of this Act, but every such right, power, and authority shall, subject to the provisions of this Act, belong to and be enjoyed by the Corporation or Police Commissioners respectively.

Expenses of Act.

194. The costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Corporation out of the common good.

SCHEDULES referred to in the foregoing Act. A.D. 1878.

FIRST SCHEDULE.

Description of Boundaries of the District by this Act annexed to the Burgh of Hamilton.

Commencing at the point where the north-western boundary of the existing burgh crosses the south-western boundary of the Hamilton Branch of the Caledonian Railway near Burnbank House, and proceeding thence north-westward along the last-mentioned boundary to the centre of the stream called Park Burn; thence south-westward along the centre of that stream to the point where a prolongation in a straight line of the south-eastern side of that part of the statute labour road leading from Hamilton by Glenlee to Little Udston, from which the approach to Burnbrae branches off, would intersect the centre of the said stream; thence south-westward along the south-eastern side of the said road to the point where that side of the said road meets the north-eastern side of the statute labour road leading from Hamilton by Hillhouse to High Blantyre; thence south-eastward along the north-eastern side of the last-mentioned road to a point opposite the south-western corner of the offices of Udston House; thence south-eastward in a straight line to the point where the boundary line between the lands of Earnock and the lands of Wellhall meets the statute labour road leading from Hamilton by Wellhall to Earnock; thence south-eastward along that boundary line till such boundary line crosses the centre of the stream called Wellshaw Burn; thence south-eastward in a straight line to the point where such straight line crosses the eastern boundary of the Cadzow Branch of the Caledonian Railway, about forty-five yards south-eastward from the centre of the statute labour road known as the Bent Road, where that road is crossed by the said Cadzow Branch; thence southward along the eastern boundary of that branch till that boundary crosses the eastern side of the turnpike-road leading from Hamilton to Strathaven; thence northward along the eastern side of that road for about twenty-five yards to a point opposite the northern fence of the field or enclosure number 1,120 on the Ordnance Survey Plan of Hamilton Parish; thence along the said northern fence of that field or enclosure to the point where that fence meets the western enclosure wall of the upper park of Hamilton Palace; thence northward along that enclosure wall to the point where it meets the south-western boundary of the existing burgh; and thence along the south-western, western, and north-western boundaries of the existing burgh to the first-mentioned point.

A.D. 1878.

SECOND SCHEDULE.

First Ward.

From the point in the centre of Cadzow Burn, where the boundary line of the existing burgh intersects the line of division between the Bent Farm and Auchingramont Farm; thence eastward and north-eastward along the centre of that burn to the point where the boundary line of the existing burgh intersects the same at or near to the Hamilton Palace stables; thence westward, north-westward, westward, southward, and eastward along the boundary line of the existing burgh to the first-mentioned point in the centre of Cadzow Burn.

Second Ward.

From the point in the centre of Cadzow Burn, where the boundary line of the existing burgh intersects the same between the Bent Farm and Auchingramont eastward and north-eastward along the centre of the burn to a point therein immediately below the centre of the roadway of Cadzow Bridge; thence eastward along the centre of Cadzow Street to the centre point at the intersection of that street and Campbell Street; thence southward along the centres of Campbell Street, Chapel Street, Quarry Street, Gateside Street, and of the turnpike road at Portland Place to the point of the intersection of that line by the boundary line of the existing burgh; thence north-westward along the said boundary line to the centre of Cadzow Burn.

Third Ward.

From the point where the boundary line of the existing burgh intersects the centre of the turnpike road at Portland Place, northward along the centres of that road, and of Gateside Street and Quarry Street, to the centre point at the convergence of Quarry Street, Cadzow Street, Castle Street, and Townhead Street; thence south-eastward and southward along the centres of Townhead Street and Barncluith Road to the boundary line of the existing burgh at Covanburn; thence south-westward and north-westward along the said boundary line to the point first mentioned, where it intersects the centre of the said turnpike road.

Fourth Ward.

From the point in Cadzow Burn immediately below the centre of the roadway of Cadzow Bridge, eastward along the centre of Cadzow Street to the centre point at the intersection of that Street and Campbell Street; thence southward along the centres of Campbell Street and Chapel Street to the centre point at the intersection of Brandon Street, Duke Street, and Quarry Street; thence north-eastward along the centre of Quarry Street to the point of convergence of that Street and of Cadzow Street, Castle Street, and Townhead Street; thence south-eastward and southward along the centres of Townhead Street and Barncluith Road to the boundary line of the existing burgh at Covanburn; thence north-eastward and north-westward along the boundary line of the existing burgh to the point where the same intersects the centre line of Cadzow Burn at or near the Hamilton Palace stables; thence southward along the centre of that burn to the point first mentioned immediately below the centre of the roadway of Cadzow Bridge.

FIFTH WARD.

From the point where the north-western boundary of the existing burgh crosses the south-western boundary of the Hamilton Branch of the Caledonian Railway near Burnbank House, and proceeding thence north-westward along the last-mentioned boundary to the centre of the stream called Park Burn; thence south-westward along the centre of that stream to the point where a prolongation in a straight line of the south-eastern side of that part of the statute labour road leading from Hamilton by Glenlee to Little Udston, from which the approach to Burnbrae branches off, would intersect the centre of the said stream; thence south-westward along the south-eastern side of the said road to the point where that side of the said road meets the north-eastern side of the statute labour road leading from Hamilton by Hillhouse to High Blantyre; thence south-eastward along the north-eastern side of the last-mentioned road to a point opposite the south-western corner of the offices of Udston House; thence south-eastward in a straight line to the point where the boundary line between the lands of Earnock and the lands of Wellhall meets the statute labour road leading from Hamilton by Wellhall to Earnock; thence south-eastward along that boundary line till such boundary line crosses the centre of the stream called Wellshaw Burn; thence south-eastward in a straight line to the point where such straight line crosses the eastern boundary of the Cadzow Branch of the Caledonian Railway, about forty-five yards south-eastward from the centre of the statute labour road known as the Bent Road, where that road is crossed by the said Cadzow Branch; thence southward along the eastern boundary of that branch till that boundary crosses the eastern side of the turnpike road leading from Hamilton to Strathaven; thence northward along the eastern side of that road for about twenty-five yards to a point opposite the northern fence of the field or enclosure number 1,120 on the Ordnance Survey Plan of Hamilton Parish; thence along the said northern fence of that field or enclosure to the point where that fence meets the western enclosure wall of the upper park of Hamilton Palace; thence northward along that enclosure wall to the point where it meets the south-western boundary of the existing burgh; and thence along the south-western, western, and north-western boundaries of the existing burgh to the point first mentioned.

THIRD SCHEDULE.

Form of Mortgage.

HAMILTON WATERWORKS MORTGAGE.

Mortgage No.

By virtue of the Hamilton Waterworks Act, 1854, the Hamilton Waterworks Amendment Act, 1863, the Hamilton Water Act, 1875, and the Hamilton Burgh Act, 1878, we, the Hamilton Waterworks Commissioners, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to our treasurer, for the purposes of those Acts, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees, such proportion of the rates to be levied by us under the authority

A.D. 1878.

of those Acts as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter, in virtue hereof, remain as a loan to us until the expiration of such further term of years, and at such rate of interest, as shall be specified in a minute or minutes to be indorsed hereon, and signed by the said mortgagee or his foresaids and by our treasurer, and which minute or minutes are hereby declared, and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids nor of our treasurer, nor tested; and we, for and in respect of interest on the said principal sum to the date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum), shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof and delivered herewith, at the several times mentioned in such respective warrants, upon delivery to our treasurer of the same respectively, and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants; declaring that the said mortgagee and his foresaids shall not be entitled to make, and that we shall not be bound to recognise or register, any partial transfer of these presents, or of the sums of money, principal or interest, herein contained, and that we shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, transfer, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to the law of Scotland*].

FOURTH SCHEDULE.

Form of Interest Warrant.

HAMILTON WATERWORKS INTEREST WARRANT.

Mortgage No. , dated 18

INTEREST WARRANT.

For pounds shillings and pence.

	£	:	:
Less Income Tax			
	£	:	:

Payable on 18

at the

Treasurer.

FIFTH SCHEDULE.

Form of Transfer of Mortgage.

HAMILTON WATERWORKS MORTGAGE TRANSFER.

I [*name and designation of mortgagee*], in consideration of the sum of [*specify amount*] paid to me by [*name and designation of transferee*], do hereby transfer to the said [*name of transferee*], and his executors, administrators, and assignees [*or as the case may be*], a certain mortgage, number [*number of mortgage*], dated the [*date of mortgage*], made in my favour by the Hamilton Waterworks Commissioners, by virtue of the Hamilton Waterworks Act, 1854, the Hamilton Waterworks Amendment Act, 1863, the Hamilton Water Act, 1875, and the Hamilton Burgh Act, 1878, for securing the sum of [*principal sum in mortgage*] [*or, if the transfer be by indorsement*, the within mortgage], together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*], and all my right and interest in and to the principal money thereby secured and interest thereon as aforesaid, and in and to the rates thereby assigned. In witness whereof [*testing clause according to the law of Scotland*].

SIXTH SCHEDULE.

Form of Discharge of Mortgage.

Received from the treasurer of the Hamilton Waterworks Commissioners, acting on their behalf, the sum of pounds, being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and

SEVENTH SCHEDULE.

LANDS ON WHICH THE CORPORATION MAY MANUFACTURE GAS AND RESIDUAL PRODUCTS.

First.—All and whole that piece of ground, being part of that park immediately above Butterburn Bridge, called the Quarry Park of Hamilton, extending to one rood eleven falls and thirty-three ells, or thereby, and measuring in front along the public road one hundred and sixty feet, and in depth backwards from the public road one hundred and twelve feet, bounded on the south by the public road from Hamilton to Strathaven, on the west by the remainder of said Quarry Park, on the east by a piece of ground adjoining Butterburn, and on the north by said park and Hamilton Quarry, and lying within the parish of Hamilton and sheriffdom of Lanark.

A.D. 1878.

Secondly.—All and whole that plot or piece of ground immediately above Butterburn Bridge, being part of what was formerly the Quarry Park of Hamilton, extending to one rood twenty poles and sixteen yards, or thereby, measuring in front along the public road seventeen feet, or thereby, and bounded on the south by the public road from Hamilton to Strathaven, on the east by a stripe of ground reserved along the side of the Butterburn used as a road, and on the other parts by the ground before described and Hamilton Quarry, as the said piece of ground was fenced off and included in the same enclosure with the ground before described, and formerly leased and laid down on a plan or sketch thereof prepared by Robert Turner, architect, in Hamilton, docquetted and signed as relative to the said lease or tack, being part of the entailed estate of Hamilton, lying in the parish of Hamilton and shire of Lanark.

Thirdly.—All and whole that triangular plot or piece of ground extending to thirty-seven falls Scotch measure, or thereby, bounded on the north-east and east by the stream or rivulet called Butterburn, separating the piece of ground thereby let from the lands of Woodside, sometime belonging or reputed to belong to Doctor John Dykes, presently used as a nursery, on the south by a vacant piece of ground, sometime in grass, part of the lands of Portlands Park, sometime belonging or reputed to belong to Mrs. Elizabeth Purves or Gibson and Alexander Gibson, and on the north-west and west by a piece of ground let to James Craw, and sometime possessed by his heirs, lying within the parish of Hamilton and shire of Lanark.

Fourthly.—All and whole that piece of ground as formerly possessed by Thomas Mickle, quarrier, in Hamilton, being part of that portion of the lands of Bent, commonly called Portlands Park, lying upon the south-east side of the turnpike road leading from Hamilton to Strathaven, consisting, the said piece of ground, of about eighteen falls and two tenth parts of a fall, or thereby, and bounded on the east by the lands of Woodside, on the south by that piece of ground let to and possessed by Barbara Craw, spouse to William Mackie, quarrier, in Hamilton, on the west by that piece of ground let to and possessed by Lilias Craw, spouse of John Smith, weaver, in Hamilton, and on the north-west by the said turnpike road leading from Hamilton to Strathaven, together with the whole buildings and erections thereon, all lying in the parish of Hamilton and shire of Lanark; together, also, with that small piece of ground wherein a well is situated, lying next to the said lands of Woodside, and at the corner nearest to the said road, but only to be possessed by him in common with the other tenants.

EIGHTH SCHEDULE.

LANDS ON WHICH THE CORPORATION MAY STORE GAS.

All and whole that piece of ground, part of that park immediately above Butterburn Bridge, called the Quarry Park of Hamilton, consisting of one acre and nineteen poles imperial measure, or thereby, bounded on the north or north-east by a stripe of ground reserved as a road belonging or reputed to belong to the Duke of Hamilton, along which it extends one hundred and sixty feet three

inches, or thereby, on the east by ground belonging to the Hamilton Corporation Gasworks, along which it extends two hundred and fifty-six feet, or thereby, on the south or south-west by an imaginary line drawn along the Hamilton Quarry, along which it extends two hundred and fifty-nine feet, or thereby, on the north or north-west partly by ground belonging or reputed to belong to the said Duke, and partly by ground feued to the trustees for the Orphan and Charity School, Hamilton, along both of which it extends two hundred and thirty-two feet six inches, or thereby, all lying in the burgh and parish of Hamilton and county of Lanark.

NINTH SCHEDULE.

MINUTE OF AGREEMENT by and between the Provost, Magistrates, and Council of the burgh of Hamilton, and Henry Padwick, of No. 4, Hill Street, Berkeley Square, in the county of Middlesex, commissioner for his Grace William Alexander Louis Stephen, Duke of Hamilton, Brandon, and Chatelherault, on the other and second part.

WHEREAS the Provost, Magistrates, and Council of the burgh of Hamilton, herein-after called "the Corporation," are promoting in the present session of Parliament a Bill for the purpose, inter alia, of enabling them to make certain new streets and to widen and improve certain existing streets within the burgh of Hamilton:

And whereas power is asked in the said Bill to take land for the purpose of forming a new street (marked No. 1 on the plans deposited in the office of the sheriff clerk of the county of Lanark with reference to the said Bill) in continuation eastward of Holmes Street, commencing at the junction of that street with the street called Baillies Causeway, and terminating by a junction with the turnpike road leading from Hamilton to Edinburgh, about seventy yards eastward from the junction of Blackswell Lane with that road, with power to the Corporation to stop up and appropriate the site of Blackswell Lane between Townhead Street and the said road:

And whereas the said new street is intended to be carried through land belonging to the said noble Duke:

And whereas the said noble Duke has lodged a petition against the said Bill, praying to be heard by counsel, but has agreed to withdraw his opposition to the said Bill on this agreement being entered into: Therefore the parties hereto condition and agree as follows:

First.—The Corporation agree, in the event of their obtaining and exercising power to make the said proposed new street, not to take more of the noble Duke's land than is necessary to make the said new street, and especially not to take for the purpose of building sites along the side thereof the land coloured blue on the plan signed as relative to this agreement.

Second.—The said noble Duke agrees, in the event of the Corporation obtaining and exercising power to make the said proposed new street, to give and convey to the Corporation for the purpose of making the same the land

A.D. 1878.

coloured red on the said plan, and in exchange therefor the Corporation agree to give and convey to the said noble Duke the site or solum of Blackswell Lane so far as it intersects his Grace's lands, and as the same is coloured yellow on the said plan, and which portion of the site or solum of Blackswell Lane the said noble Duke agrees to accept as in full consideration for the value of the said land, which he hereby agrees to give and convey to the Corporation for making the proposed new street as aforesaid.

Third.—Both parties hereto bind their respective constituents to implement their respective obligations contained in this agreement to each other.

Fourth.—This agreement is made subject to such alterations as Parliament may think fit to make thereon.

Lastly.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents, written by William Hamilton, law clerk in Hamilton, are subscribed by John Clark Forrest, present provost of the burgh of Hamilton; Andrew Cassels and Thomas Thorburn, present bailies of the burgh of Hamilton; James Mackie, present treasurer of the said burgh; and James Keith, one of the councillors of the said burgh; all at Hamilton, on the twenty-ninth day of March eighteen hundred and seventy-eight, before these witnesses, Edward Pellew Dykes, town clerk of Hamilton, and Adam Lind Gow, law clerk there; and by James Cairns, one of the bailies of the said burgh, and James Sommerville, one of the councillors of the said burgh; both at Hamilton, on the day, month, and year last mentioned, before these witnesses, William Peddie and William Dalzell, both law clerks in Hamilton; and by the said Henry Padwick, at London, upon the thirtieth day of the said month and year, before these witnesses, George Edward Sadler, of Hill Street, London, gentleman, and Edward Dodd, servant to the said Henry Padwick; the testing clause from the word whereof being written and filled in by James Forbes Mackenzie, writer in Hamilton.

EDWARD P. DYKES, witness.
ADAM L. GOW, witness.
WILLIAM PEDDIE, witness.
W. DALZELL, witness.
GEO. EDW. SADLER, witness.
EDWARD DODD, witness.

HY. PADWICK.
J. CLARK FORREST, Provost.
ANDREW CASSELS, Magistrate.
THO. THORBURN, Magistrate.
JAMES MACKIE, Treasurer.
JAMES KEITH, Councillor.
JAMES CAIRNS, Magistrate.
JAMES SOMMERVILLE, Councillor.

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