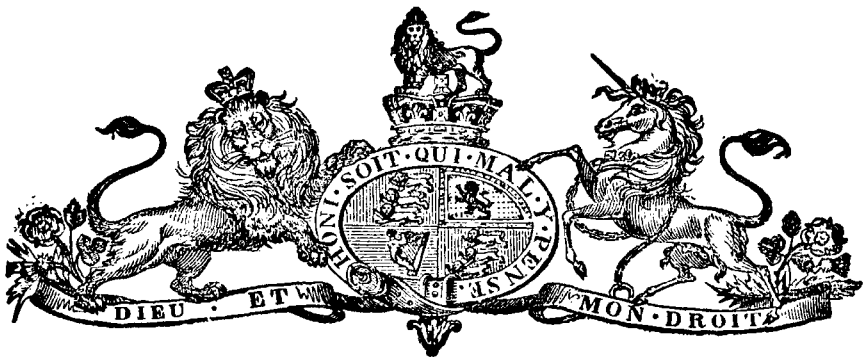


ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CVIII.

An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in *Scotland*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Laws for the Election of the Magistrates and Councillors of Royal and Parliamentary Burghs in *Scotland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the Municipal Elections Amendment (*Scotland*) Act, 1868.

Interpretation of Terms.

2. The following Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say:

The Expression "Parliamentary Burgh" shall mean any Burgh, not being a Royal Burgh, which returns or contributes to return a Member to serve in Parliament:

The Expression "the Registration Acts" shall mean the Act of the Nineteenth and Twentieth *Victoria*, Chapter Fifty-eight, and the

Eighth Section of the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at the Election of Members to serve in Parliament for Burghs in *Scotland*.

Qualification of Electors of Council in Royal Burghs returning Members to Parliament.

3. In every Royal Burgh in *Scotland* now returning or contributing to return a Member or Members to Parliament (including those contained in Schedule F. annexed to the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, which Schedule together with the Twelfth Section of the said Act are hereby repealed,) the Right of electing the Town Council shall be in and belong to all such Persons as are or shall be qualified in respect of any Premises within the Royalty, whether original or extended, of such Burgh, to vote in the Election of a Member or Members of Parliament for such Burgh by virtue of the Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, and as are duly registered as such Voters in the Registers then in force made up in Terms of the Registration Acts; and also in all Persons who are possessed of the Qualifications described in the said Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Royalty of any such Royal Burgh where the Limits thereof at any Point or Points extend beyond the Parliamentary Boundaries of such Burgh, or within the Municipal Boundaries of any such Royal Burgh where the same have been extended under any General or Local Act beyond the Limits of the Royalty, original or extended, or the Parliamentary Boundaries of such Burgh: Provided always, that nothing herein contained shall be construed to confer the Right of voting for Town Councillors on any Persons in respect of Premises situated beyond the Municipal Boundaries of any Royal Burgh, as such Boundaries may be limited and defined by any Act of Parliament.

Qualification of Electors of Council in Royal Burghs not returning Members to Parliament.

4. In every Royal Burgh not now entitled to send or to contribute to send a Member or Members to Parliament the Right of electing the Town Council shall be in and belong to all Persons who are possessed of the Qualifications for the Burgh Franchise described in the Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Royalty of any such Royal Burgh.

Qualification of Electors of Council in Parliamentary Burghs.

5. In every Parliamentary Burgh in *Scotland* the Right of electing the Town Councils shall be in and belong to all the Persons qualified to vote for a Member of Parliament for such Burgh whose Names shall be on the Register completed in Terms of the Registration

Registration Acts then in force, and also in all Persons who are possessed of the Qualifications described in the said Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Municipal Boundaries of any such Burgh where the same have been extended under any General or Local Act beyond the Limits of the Parliamentary Boundaries of such Burgh; and such Register so completed from Time to Time shall be and be deemed to be the Register of Electors of Councillors for such Burgh.

Municipal Registers in Royal Burghs to be made up before 15th Nov. 1868.

6. The Town Clerk of every Royal Burgh in *Scotland*, including as aforesaid, (but excepting the Royal Burghs not now entitled to send or to contribute to send a Member or Members to Parliament, in which the List or Roll of Voters shall be and shall continue to be made up according to the existing Law and Practice,) shall, immediately after the Completion of the Register of Voters for Members of Parliament made up in the Year One thousand eight hundred and sixty-eight in Terms of the Registration Acts, make up and complete in Terms of the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, the List or Roll of Persons entitled to vote in the Election of the Town Council of such Burgh; and the said List or Roll shall be made up and completed on or before the Fifteenth Day of *November* in the said Year, and such List or Roll shall be the Register of Voters at the next ensuing Election of Town Councillors: Provided always, that in every subsequent Year such List or Roll of Persons shall be made up, as heretofore, on or before the Thirty-first Day of *October* in such Year: Provided also, that where the Parliamentary and Municipal Boundaries of any Royal Burgh are the same, the Town Clerk shall make up such List or Roll of Persons for such Burgh by certifying at the End of a Copy of the Parliamentary Register for such Burgh that such Register is, in Terms of this Act, the List or Roll of Persons entitled to vote at the next ensuing Election of the Town Council of such Burgh.

Postponement of Municipal Elections for the Year 1868.

7. The Election of Councillors which by the Acts Third and Fourth *William* the Fourth, Chapter Seventy-six, and Third and Fourth *William* the Fourth, Chapter Seventy-seven, is appointed to take place upon the First *Tuesday* of *November* in each Year, shall in the present Year (One thousand eight hundred and sixty-eight) take place on the First *Tuesday* of *December*; and such of the Councillors, Magistrates, and Office Bearers of every Burgh as but for the Provisions of this Act would have gone out of Office upon the First *Tuesday* of *November* in the present Year (One thousand

thousand eight hundred and sixty-eight) shall in virtue hereof continue to hold and exercise their respective Offices, and to perform the whole Duties and Functions appertaining thereto, till the First *Tuesday* of *December* following: Provided always, that whenever by any Law or Practice any Trustees, Commissioners, or other Persons are appointed, or have been in use to be elected, along with the Councillors in any Burgh, such Trustees, Commissioners, or other Persons shall in the present Year be elected along with the said Councillors on the First *Tuesday* of *December* instead of on the First *Tuesday* of *November*: Provided also, that wherever the Town Council of any Royal or Parliamentary Burgh, or the qualified Electors thereof, is or are bound by Law to elect, or has or have been in the Practice of electing, any Person or Persons to be Members of any Commission, Board, or Trust, or to fill any Office or discharge any Duties whatsoever, and such Elections are or have been in use to be appointed to take place at fixed Periods after the annual Municipal Election in the Month of *November* in such Burgh, such Elections shall in the present Year One thousand eight hundred and sixty-eight be made at corresponding fixed Periods after the Municipal Elections in *December* next ensuing; and the several Trustees, Commissioners, or other Persons elected as aforesaid, and holding Office on the First *Monday* of *November* in the present Year (1868), shall continue to hold and exercise their respective Offices, and to perform the whole Duties and Functions thereof, till their Successors are elected in virtue hereof; and all those Acts and Notices which have hitherto been appointed to be done or to be given with reference to such Elections at certain Periods relatively to the said First *Tuesday* in the Month of *November* shall during the present Year be done or given at corresponding Periods relatively to the First *Tuesday* of *December* in said Year.

Registers to be conclusive.

8. At every future Election of a Town Councillor for any Royal or Parliamentary Burgh the Register of Voters made up and completed as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take any Oath or solemn Affirmation, but they may be required to make a Declaration in the Form of the Schedule (A.) to this Act annexed.

Names of Candidates for Town Council to be intimated to Town Clerk.

9. It shall not be competent to elect any Person to the Office of Town Councillor in any Royal or Parliamentary Burgh in *Scotland*, unless the Name of such Person shall have been intimated to the Town

Town Clerk of such Burgh, in the Manner herein-after provided, on or before Four of the Clock, Afternoon, on the *Thursday* immediately preceding the Day of Election; and the Town Clerk shall, on or before the *Friday* immediately preceding such Election, cause Public Notice to be given, as herein-after provided, of the Names of all Persons so intimated to him; and the Intimation to the Town Clerk shall be in the Form of Schedule (B.) hereunto annexed, or as near thereto as Circumstances admit; and the Notice by the Town Clerk shall be in the Form of Schedule (C.) hereunto annexed, or as near thereto as Circumstances admit; and such Notice shall be affixed to the Doors of the Town Hall or Council Chambers and of the Parish Churches in the Burgh, and, if the Town Clerk shall think expedient, the said Notice may be advertised in One or more Newspapers published or circulating within the Burgh; and in the event of the Town Clerk not receiving Intimation, as herein-before directed, of the Names of Persons proposed for Election sufficient to supply the Vacancies in any Burgh or Ward (where the Burgh is divided into Wards), or in the event of such Vacancies not being supplied by reason of the requisite Number of Councillors not being elected, from any Cause whatsoever, in any Burgh or Ward as aforesaid, then and in either of these Events the same Procedure shall be adopted as is appointed to be followed in the Case of a double Return, or of a Person elected declining to accept Office as a Councillor; provided that in such Cases the Intimation to the Town Clerk of the Name of the Persons proposed for Election shall be given on or before Four of the Clock, Afternoon, of the Second lawful Day immediately preceding that fixed for the Election, and the Town Clerk shall forthwith give Notice as is herein-before directed.

Saving Rights of Deans of Guild and Deacons Convener.

10. Nothing herein contained shall prejudice the Right of the Persons elected or to be elected to the Offices of Dean of Guild and Deacon Convener, or Convener of the Trades, by the Convenery and Guild Brethren respectively in the City of *Edinburgh*, and to the Offices of Dean of Guild and Deacon Convener by the Merchants House and Trades House respectively of the City of *Glasgow*, and the Persons elected or to be elected to the Office of Dean of Guild by the several Guildries of the City of *Aberdeen* and Towns of *Dundee* and *Perth*, to be constituent Members of the Town Councils of the said Cities and Burghs respectively, as provided by the Statute Third and Fourth *William* Fourth, Chapter Seventy-six, Section Twenty-two.

Town Councils in Hawick and Galashiels.

11. On and after the First *Tuesday* in *December* One thousand eight hundred and sixty-eight each of the Towns or Burghs of *Hawick* and *Galashiels* shall have Fifteen Councillors, whereof One

shall be Provost, Four shall be Bailies, and One a Treasurer; and the said Councillors, Provost, Bailies, and Treasurer shall be elected, and the Affairs of the said Burghs or Towns shall be administered, in every respect, except as herein provided, as if they had been classed with *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* in the Act Third and Fourth *William* the Fourth, Chapter Seventy-seven, and had been made expressly subject to the whole Provisions of the said Act, and the Acts amending the same, and of this Act, so far as such Provisions are applicable to the said Towns or Burghs of *Hawick* and *Galashiels*: Provided always, that nothing herein contained shall affect the Right of the Magistrates and Council of the Burgh of *Hawick* to elect the Town Clerk of said Burgh for a Term of Three Years; and provided also, that any Person entitled to vote for Town Councillors in the said Burgh of *Hawick* may be elected a Member of the Town Council of the Burgh.

Election of Provost and Magistrates for Dunfermline.

12. The Town Council of the Royal Burgh of *Dunfermline*, instead of electing a Provost, Two Bailies, and a Treasurer as heretofore, shall, on and after the First *Tuesday* of *December* One thousand eight hundred and sixty-eight, elect from among their own Number One to be Provost or Chief Magistrate, Four to be Bailies, and One to be Treasurer; and in all respects the Provost, Bailies, Treasurer, and Councillors elected under the Provisions of this Act, and the Office Bearers lawfully appointed by them, shall have the same Jurisdiction, Powers, Rights, and Privileges as their Predecessors have heretofore had and exercised in the Administration of the Affairs of the said Burgh.

Election in Burghs having no legal Councils and being under the Administration of Managers.

13. Where any Burgh shall at the Time of the passing of this Act be without any legal Council, and be under the Administration of Managers lawfully appointed, the qualified Electors of such Burgh shall, on the First *Tuesday* of *December* next after the passing of this Act, proceed to choose the Number of Councillors provided to such Burgh by the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, or the Act Fifteenth and Sixteenth *Victoria*, Chapter Thirty-two; and where any such Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without a legal Council at any future Time, and under the Administration of Managers, the qualified Electors of such Burgh shall, on the First *Tuesday* of *November* next ensuing after the Date of the Appointment of such Managers, proceed to choose the Number of Councillors provided to such Burgh by the said last-mentioned Acts; and in all such Cases the Sheriff of the County within which such Burgh is situated shall, on Application made to him by any qualified Elector of such Burgh, appoint One of the Managers thereof to discharge the Duties and exercise the Powers directed in the said last-

last-mentioned Acts to be performed by the retiring Provost or senior Magistrate of such Burgh; and every such Election shall proceed and be carried on in all other respects in the Manner provided by the said last-mentioned Acts and this Act until the Council of such Burgh shall be completed.

Election of Magistrates, &c. in Cases where Burgh have been without Council and under Managers.

14. Immediately after the Election of Councillors in any such Burgh shall be completed in manner herein-before provided, the Councillors so elected shall proceed to elect from among their own Number a Provost or Chief or Senior Magistrate, and the other Magistrate or Magistrates of such Burgh, and shall also elect a Treasurer and the other usual and ordinary Office Bearers fixed by the Set or Usage of such Burgh, and shall elect Managers of any charitable Institution which may be connected with such Burgh, and the Appointment of Managers to which is vested in the Magistrates and Council of such Burgh, all in the Manner provided in the said Act Third and Fourth *William* the Fourth, Chapter Seventy-six, with regard to the Election of Magistrates and other Office Bearers; and the Councillor who had the greatest Number of Votes at the Election of Councillors shall preside at such Election, and have a casting or double Vote in case of Equality; and in the event of Two or more Councillors having an equal Number of Votes, One of the Managers of such Burgh, to be appointed as aforesaid, shall preside, and shall have a casting but no deliberative Vote; and immediately on the Completion of such Election of Magistrates the Managers of such Burgh shall cease to hold Office and to administer the Affairs of the Burgh; and all succeeding annual Elections of Councillors and Magistrates in any such Burgh shall take place at the Time and in the Manner provided in the said last-mentioned Acts and in this Act.

Amendment of Sect. 6. of 3 & 4 W. 4. c. 76.

15. In lieu of the Court of Review provided by the Sixth Section of the Act Third and Fourth of *William* the Fourth, Chapter Seventy-six, all Appeals against the Decision of the Provost or Chief Magistrate and Assessor in Royal Burghs not now entitled to send or to contribute to send a Member or Members to Parliament, referred to in said Section, shall be taken to the Sheriff of the County within which such Burghs are situated respectively; and the said Sheriff shall have all the Powers of such Court of Review, and his Decision shall be final, and not subject to Review.

Re-arrangement of Wards.

16. As soon as conveniently may be after the passing of this Act each Burgh now divided into Wards for the Purpose of electing Town Councillors shall be re-divided into the same Number of Wards arranged with the view of accommodating the enlarged Constituency created by virtue of the Act of Thirty-first and Thirty-

Thirty-second *Victoria*, Chapter Forty-eight, and for this Purpose the Chief Magistrate of each Burgh, the Sheriff of the County in which the Burgh is situated (excluding his Substitutes), and a Person to be appointed by One of Her Majesty's Principal Secretaries of State, or any Two of them, shall re-divide the Burgh into the same Number of Wards into which it is now divided, each Ward being numbered and having a distinctive Name or Number; and regard shall be had by them to the Number of Municipal Electors, and also to the Value of the Property in each Ward as appearing on the Valuation Roll; and the Parties aforesaid shall cause the proposed Division into Wards 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 previously to the first of the said Fourteen Days by Advertisement in One or more Newspapers published within the Burgh or the County in which the Burgh is situated 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 for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and they shall fix and determine the Order in which each of the re-arranged Wards shall be substituted for each of the existing Wards in returning Members to the Town Council in lieu of those who retire by Rotation; and the Parties aforesaid shall report the same to One of Her Majesty's Principal Secretaries of State, and on their Report being approved of by him the said Re-arrangement of Wards shall be published once at least in the *Edinburgh Gazette*, and in One of the Newspapers published within the Burgh or the County in which the Burgh is situated; and the said new Boundaries of Wards having been approved of and published as aforesaid shall take effect, and shall, after the Expiry of the present Year, be substituted for the existing Boundaries of Wards in making up the Rolls of Parliamentary and Municipal Electors for the Burgh: Provided always, that nothing herein contained shall limit the Powers of the Sheriff under the Act Fifth and Sixth *William* the Fourth, Chapter Seventy-eight, Section Three: Provided also, that if in any Burgh it shall appear to the Town Clerk that more than One Polling Place or Compartment is required for Municipal Elections in any of the Wards, he shall provide such additional Number as may be necessary, and publish the same in the Manner set forth in the Act Third and Fourth *William* the Fourth, Chapter Seventy-six.

Burghs not now divided may be divided into Wards.

17. It shall be lawful for the Town Council of any Royal or Parliamentary Burgh, having by the Census last taken a Population of above Ten thousand Persons, and not at the passing of this Act divided

divided into Wards, to resolve, by a Majority of not less than Two Thirds of their Number, that the Burgh shall be divided into Wards for the Purpose of Parliamentary and Municipal Elections; and upon any such Resolution being adopted the Chief Magistrate of such Burgh, the Sheriff of the County in which the Burgh is situated (excluding his Substitutes), and a Person to be appointed by One of Her Majesty's Principal Secretaries of State, or any Two of them, shall divide the Burgh into Wards, each Ward being numbered, and having a distinctive Name or Number; and in fixing the Number of Wards, and in determining the Boundaries thereof, regard shall be had by them to the Number of Town Councillors in the Burgh and to the Number of Municipal Electors, and also to the Value of the Property as appearing on the Valuation Roll; and the Parties aforesaid shall cause the proposed Division into Wards 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 in which the Burgh is situated 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 for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and they shall fix and determine the Wards to which the existing Town Councillors shall be apportioned, and the Order in which they shall retire by Rotation; and the Parties aforesaid shall report the same to One of Her Majesty's Principal Secretaries of State, and on their Report being approved of by him the said Division into Wards shall be published once at least in the *Edinburgh Gazette*, and in One of the Newspapers published or circulating within the Burgh or the County in which the Burgh is situated; and the said Boundaries of Wards having been approved of and published as aforesaid shall take effect, and shall, after the Expiry of the present Year, be the Boundaries of Wards in making up the Rolls of Parliamentary and Municipal Electors for the Burgh: Provided always, that nothing herein contained shall limit the Powers of the Sheriff under the Act Fifth and Sixth *William* the Fourth, Chapter Seventy-eight, Section Three: Provided also, that if in any Burgh it shall appear to the Town Clerk that more than One Polling Place or Compartment is required for Municipal Elections in any of the Wards, he shall provide such additional Number as may be necessary, and publish the same in the Manner set forth in the Act Third and Fourth *William* the Fourth, Chapter Seventy-six.

Repeal of Acts.

18. All Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the Provisions of this Act, but in all other respects they shall remain in full Force and Effect, and this Act shall be read and construed along with the Tenor thereof.

SCHEDULES.

SCHEDULE (A.)

I *A.B.* declare that I am the Individual described in the Register now in force for the Burgh of
as *A.B.* [*here insert Description in the same Words as in the Register*], and that I have not already voted at this Election.

SCHEDULE (B.)

We *A.B.* [*here insert Name and Place of Abode as in the Municipal Register for the Burgh*], and *B.C.* [*here insert Name and Place of Abode as aforesaid*], hereby propose *C.D.* [*here insert Name and Place of Abode as in the Municipal Register for the Burgh*] for Election as a Councillor * at the next ensuing Municipal Election in the Burgh of [*specify Burgh*].

* When the Burgh is divided into Wards add here "for the Ward [*specifying such Ward*]."

Given under our Hand this [*insert Date*].

A.B. _____

B.C. _____

To _____

Town Clerk.

SCHE-

SCHEDULE (C.)

Burgh of [*specify Burgh*].

In Terms of the Municipal Elections Amendment (Scotland) Act 1868, I hereby give Notice that I have received Intimation that the following Persons are proposed for Election as Councillors in this Burgh at the Municipal Election on Tuesday next :*

Name of Candidate.	Place of Abode of Candidate.	Names of Proposer and Seconder.	Places of Abode of Proposer and Seconder.

* Where the Burgh is divided into Wards, the Names, &c. of Candidates, &c. for each Ward to be separately distinguished.

Given under my Hand at [*specify Place and Date*].

E.F.

Town Clerk.

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