ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. LXXVII.

An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament and are not Royal Burghs.

[28th *August* 1833.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to amend the Representation of the People in* Scotland, the Right of sending or contributing to send Members to Parliament was conferred on divers Burghs and Towns in *Scotland* which were not Royal Burghs: And whereas there are in some of those Burghs and Towns no proper Magistracy or Councils; and the Constitution of such Magistracies and Councils, and the Mode of electing the same, where they do exist in such Burghs or Towns, is defective, and has given Occasion to much Inconvenience: For Remedy whereof it is expedient that Provision be now made for the due Appointment and Election of such Magistrates and Councils in all such Burghs; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First *Tuesday* in *November* next there shall be in each of the several Burghs and Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* the Number of Sixteen Councillors, whereof One

2 & 3 W. 4. c. 65.

Number of Councillors and Magistrates in each Burgh.

One shall be Provost, Four shall be Baillies, and One a Treasurer; and in each of the several Burghs and Towns of *Falkirk*, *Hamilton*, *Peterhead*, *Musselburgh*, and *Airdrie* there shall be the Number of Twelve Councillors, whereof One shall be Provost, and Three Baillies, and One a Treasurer; and in each of the several Burghs or Towns of *Port Glasgow*, *Cromarty*, and *Portobello* there shall be the Number of Nine Councillors, whereof One shall be Provost, and Two Baillies; and in the Burgh of *Oban* there shall be the Number of Six Councillors, whereof Two shall be Baillies.

Councillors by whom to be elected.

II. And be it enacted, That the Right of electing the Councillors in each of the said Burghs and Towns shall be in all the Persons who are qualified to vote for a Member of Parliament for such Burgh or Town, whose Names shall be on the Register directed to be kept by the said recited Act, and which shall have been completed in Terms thereof up to the Period thereby directed next previous to the Time herein-after appointed for the Election of such Councillors; and such Register so completed from Time to Time shall be and be deemed to be the Register of Electors of the Councillors for such Burghs or Towns respectively.

Certain Burghs to be divided into Wards and Districts by Commissioners.

III. And be it enacted, That the said Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* shall be divided into Wards or Districts, which, together with the Number of Councillors to be chosen by each such Ward or District, shall be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the Condition of the several Burghs and Towns of *Scotland* by a Commission dated on the Fifteenth Day of *July* in this present Year; and such Commissioners shall have regard to its being the Purport and Meaning of this Act that the Number of Wards shall be such that each Ward shall, at the first Election to be made under this Act, choose, as nearly as may be, the Number of Three Councillors, and at the subsequent annual Elections in each succeeding Year the Number of One Councillor; and the said Commissioners shall, upon such Division being made and completed, report the same to His Majesty's Privy Council, who shall cause such Report to be published by Royal Proclamation in the Gazette; and the Number and Limits of such Districts, and the Number of Councillors to be erected by each such District, being so fixed, reported, and published, shall be held and taken to be a Part of this Act, in the same Manner and to the same Effect as if the same were particularly set forth and enacted herein.

Councils to be chosen for Paisley, Greenock, Leith, and Kilmarnock.

IV. And be it enacted, That upon the First *Tuesday* of *November* next the Electors qualified and entered in the said Register shall, in each of the said Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock*, respectively choose from among such of their own Number as either reside within the Boundaries assigned to such Burgh or Town by the said recited Act, or as carry on Business personally therein, the Councils of the said respective Burghs or Towns in manner following; that is to say, the qualified Electors of each District whose Names shall be in the said Register shall at some

Place or Places to be appointed for each such Ward or District, of which Intimation shall be made by Notice affixed on the Church Doors of the several Parishes of such Burgh Ten Days at least previous to such Election, proceed to elect from and among the Persons contained in the said Register such a Number of Councillors for such Burgh or Town, being either resident or personally carrying on Business within such Burgh or Town respectively, as herein-before provided, as shall by the Report of the Commissioners to be appointed as aforesaid, and the Proclamation thereof aforesaid, have been fixed and ascertained as the Number of Councillors to be elected in each such Ward, by open Poll, to be taken at the Polling Place or Polling Places appointed for each Ward, in the Presence of the Provost or Chief or Senior Magistrate capable of attending in such Burgh or Town, or of a legal Substitute to be appointed by him, such Assessor being of the Profession of the Law, and being always an Advocate, or a Writer to the Signet, or a Solicitor in the Supreme or Inferior Courts, of not less than Three Years standing respectively, to officiate and preside at the Election in each such Ward or District; and the Town Clerks of such Burghs or Towns, or the Persons who may be appointed by the Chief Magistrate thereof to officiate as Poll Clerks in the several Wards thereof, which Persons such Provost or Chief Magistrate is hereby authorized to appoint, shall each have with him a certified Copy of that Part of the aforesaid Register which contains the Names of the Voters qualified in respect of Property situate in each such District, according to which the Votes shall be taken; and it shall not be competent at such Poll to inquire into any other Facts than the Identity of the Party tendering a Vote and the Person mentioned in such Register, his still holding the Qualification there mentioned, and his not having previously voted at the same Election, all which Facts it shall only be competent to prove by the Oath of the Party so tendering his Vote, if required by any other Voter on the Register; and no other Oath shall be put at such Election, except only an Oath against Bribery, which if required by any Voter on the Roll shall also be put by the Magistrate or Substitute at each Polling Place; which Two Oaths shall be put in the Form of Schedules (A.) and (B.) to this Act annexed; and each Poll Clerk shall enter each Vote for each Person proposed in a Poll Book; and the Provost or Chief Magistrate, or Substitute, presiding at such Election, and the Clerk or Person taking the Poll, shall subscribe their Names to each Page of such Book before any Entry shall be made in the succeeding Page.

In case ther shall be no Chief or Senior Magistrate, the Sheriff of the County to preside at Election.

V. Provided always, and be it enacted, That if in any Case in which the Provost or Chief or Senior attending Magistrate is directed to preside or act in any Burgh or Town under this Act, in manner herein before or after provided, there shall be no such Provost or Chief or other Magistrate, the Sheriff of the County in which such Burgh or Town is situated, or one of his ordinary Substitutes, shall preside and act as such Provost or Chief or other Magistrate is hereby directed to preside and act as aforesaid.

Poll not to be open more than One Day.

VI. And be it enacted, That no Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between

between the Hours of Eight in the Morning and Four in the Afternoon.

Provost or Chief Magistrate to appoint additional Polling Places, Assessors, &c. if necessary.

VII. And be it enacted, That it shall be lawful for the Provost or Chief or Senior Magistrate of any of the said Burghs or Towns to appoint such and as many additional Polling Places or Booths as may be necessary for ensuring the completing of such Election within One Day, and also such additional Assessors (to be qualified and chosen as aforesaid) and also as many Poll Clerks as shall be necessary for that Purpose.

Poll Books to be summed up by Provost, who shall declare the Result.

VIII. And be it enacted, That at all such Elections of Councillors for the said Burghs or Towns the Poll Books for the several Wards or Districts of the said Burghs or Towns shall at the Close of the Poll be sealed up by the Persons who shall have presided at the Elections of the several Wards and taken the Polls thereat, and shall be transmitted to the Provost or Chief or Senior Magistrate, who on the next lawful Day after the Receipt of the same, between the Hours of Twelve and Two, and within the Town House or other public Building of such Burgh, shall openly break the Seals, and with the Assistance of the Town Clerk and such other Persons as he may think fit to employ shall cast up the Votes given, and shall declare upon whom the Election has fallen by the Majority of Votes, (making a Double Return in any Case where the Votes shall be equal,) and shall forthwith give or cause to be given Notice in Writing to the several Persons elected of such their Election, and require them severally to appear in the Town Hall or other public Room aforesaid on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person shall be found to have been elected by more than One of the said Wards or Districts, he shall thereupon declare for which Ward he intends to serve; and wherever this shall occur, or where there shall be a Double Return for any Ward, or where any Person elected shall decline accepting, then and in all such Cases the presiding Magistrate shall immediately appoint a new Election for the vacant Ward or District, or Wards or Districts, at the Distance of not more than Four nor less than Two Days, and affix Notices of the Day so appointed on the Church Doors of the Burgh or Town; and such Election shall be proceeded in in all respects in the same Manner in which the first Election in the said Wards or Districts, and the taking the Poll, casting up the Votes, and declaring the Result, is herein-before directed to proceed, until the Council of such Burgh shall be completed.

Councillors to be chosen for Falkirk, &c.

IX. And be it enacted, That upon the said First *Tuesday* of *November* next the qualified Electors of all the said Burghs or Towns of *Falkirk*, *Hamilton*, *Musselburgh*, *Airdrie*, *Port Glasgow*, *Peterhead*, *Portobello*, *Cromarty*, and *Oban* respectively and severally shall assemble in the Town Hall or other public Place to be appointed and notified by the Town Clerk in each such Burgh or Town, and choose from among their own Number the Number of Councillors herein-before directed to be chosen for each of such Burghs

Burghs or Towns respectively, being resident or personally carrying on Business as herein-before provided, and shall declare their Votes by a List containing the Names of the Persons for whom each Elector respectively intends to vote, which several Lists shall be signed by each such Elector respectively, and shall be openly given in by each Elector to the Town Clerk of such Burgh or Town on the Day of Election, no other Inquiry being permitted at such Election, and no other Oath allowed to be administered, than as herein-before provided as to the Burghs electing by Poll; and such Town Clerk, together with the Provost or Chief or Senior attending Magistrate of the Burgh or Town, who shall preside at such Election, shall publicly cast up the Number of Votes, and shall declare upon whom the Election has fallen by the Majority of Votes; and the Provost or Chief or Senior Magistrate shall forthwith give or cause to be given Notice in Writing to the several Councillors elected of such their Election, and call upon them severally to appear in the Town Hall or other public Room aforesaid on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person so elected shall decline to accept, or in case there shall be an Equality of Votes in favour of Two or more Persons, the whole of whom cannot be received as Councillors, a new Election shall immediately thereafter take place for the vacant Place or Places of the Councillor or Councillors so declining to accept, or elected by equal Numbers, to be intimated as herein-before provided as to the Burghs electing by Poll, and to proceed in the same Manner in all respects in which the Election for Councillors is herein-before directed to proceed until the Council of such Burgh shall be completed.

Persons elected failing to attend, held to decline accepting.

X. And be it enacted, That in all the Cases of Election herein-before directed, if any Person elected as Councillor shall fail to attend on the Day appointed for declaring his Acceptance, he shall be held to have declined accepting the said Office, unless he then transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Succeeding annual Election of Council.

XI. And be it enacted, That upon the First *Tuesday* of *November* One thousand eight hundred and thirty-four, and upon the same Day in every succeeding Year, the Electors in such Burghs and Towns respectively shall in like Manner, *videlicet*, the Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* in their several Wards or Districts, and the said other Burghs or Towns at their General Meetings, assemble and elect, in manner herein-before prescribed in relation to the first Election under this Act, One Third Part or as nearly as may be One Third Part of the Council of each such Burgh or Town, in the Place of the Third thereof who shall, as herein-after directed, go annually out of Office, the Wards or Districts into which the Burghs or Towns divided into Wards or Districts are divided then electing such Number of Councillors as by the said Royal Commissioners such Wards or Districts shall be directed to elect at such annual Elections subsequent to the first Election.

One Third Part of the Council to go out of Office annually.

XII. And be it enacted, That upon the said First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third or a Number as near as may be to One Third of the whole Council of each such Burgh shall go out of Office; and in the said Year One thousand eight hundred and thirty-four the Third who shall go out shall consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in this present Year; and in the succeeding Year, One thousand eight hundred and thirty-five, the Third of the Councillors first elected under this Act who shall go out shall consist of the Councillors who at such first Election under this Act had the next smallest Number of Votes, (the Majority of the Council always determining, where the Votes for any such Persons shall have been equal, who shall be the Persons to retire,) and thereafter the Third of the Councillors so annually going out of Office shall always consist of the Councillors who have been longest in Office: Provided always, that any Councillors so going out of Office shall be capable of being immediately re-elected.

Election of Provost and Magistrates for Paisley, &c.

XIII. And be it enacted, That the Councillors of the said Burghs or Towns of *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost or Chief Magistrate, Four Baillies, and a Treasurer.

Election of Provost and Magistrate for Falkirk, &c.

XIV. And be it enacted, That the Councillors of the said Burghs or Towns of *Falkirk*, *Hamilton*, *Peterhead*, *Musselburgh*, and *Airdrie* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost, Three Baillies, and a Treasurer.

Election of Provost and Magistrates for Port Glasgow, &c.

XV. And be it enacted, That the Councillors of the said Burghs or Towns of *Port Glasgow*, *Cromarty*, and *Portobello* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost and Two Baillies.

XVI. And

Election of Baillies for Oban.

XVI. And be it enacted, That the Councillors of the said Burgh of *Oban* so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number Two Baillies.

Election of Managers of Charities.

XVII. And be it enacted, That the Councillors of the said several Burghs or Towns shall in the like Manner as they are herein-before directed to elect their Magistrates, and at the same Time, elect the Managers of any charitable or other public Institution existing in or connected with such Burgh or Town, the Appointment of the Managers of which is at present vested in the Magistrates and Town Council of such Burgh or Town.

Existing Councils and Magistrates to go out on Completion of next Election.

XVIII. And be it enacted, That upon the Completion of the first Elections of Councillors, Magistrates, and Office Bearers to be made in all the said Burghs or Towns under the Provisions of this Act, and not sooner, the Provost, Magistrates, Office Bearers, and other Councillors now in Office in such Burghs or Towns respectively shall go out, and their whole Powers, Duties, and Functions shall cease and determine, except only where any of the said Persons shall have been again elected under the Provisions of this Act, and there shall thereafter be no other Magistrates or Officers for such Burghs or Towns than those hereby specified and directed to be elected and chosen.

Election of Trustees and Managers.

XIX. And be it enacted, That where any Trust or Management is, by the Terms of any Public or Local Act, or of any Charter or Deed of Foundation, or other Deed, conferred on the present Magistrate, and Council of any of the said Burghs or Towns, the Magistrates and Councils, to be elected according to the Provisions of this Acts shall have the same Powers and Rights as such Trustees, Managers, or Directors as belong to the existing Magistrates and Councils; and where any such Trust or Management is conferred on any particular Members of the present Council or Magistracy or Office Bearers of any such Burgh or Town, the Town Councils to be named and elected in Terms of this Act shall immediately after their own Acceptance and Induction into Office nominate and elect from their own Body such a Number of Persons to be such Trustees or Managers as are by such Acts, Charters, or Deeds appointed to those Offices under the said Denominations; and the whole Powers and Functions now belonging to the said Offices of Trustees or Managers shall belong to and be as fully vested in the Persons so elected as if they had possessed the Denominations used in the said Acts, Charters, or Deeds.

Councillors to be Burgesses before Induction.

XX. And be it enacted, That in all Burghs where there are Burgesses no Person shall be entitled to be received and inducted as Councillor who shall not, previous to such Induction, be entered a Burgess of the Burgh for which he is so elected; and each such Person

Person so elected shall produce, when he declares his Acceptance, the Evidence of his being such Burgess; and his Omission so to do shall be held to vacate his Election in the same Manner as if he had declined to accept: Provided always, that no merely honorary Burgess shall be entitled to be so inducted, and that any Person so elected shall be entitled to be entered as a Burgess on Payment of the ordinary Fees to the Common Good of the Burgh.

Rights of Crafts, Trades, and Guildries to elect their own Officers.

XXI. And be it enacted, That nothing herein contained shall be held or construed to impair the Right of any Craft, Trade, or Guildry severally to elect their own Deacons or Deacon Convener or Dean of Guild for the Management of the Affairs of such Crafts, Trades, or Guildries, but that on the contrary the said several Bodies shall, from and after the passing of this Act, be in all Cases entitled to the free Election of the said several Office Bearers and other necessary Officers for the Management of their Affairs, without any Interference or Controul whatsoever on the Part of the Town Council or any Member thereof.

Vacancies of Magistrates going out of Office how supplied.

XXII. And be it enacted, That when any Magistrate or Office Bearer (other than the Provost or Chief Magistrate and Treasurer) shall be in the Third of the Council going out of Office, the Place of such Magistrate or Office Bearer shall be supplied by Election by the Council as soon as the full Number thereof shall have been completed by the annual Election of the Third then hereby directed to take place; and the said Election shall be made by Plurality of Voices; and the chief or senior attending Magistrate shall have a double or casting Voice in case of Equality: Provided always, that the Provost or Chief Magistrate and the Treasurer shall always remain in Office for the Period of Three Years, and that they as well as all the other Magistrates or Office Bearers shall at all Times be capable of being re-elected.

Vacancies occurring within the Year how to be supplied.

XXIII. And be it enacted, That if any Vacancy shall in the Course of the Year occur in the Council or Magistracy or Office Bearers of any such Burgh or Town by Death, Disability, or Resignation, the same shall be filled up *ad interim* by the remaining Members of the Council by Election, as herein-before provided, at a Meeting to be called on Five Days Notice by the Town Clerk by Intimation in Writing to each of such remaining Members of the Council; but any Councillor, Magistrate, or Office Bearer so elected *ad interim* shall go out of Office on the First *Tuesday* of *November* next ensuing his Election, and the Vacancy thereby occurring shall be supplied at the next annual Election of Councillors and Magistrates or Office Bearers in such Burgh; provided that if the Vacancy shall have occurred in any of the said Burghs or Towns of *Paisley*, *Greenock*, *Leith*, or *Kilmarnock*, such Vacancy shall at such annual Election be supplied by the Ward of such Burgh or Town by which the Councillor who had died or resigned or been disabled had been elected, and which shall in this Case elect an additional Councillor, unless the Party so dying or disabled would then have gone out of Office as One of the Third hereby directed to retire.

Councillors, &c. may resign.

XXIV. And be it enacted, That any Person elected and accepting the Office of Councillor, Magistrate, or other Office Bearer in any Town Council under the Provisions of this Act may resign his said Office at any Time, upon giving not less than Three Weeks Notice of such his Intention by a written Intimation to the Town Clerk, or Chief or Senior Magistrate; and in the Event of such Resignation being intimated as to be made at the Period of the annual Retirement of One Third of the Council, such additional Number of Councillors shall then be elected as may be necessary to complete the Council: Provided always, that no Fine or other Penalty shall be exigible from any Person either declining to accept after his Election or subsequently resigning his Office.

Burghs having no legal Councils.

XXV. And be it enacted, That where any such Burgh or Town shall, in consequence of the Decision of a Court of Law or otherwise, be hereafter without any legal Council or Magistracy, all the Functions directed by this Act to be performed by the existing Magistrates or Councils shall be performed by One or more of the Managers who may by any lawful Appointment be then in the actual Administration of the Affairs of any such Burgh or Town, and in default of any such Managers by the Sheriff or Sheriff Substitute of the County.

Town Clerk to be appointed.

XXVI. And be it enacted, That it shall be lawful for the Magistrates and Council of any such Burgh or Town to elect a Town Clerk for such Burgh or Town for the Period of One Year, without Prejudice to his Re-election, and also without Prejudice to the lawful Right of any existing Town Clerk in any such Burgh or Town to hold his Office of Town Clerk or Clerk to the Magistrates and Council *ad vitam aut culpam.*

Town Clerk to give Notices.

XXVII. And be it enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh or Town of any Meetings or Proceedings to be held or had in the Matter of the Elections of or respecting such Burgh or Town shall, where not directed to be otherwise given, be given or made by the respective Town Clerks thereof; or in case there shall be no Town Clerk, the Duty imposed on the Town Clerk by this Act shall be performed by the Sheriff Clerk of the County: Provided always, that no Councillor, nor the Partner in Business of any Councillor, shall be entitled to hold the Office of Town Clerk in any such Burgh or Town, and that no Town Clerk shall directly or indirectly interfere in the Election of Magistrates or Councillors for such Burgh or Town.

Notices may be given at Place of Worship.

XXVIII. And be it further enacted, That where there is no Parish Church within the Burgh, the Notices hereby required may be given at the principal Place of Public Worship within the Burgh.

Fees of Substitutes and Assessors, and Election Ex-

XXIX. And be it enacted, That the several Persons officiating at Elections as Substitutes for the Provosts or Chief Magistrates in the several Wards or Districts into which the Burghs or Towns of *Paisley, Greenock, Leith,* and *Kilmarnock* shall be divided (not being

pences, how to be paid.

the Town Clerks of such Burghs) shall be entitled to receive a Sum not exceeding Three Pounds and Three Shillings for each Day they shall respectively be so employed, and the Poll Clerks the Sum of One Pound and One Shilling each for the same Period; which Sum, together with all the other Expences attending such Elections, or the making up of the aforesaid Register, giving Notices at the Church Doors, and providing Copies of the said Registers or Parts thereof for the Purposes of Election, shall be defrayed from the Common Good or other Means or Revenues of such Burghs respectively.

Magistrates and Town Council to have same Powers as Magistrates and Council now existing;

but not to have the Power of trying for Felonies, &c.

XXX. And be it enacted, That the Magistrates and Town Council to be elected for the said Burghs or Towns under the Authority of this Act shall have such and the like Rights, Powers, Authorities, and Jurisdiction as is or are possessed by the Magistrates and Council of any Royal Burgh in *Scotland;* and such Rights, Powers, Authorities, and Jurisdiction shall extend equally over all and every Part of the Limits of such Burghs or Towns as described in the said recited Act of the Second and Third Year of the Reign of His present Majesty: Provided always, that the Magistrates and Council of such Burghs or Towns shall not have the Power of trying for Crimes punishable by Death or Transportation; and that the Rights, Powers, Authorities, and Jurisdiction hereby conferred shall in no Case be exclusive of the Authority and Jurisdiction of any Admiralty Court or Dean of Guild Court now lawfully established, or of the Sheriff or Justices of the Peace of the County, over the Territory within the Boundaries of such Burghs or Towns respectively.

Magistrates, &c. to publish a State of their Affairs yearly.

XXXI. And be it enacted, That the existing Magistrates and Council in all the Burghs contained in this Act shall, on or before the Fifteenth Day of *October* in the present and in all future Years, make up a distinct State of their Affairs, subscribed by the Chief or Senior Magistrate, Town Clerk, and Treasurer, containing an Account of all the Funds, Properties, and Revenues in their Administration, and of all their Transactions in relation to such Funds, Properties, and Revenues since they came into Office, which Account shall be brought down as nearly as may be to the said Fifteenth Day of *October*, and shall be kept in the Town Clerk's or Treasurer's Office, for the Inspection of any of the registered Electors, from the said Fifteenth Day of *October* down till the Time of the Election; and a full and distinct Abstract of the said Account, with a Balance Sheet containing all necessary Particulars, shall be printed and published by the said Magistrates on or before the Twentieth Day of the said Month of *October*.

Penalty for wilful Malversation.

XXXII. And be it enacted, That if any Magistrate, Councillor, Town Clerk, Sheriff, or other Person shall wilfully contravene or disobey the Provisions of this Act, he shall be liable to be sued for such Offence in the Court of Session by any Person aggrieved for the penal Sum of Three hundred Pounds; which Sum, or any smaller Sum which may be assessed by the Jury in any such Action, the Defender, upon Conviction, shall pay to the Pursuer, with full Costs of Suit: Provided always, that every such Action shall be raised within Four Calendar Months after the Cause of Action shall

have arisen, and that Notice in Writing shall be given to the Defender at least One Calendar Month before raising the same: Provided also, that any such Defender against whom Judgment shall have been once recovered in such Action shall be entitled to plead such Judgment as a Bar to any other Action which may be brought against him for the same Matter or Thing; and such other Action being thereupon dismissed, such Defender shall recover his full Costs of Suit.

Irregularity in the Election of Councillors only to affect themselves.

XXXIII. And be it enacted, That no Irregularity or Nullity in the Election of any Councillor or Magistrate shall, in any Case after the passing of this Act, annul or affect the Election of other Councillors or Magistrates not liable to the same Grounds of Objection, but those particular Elections only in which such Irregularity or Nullity shall have occurred; saving always and reserving to all and every Person and Persons, or Class or Community of Persons, Bodies Politic, Corporate, or Collegiate, all and every Right of Property within the said Burghs and Towns which they respectively had or enjoyed before the passing of this Act.

Act may be altered.

XXXIV. And be it enacted, That this Act may be repealed, altered, or amended by any Act or Acts to be passed in the present Session of Parliament.

SCHEDULE (A.)

I *A. B.* do solemnly swear [*or* affirm], That I am the Individual described in the List or Roll for the Town [*or* Burgh] of as *A. B.* of [*here insert Description in the same Words as contained in the Roll*]; that I am still the Proprietor [*or* Occupant] of the Property for which I am so inrolled, and hold the same for my own Benefit, and not in Trust for or at the Pleasure of any other Person; and that I have not already voted at this Election.

SCHEDULE (B.)

I *A. B.* do solemnly swear [*or* affirm], That I have not received or had, by myself or any Person for my Use or Benefit, any Sum or Sums of Money, Office, Place, or Employment, Gift or Reward, or any Promise or Security for any Money, Office, or Gift, in order to give my Vote at this Election.

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