ANNO VICESIMO QUINTO & VICESIMO SEXTO

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C A P. LVIII.

An Act to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in *Scotland*.

[29th *July* 1862.]

WHEREAS it is expedient that Provision should be made for raising the Money required for the Erection and Improvement of Parochial Buildings in *Scotland* by annual Assessments extending over a limited Period: 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:

Interpretation.

1. The Expression "Parochial Building" in this Act shall mean and include Church, Manse, Churchyard Walls, Schoolhouse, and Schoolmaster's House respectively; and the Word "Sheriff" shall include Sheriff Substitute.

Heritors may resolve that Expense of Parochial Buildings may be raised by annual Assessments.

2. The Heritors of any Parish in *Scotland* in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, may at any Meeting of such Heritors resolve that the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such

Parochial Building shall be raised by annual Assessments extending over any Period not exceeding Ten Years; and on the Adoption of such Resolution such annual Assessments for the Period specified therein shall be imposed, levied, and recovered on and from the Heritors of such Parish in the same Manner, and with the same Liabilities and Rights of Relief, as Assessments for the Erection, Improvement, or Enlargement of such Parochial Building are or may be levied under the Authority of any existing Act relating thereto, or otherwise according to the Law of *Scotland*.

Power to borrow Money.

3. On the Adoption of such Resolution it shall be lawful for the Heritors of such Parish, if they think fit, to borrow the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building, and in security of the Repayment of the Money so borrowed, and the Interest thereof, to charge and assign the said annual Assessments by a Bond and Assignation, signed by any Two Heritors authorized to sign the same at the Meeting at which it shall be resolved to borrow such Money; and in case of Nonpayment of the Money so borrowed, or any Instalment thereof, and the Interest thereon, when the same become due, the Creditor in or Person having right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due or to become due under such Bond and Assignation as are competent to the Heritors of such Parish by any existing Act, or otherwise by the Law of *Scotland*, for levying and recovering Assessments for the Erection, Improvement, or Enlargement of such Parochial Building.

Procedure in Cases where there is only One Heritor in a Parish.

4. Where there is only One Heritor in any Parish in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, such Heritor may apply by summary Petition to the Sheriff of the County in which such Parish is situate for Authority to raise the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building by annual Assessments extending over any Period not exceeding Ten Years, and to borrow the Money required for that Purpose, and to charge and assign such annual Assessments in security of the Payment thereof and of the Interest thereon; and on considering such Petition the Sheriff shall order Intimation thereof to be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published or generally circulated in such County; and after such Intimation it shall be lawful for the Sheriff to grant Warrant and Authority to such Heritor to raise the Money so required by annual Assessments as aforesaid, and to charge and assign the same in security of the Repayment of the Money to be borrowed,

borrowed, and the Interest thereof, by a Bond and Assignation signed by such Heritor; and the Creditor in or Person having Right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due and to become due under such Bond and Assignation, as are herein-before provided with respect to Bonds and Assignations signed by any Two Heritors.

Money borrowed to be repaid by annual Instalments.

5. The Money borrowed to defray the Expense of erecting, improving, or enlarging any Parochial Building shall be repaid by annual Instalments of not less in any One Year than One Tenth Part of the Principal Sum borrowed, exclusive of the Payment of Interest thereon.

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