ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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Cap. xi.

An Act to confirm certain Provisional Orders under "The General Police and Improvement (*Scotland*) Act, 1862," relating to the Burghs of *Perth* and *Brechin*. [29th *May* 1868.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862," (Twenty-fifth and Twenty-sixth *Victoria*, Chapter One hundred and one,) duly made certain Provisional Orders which are contained in the Schedule to this Act annexed; and it is provided by the recited Act that no such Orders shall be of any Validity whatever until they have been confirmed by Parliament, and it is expedient that the said Orders shall be so confirmed: 25 & 26 Vict. c. 101.

Be it therefore 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:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been especially enacted in this Act.

SCHEDULE referred to in this Act.

PERTH.

General Police and Improvement (Scotland) Act, 1862,
(25 & 26 *Vict. c.* 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, enacted, Section 79, that "whenever it appears desirable to "the Magistrates and Council or Commissioners of Police of any Royal or "Parliamentary Burgh, or to the Commissioners for executing this Act "in any burgh or populous place, that provision should be made in order "the better to apply and execute therein the provisions of this Act, in whole "or in part, or for the future application and execution of any Acts in force "therein, having relation to the purposes of this Act, or to the roads or "streets within such burgh or populous place, or to any other matter or "thing connected with the management and administration of the muni-"cipal or police affairs of such burgh or populous place, or that any such "Acts, or any exemptions from rating therefrom derived, or that any Pro-"visional Order or Orders in Council applying this Act hereby authorized "to be made, should be wholly or partially repealed or altered," the Magistrates and Council "may present a petition to one of Her Majesty's "Principal Secretaries of State, praying for such provision, repeal, and "alteration as aforesaid, or for any of such things, and such petition shall "be supported by such evidence as the said Secretary requires:"

And whereas in the said Royal Burgh of Perth the Magistrates and Council are the Commissioners of Police for executing the said recited Act in said burgh:

And whereas a petition, under the provisions of the said recited Act, has been addressed to me, as one of Her Majesty's Principal Secretaries of State, by the Lord Provost, Magistrates, and Council of the said Royal Burgh of Perth, as Commissioners foresaid, setting forth:—(1.) That it has long been contemplated to open a public street in Perth, running from the High Street to the South Street, immediately to the west of and adjoining the River Tay, having an open esplanade in front of the houses to be erected on the west side of said street, but the execution of the work has hitherto been delayed for want of the

the necessary funds. (2.) That the petitioners have had under consideration the possibility of carrying out the said improvement under the powers of the said recited Act, but they find that the Act is not framed to meet this particular case, in respect that the making of new streets is by the said recited Act thrown on the owners of the adjacent lands or premises in the first instance, and that the proportional repayment of the expense of making new streets, which the petitioners as commissioners foresaid would be authorized to make under said recited Act, must be made out of the police assessment, while there is no probability of the owners in the line of the contemplated new street before mentioned undertaking its construction, and it is questionable whether the expense of such work, even if undertaken by the owners, could be defrayed out of the surplus police assessment in the burgh of Perth, the said assessment being mostly required for the ordinary police expenses of said burgh. (3.) That in the formation of such contemplated new street it will be necessary to build retaining walls, form embankments, and to a certain extent encroach on the bed of the River Tay, and further to shut up certain vennels or accesses to said river from the Watergate Street, which vennels or accesses at present exist, but are not necessary for the wants of the locality, and would become receptacles of filth and sources of danger if covered over by the line of street; and (4.) That if the provisions of the recited Act were altered so as to authorize the petitioners themselves to form the contemplated new street, and any other line of new street in said burgh, and to defray the expense of making the same out of the General Improvement Rate authorized to be levied by the said recited Act, they (the petitioners) would be enabled to carry out the proposed improvements: And the said petition prayed the issue of a Provisional Order providing that the petitioners may, at a meeting to be held for the purpose, resolve to acquire lands or premises, accesses or vennels, within the said burgh, for the purpose of making new streets for the public use, and that they may charge the expenses connected therewith, including the compensation to be paid by them to the owners of the said lands or premises, accesses or vennels, so to be acquired, against the General Improvement Rate which they are empowered to levy under the said recited Act; and that the said Order may be thereafter confirmed by Act of Parliament:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof in so far as it relates to the formation of a public street in Perth, running from the High Street to the South Street thereof, immediately to the west of and adjoining the River Tay, and to the acquiring of lands or premises, accesses or vennels, and the charging of the expenses to be incurred for that purpose; and plans of the said lands or premises, accesses or vennels, just mentioned, and a book of reference thereto, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands and others proposed to be taken, have been signed by me with reference to this Order, and have been deposited with the Sheriff Clerk of the County of Perth at his office in Perth:

Now, therefore, in pursuance of the powers vested in me by the said "General Police and Improvement (Scotland) Act, 1862," I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my

my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1.—Notwithstanding the terms of the 161st and 176th Clauses of the "General Police and Improvement (Scotland) Act, 1862," the Lord Provost, Magistrates, and Council of the Royal Burgh of Perth, as Commissioners of Police of said burgh, may at a meeting to be held for the purpose in terms of the said Act, resolve to acquire the lands and premises, accesses and vennels, delineated on the plan, and described in the book of reference herein-before mentioned, for the purpose of forming a public street from the the High Street to the South Street of Perth, immediately to the west of and adjoining the River Tay, including the building retaining walls and making embankments, and for the purpose of shutting up where they judge necessary the vennels or accesses foresaid; and the Commissioners may make such street, including as aforesaid, and may shut up said vennels and accesses; and they may resell any parts of such lands and others which shall not be required for such purposes; and the expense of such acquisitions and improvements shall be a charge against the General Improvement Rate authorized to be imposed and levied under the "General Police and Improvement (Scotland) Act, 1862:" Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment authorized to be imposed and levied under said last-mentioned Act.

2.—It shall be lawful for the Lord Provost, Magistrates, and Council of Perth, as Commissioners foresaid, to put in force the provisions of the "Lands Clauses Consolidation (Scotland) Act, 1845," in regard to the purchase and taking of lands by agreement or otherwise than by agreement with reference to the lands or premises, accesses or vennels, delineated and described as aforesaid.

3.—The words "Promoters of the Undertaking" in the said "Lands Clauses Consolidation (Scotland) Act, 1845," shall be held to mean and include the Lord Provost, Magistrates, and Council of Perth, acting as Commissioners foresaid; and the word "Lands" in this Provisional Order shall have the meaning assigned to it in the said "Lands Clauses Consolidation (Scotland) Act, 1845."

4.—Sections 11, 12, and 13, of "the Harbours, Docks, and Piers Clauses Act, 1847," and sections 13, 18, and 19 of "the Railways Clauses Act, 1863," are incorporated with and form part of this Order; but in construing the aforesaid sections of these enactments, the words "harbour," "dock," "pier," "work," and "railway" shall mean the works authorized by this Order, and delineated on the plan, and described in the book of reference herein-before mentioned.

5.—Nothing contained in this Order, or in any of the Acts herein referred to or herewith incorporated, shall authorize the said Lord Provost, Magistrates, and Town Council, as Commissioners aforesaid, to take, use, or in any manner interfere with, any portion of the shore

shore or bed of the river Tay, or of any channel, creak, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade, on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Order or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's most Excellent Majesty, Her heirs or successors.

Given under my hand and seal at Whitehall, this twenty-first day of March One thousand eight hundred and sixty-eight.

(L.S.) GATHORNE HARDY.

BRECHIN.

General Police and Improvement (Scotland) Act, 1862, 25 & 26 *Vict. c.* 101.

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, enacted, Section 79, that "whenever it appears desirable to "the Magistrates and Council, or Commissioners of Police of any Royal or "Parliamentary Burgh, or to the Commissioners for executing this Act, in "any burgh or populous place, that provision should be made in order the "better to apply and execute therein the provisions of this Act in whole or "in part, or for the future application and execution of any Acts in force "therein having relation to the purposes of this Act, or to the roads or "streets within such burgh or populous place, or to any other matter or "thing connected with the management and administration of the municipal or police affairs of any such burgh or populous place, and that any "such Acts or any exemptions from rating therefrom derived, or that any "Provisional Order or Orders in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered, the "Magistrates and Council, or the Commissioners of any burgh, or the Magistrates and Councils or Commissioners of contiguous burghs, as the case may "be, may present a petition to one of Her Majesty's Principal Secretaries "of State, praying for such provision, repeal, and alteration as aforesaid, "or for any of such things, and such petition shall be supported by such "evidence as the said Secretary requires; and it shall be lawful for any of "Her Majesty's Principal Secretaries of State to issue a Provisional Order, "under his hand and seal of office, in relation to the several things mentioned "in the said petition, either in accordance with the prayer thereof, or with "such modifications or alterations as may appear to him to be requisite:"

And whereas in said Burgh of Brechin the Magistrates and Town Council of said burgh are the Commissioners of Police appointed and acting under and in virtue of the said Act:

And whereas a petition, under the provisions of the said General Police and Improvement (Scotland) Act, has been addressed to me, as one of Her

Perth and Brechin Provisional Orders Confirmation.

Majesty's Principal Secretaries of State, by the said Magistrates and Council of Brechin as Commissioners foresaid, setting forth that for the better executing the said Act within the said Burgh of Brechin it is desirable that the said Magistrates and Council should be enabled to acquire under the provisions of the "Lands Clauses Consolidation (Scotland) Act, 1845," for the purchase of lands otherwise than by agreement, certain lands, houses, and pertinents, situated in Market Street of Brechin, in order that the said Magistrates and Council may render the said street more safe for public traffic, and praying that a Provisional Order may be issued, enabling the said Magistrates and Council to put in force the said provisions of the last-mentioned Act, with respect to the said lands and others, and that the said Order may be thereafter confirmed by Act of Parliament:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof; and a plan of the said lands and others, and a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands and others that are proposed to be taken, have been signed by me with reference to this Order, and have been deposited with the Sheriff Clerk of the county of Forfar at his office in Forfar:

Now, therefore, in pursuance of the powers vested in me by the said "General Police and Improvement (Scotland) Act, 1862," I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1.—It shall be lawful for the Magistrates and Town Council of Brechin, as Commissioners of Police of the said Burgh of Brechin, to put in force the provisions of the "Lands Clauses Consolidation (Scotland) Act, 1845," in regard to the purchase and taking of lands by agreement or otherwise than by agreement with reference to the lands, houses, and pertinents delineated on the said plans, and described in the said book of reference.

2.—The words "promoters of the undertaking" in the said "Lands Clauses Consolidation (Scotland) Act, 1845," shall be held to mean and include the Magistrates and Council of Brechin acting as commissioners foresaid for executing the said General Police and Improvement (Scotland) Act, 1862, and the word "lands" in this Provisional Order shall have the meaning assigned to it in the said "Lands Clauses Consolidation (Scotland) Act, 1845."

Given under my hand and seal at Whitehall, this sixth day of March One thousand eight hundred and sixty-eight.

(L.S.) GATHORNE HARDY.

PERTH.

PERTH.

General Police and Improvement (Scotland) Act, 1862, (25 & 26 *Vict. c.* 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, enacted, Section 79, that "whenever it appears desirable to "the Magistrates and Council or Commissioners of Police of any Royal or "Parliamentary Burgh, or to the Commissioners for executing this Act, "in any burgh or populous place, that provision should be made in order "the better to apply and execute therein the provisions of this Act, in whole "or in part, or for the future application and execution of any Acts in force "therein, having relation to the purposes of this Act, or to the roads or "streets within such burgh or populous place, or to any other matter or "thing connected with the management and administration of the municipal "or police affairs of such burgh or populous place, or that any such Acts, "or any exemptions from rating therefrom derived, or that any Provi-"sional Order or Order in Council applying this Act hereby authorized "to be made, should be wholly or partially repealed or altered," the Magistrates and Council "may present a petition to one of Her Majesty's Principal "Secretaries of State, praying for such provision, repeal, and alteration as "aforesaid, or for any of such things, and such petition shall be supported "by such evidence as the said Secretary requires:"

And whereas in the said Royal Burgh of Perth the Magistrates and Council are the Commissioners of Police for executing the said recited Act in said burgh:

And whereas a petition under the provisions of the said recited Act has been addressed to me, as one of Her Majesty's Principal Secretaries of State, by the Lord Provost, Magistrates, and Council of the said Royal Burgh of Perth, setting forth:—(1.) That by an Act of Parliament passed in the year 1811, intituled "An Act for regulating and "converting the statute services in the County of Perth, and for more "effectually making and regulating the highways, bridges, and ferries within "the said county," it is provided, section 32, "that no statute services or "conversions for the same shall be exigible or leviable from the inhabitants "within the Royalty of the City of Perth by virtue of this Act so long as "any Act of Parliament shall exist for assessing the said inhabitants for "paving and repairing the streets of the said city;" (2.) That the boundaries of the said Royalty of the City of Perth have been recently extended, and a considerable area is included within the extended royalty, which was not included within the ancient royalty of said city; (3.) That the inhabitants of the district within the said extended royalty, but beyond the said ancient royalty, are liable for, and have to pay the full police assessment for "police purposes" levied within the Burgh of Perth under the first-recited Act, which "purposes" include the paving and maintaining streets; and (4.) That it has been agreed upon between the Trustees acting under the said second-recited Act and the petitioners that the petitioners shall uphold the whole roads hitherto upheld by the said Trustees so far as the same are within the district

district now under the jurisdiction of the petitioners, including as well the extended as the ancient royalty of the City of Perth, and that the said Trustees should cease to levy and exact statute labour conversion money within said district; and the said petition prayed the issue of a Provisional Order providing that the statute services or conversions of the same under the said second-recited Act should not hereafter be exigible from the inhabitants within the extended royalty foresaid, and that the obligations on the Trustees under the said second-recited Act or under the first-recited Act to uphold the roads or streets within the boundaries of the said extended royalty should cease and determine, and that the said Order should be confirmed by Act of Parliament:

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said Petition:

Now therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State do, by this Provisional Order under my hand and seal, direct that from and after the passing of any Act of Parliament confirming the same,—

1.—The Magistrates and Council of the said Royal Burgh of Perth shall have and discharge all the duties, rights, and liabilities with respect to the roads and streets within the extended royalty of the said burgh which by the General Police and Improvement (Scotland) Act, 1862, belong to or are imposed upon the Commissioners of Police, of any burgh with respect to the roads and streets within their burgh.

2.—No statute labour services or conversions of the same shall be exigible or leviable from the inhabitants within the extended royalty of the said Burgh or City of Perth by virtue of the said recited Act passed in the year 1811, so long as any Act of Parliament shall exist for assessing the inhabitants within said extended royalty for paving and repairing the streets and roads thereof.

3.—All obligations of the said Trustees acting under the said recited Act passed in the year 1811, or under the General Police and Improvement (Scotland) Act, 1862, with respect to the roads and streets within the said extended royalty, shall cease and determine as at the date of the passing of the Act confirming this Order: Provided always, that nothing herein contained shall affect the right of the said Trustees to recover or exact any statute services or conversions of the same which may have become due or exigible before the date of the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall, this sixteenth day of August One thousand eight hundred and sixty-seven.

(L.S.) GATHORNE HARDY.

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