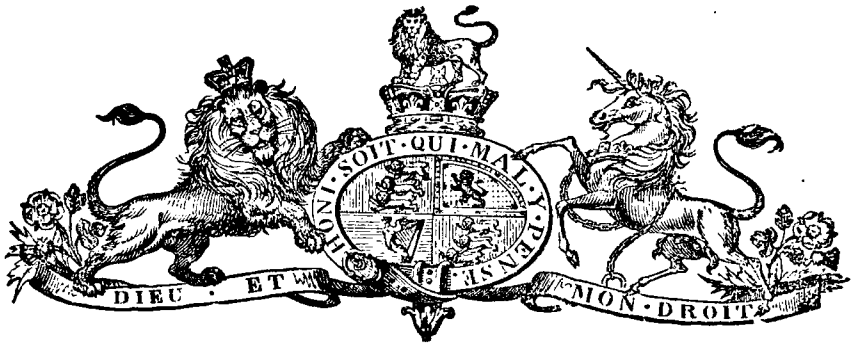


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXXII.

An Act to render more effectual the Police in Counties and Burghs in *Scotland*.

[25th *August* 1857.]

WHEREAS an Act was passed in the Eleventh Year of King *George* the First (Chapter Twenty-six), "for more effectual disarming the Highlands in that Part of *Great Britain* called *Scotland*, and for the better securing the Peace and Quiet of that Part of the Kingdom," whereby the Freeholders of every Shire, County, or District in *Scotland* were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals; and another Act was passed in the Session of Parliament holden in the Second and Third Years of King *William* the Fourth (Chapter Sixty-five), "to amend the Representation of the People in *Scotland*," whereby the Collection and Application of the said Fund commonly called "Rogue Money" was transferred from the Freeholders to the Commissioners of Supply; and another Act was passed in the Session of Parliament holden in the Second and Third Years of Her Majesty (Chapter Sixty-five), "to amend the Mode of assessing the Rogue Money in *Scotland*, and to extend the Purposes of such Assessment," whereby the Commissioners of Supply of any County were authorized to levy with and as Part of the Rogue Money an additional

11 G. 1. c. 26.

2 & 3 W. 4. c. 65.

2 & 3 Vict. c. 65.

tional Assessment for the Maintenance of a Constabulary or Police Force in such County, and such additional Assessments have been levied and such Force has been established in some Counties in *Scotland:* And whereas an Act was passed in the Session of Parliament holden in the Third and Fourth Years of King *William* the Fourth (Chapter Forty-six), "to enable Burghs in *Scotland* to establish a general "System of Police," which Act was subsequently amended by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty (Chapter Thirty-nine); and an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty (Chapter Thirty-three), "to make more effectual Provision for regulating the Police of Towns and populous "Places in *Scotland*, and for paving, draining, cleansing, lighting, and "improving the same;" and the Three last-recited Acts have been adopted in whole or in part in some Burghs in *Scotland:* And whereas it is expedient that further and other Provision be made for securing an efficient Police Force throughout *Scotland:* 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:

3 & 4 W. 4. c. 46.

10 & 11 Vict. c. 39.

13 & 14 Vict. c. 33.

Commissioners of Supply to establish Police Force.

I. On the Twenty-ninth Day of *September*, or on some other Day thereafter not later than the Thirty-first Day of *October* One thousand eight hundred and fifty-seven the Commissioners of Supply of every County in *Scotland* shall hold a Meeting on such Day and at such Hour and Place as may be publicly notified by the Convener of the Commissioners of Supply by Advertisement at least Twenty-one Days previous to such Meeting in the *Edinburgh Gazette* and in some One or more Newspapers published in such County, or, if there be no such Newspaper, then in some One or more Newspapers published in an adjoining County or Counties, and at such Meeting or at any Adjournment thereof (not later than the said Thirty-first Day of *October*) the said Commissioners of Supply shall proceed to establish, from and after the Fifteenth Day of *March* One thousand eight hundred and fifty-eight, a sufficient Police Force for such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings in Writing to One of Her Majesty's Principal Secretaries of State.

Commissioners of Supply to appoint Police Committee to carry Act

II. The Commissioners of Supply of every County shall at their First Meeting for the Purposes of this Act, or at any Adjournment thereof as aforesaid, on the Twenty-ninth Day of *September*, or on some other Day thereafter not later than the Thirty-first Day of *October*,

October, and in all subsequent Years at their statutory Meeting on the Thirtieth Day of *April*, appoint certain of their own Number, being not more than Fifteen and not less than Three, which Persons so appointed, along with Her Majesty's Lieutenant and the Sheriff of the County (or, in the Absence of such Sheriff, One of his Substitutes to be by him nominated for that Purpose), shall be called "The Police Committee," to manage and transact all or any Matters which such Police Committee is hereby required or authorized to do, execute, or perform; and every such Committee shall also have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in such Commissioners of Supply as such Commissioners of Supply shall think proper to delegate to such Committee; and such Police Committee shall elect One of their own Number to be their Chairman, and any Three Members of such Police Committee shall be a Quorum, and entitled to exercise all the Powers of such Police Committee; and at all Meetings of such Police Committee the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal the Chairman of the Police Committee, or in his Absence any Member chosen by said Committee to be Preses of the Meeting, shall have a Casting Vote in addition to his own Vote; and such Committee may from Time to Time appoint Sub-Committees with such of the Powers of the said Committee as they may think fit. into execution.

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act shall from Time to Time be made by One of Her Majesty's Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of Supply for every County, and shall be by him communicated to the Chairman of the Police Committee, the Sheriff Clerk, and Justice of Peace Clerk of such County respectively; and it shall be lawful for such Secretary of State, upon the Representation of the Commissioners of Supply of the County setting forth any special Reasons, from Time to Time to suspend any Part of such Rules, or to amend or add to such Rules, so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament be then sitting, and if Parliament be not then sitting then within Six Weeks after the next Meeting of Parliament. Rules for Government, Pay, &c. of Constables to be made by Secretary of State.

IV. As soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Chairman of the Police Committee Chief Constable of the County to be appointed;

and may serve for more than One County.

Committee of the County shall call a Meeting of the said Committee on not less than Ten or more than Twenty Days Notice, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State, appoint a Person duly qualified according to the Rules to be Chief Constable of the County from and after the said Fifteenth Day of *March* One thousand eight hundred and fifty-eight; and in every Case of Vacancy of the Office of Chief Constable the Chairman of the Police Committee shall call a Meeting of the Police Committee as aforesaid, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the like Approval, appoint a fit Person to be Chief Constable; and every Chief Constable may hold his Office until dismissed by the Police Committee; and it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties, if the Commissioners of Supply of such Counties shall agree to join in such Appointment.

Number of Constables may be increased or diminished.

V. It shall be lawful for the Commissioners of Supply, on the Recommendation of the Police Committee of any County, from Time to Time, with the Consent of One of Her Majesty's Principal Secretaries of State, to increase or diminish the Number of Constables appointed under this Act for such County.

Chief Constable to appoint the other Constables.

VI. The Chief Constable shall, subject to the Approval of the Police Committee, appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Sheriff, or from the Justices of the Peace in General or Quarter Sessions assembled, and to the Rules established for the Government of the Force in Terms of this Act: Provided always, that in the Case of any conflicting Orders being issued by the Sheriff and Justices of the Peace assembled as aforesaid, the Orders of the Sheriff shall be followed by the Chief Constable, until the Decision of One of Her Majesty's Principal Secretaries of State shall be pronounced on the Subject, which Decision, unless in so far as the same may be afterwards altered or modified by One of Her Majesty's Principal Secretaries of State, shall be final and conclusive.

Additional Constables may be appointed at

VII. It shall be lawful for the Chief Constable of any County, with the Approval of the Sheriff or of the Justices of the County in General or Quarter Sessions assembled, (if he shall think fit,) on the Application

Application of any Person or Persons, setting forth the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables appointed under this Act: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving Fourteen Days Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

the Cost of Individuals.

VIII. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such Public Work, or for any Two Justices of the Peace of such County usually acting in the District in or through which any such Public Work may be in the Course of Construction, on similar Application, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff or Justices may think fit, for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such Public Works, and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the Act; and such Sheriff or Justices shall decern the Company or other Parties carrying on such Public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff or Justices shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any Public Work shall refuse or neglect, within Fourteen Days next after Demand thereof, to pay any such Wages and Allowances, or any Part thereof, as shall by such Sheriff or Justices have been directed to be paid, it shall be lawful for such Sheriff or Justices forthwith to cause the same to be levied, together with the Expenses of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

Power to appoint additional Constables to keep the Peace on Public Works.

Company or Parties carrying on such Works to pay Expenses of such Constables.

8 & 9 Vict. c. 3. repealed after Twelve Months from the Date of this Act.

IX. The Act passed in the Session of Parliament holden in the Eighth Year of Her Majesty (Chapter Three), "for the Appointment "of Constables or other Officers for keeping the Peace near Public "Works in *Scotland*," shall be and the same is hereby repealed: Provided always, that the said last-mentioned Act shall continue in force for Twelve Months after the passing of this Act as regards all Constables or Peace Officers appointed and doing Duty under the said last-mentioned Act.

Chief Constable to appoint a Deputy.

X. The Chief Constable shall, subject to the Approval of the Police Committee, appoint One of the Superintendents or other Officer of the Police Force to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall, in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the Chief Constable: Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Months after the Vacancy has been occasioned.

Oath to be taken by Constables.

XI. The Chief Constable and other Persons so appointed shall, before the Sheriff or any Justice of the Peace for the County, take the following Oath; *videlicet*,

'I hereby swear, That I will faithfully discharge the Duties of the 'Office of Constable;'

Powers of Constables.

And shall have all the Powers and Privileges which any Constable or Police Officer duly appointed has by virtue of the Common Law, or of any Statute, made or to be made, throughout the County for which they are so appointed, and also in all detached Parts of other Counties locally situated within such County, and also in any Harbour, Bay, Loch, or Anchorage within or adjoining such County, and in every Burgh situated wholly or in part in such County, and also in any County adjoining to the County for which they are appointed; and it shall be lawful to any Constable appointed for any One of the Border Counties of *England* or *Scotland* respectively, (that is to say,) the Counties of *Northumberland*, *Cumberland*, *Berwick*, *Roxburgh*, or *Dumfries*, to execute within any of such Counties the lawful Warrant of any Sheriff, Justice of the Peace, or other Magistrate for the Apprehension of any Person accused or convicted of a Criminal Offence committed, or for the recovering of any Goods alleged to have been stolen, within the County of which such Constable had been duly appointed One of the Constables, in like Manner

Manner as such Warrant might be executed by such Constable within the said last described County.

Duties of Constables.

XII. The Constables to be appointed in any County under this Act are hereby required, authorized, and empowered to guard, patrol, and watch within the County, according to such Regulations as may from Time to Time be prescribed by competent Authority under this Act, and to bring before the Sheriff or Justices of the Peace, One or more, all Persons who may be found within the County actually engaged in or committing any criminal, riotous, or disorderly Conduct or Act, including Offences committed on any Turnpike or Statute Labour Road, or otherwise, in contravention of the Provisions of the General or any Local Turnpike Act, or of the General or any Local Statute Labour Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can competently be tried before such Sheriff or Justices, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the County, fall to be tried in another Jurisdiction; and such Constables shall perform all the Duties attaching to Constables or Police Officers within any County at the Date of the passing of this Act, and shall carry into effect, as far as may be, the whole Provisions and Regulations herein contained.

Constables may, in certain Cases, accept Bail or Deposit.

XIII. Upon the Apprehension of any Person charged with any Offence, such as may be competently tried by any Justice or Justices of the Peace, it shall be lawful for the Chief Constable, or any Superintendent of Police, or any Constable duly authorized by the Police Committee, and in charge for the Time being of any Station House, Strong Room, or Lock-up, to accept, but only if he shall think fit, of Bail or Deposit that such Person shall appear for Examination and Trial before the Sheriff or Justice of the Peace Court at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Ten Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and such Constable or other Officer shall enter in a Book to be kept for that Purpose the Names, Residence, and Occupation of the Party, and Person or Persons, if any, accepted as Bail, and the Amount and Condition thereof, and if Deposit be accepted shall forthwith enter the same in such Book, and grant an Acknowledgment for the Money or Article so deposited; and every such Bail shall be equally

equally effectual and operative in all respects as if taken or accepted by any Magistrate.

Warrants and Deliverances in Criminal Proceedings to be executed by Constables.

XIV. All Warrants and Deliverances which may be issued in any Criminal Proceeding within any County by the Sheriff or any Justice or Justices of the Peace of such County, or Magistrates of Burghs forming Part of such County for the Purposes of this Act, may be served and executed, and all Services, Citations, and Executions in any Criminal Proceeding before such Sheriff, Justices, or Magistrate may be made and given by any Constable of such County appointed under this Act.

Constables to perform all Duties connected with the Police.

XV. The Constables acting under this Act shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties as the Sheriff or the Justices of the Peace of the County may from Time to Time direct and require.

Constables not to receive to their own Use Fees for Performance of their Duties.

XVI. It shall not be lawful for any Constable acting under this or any of the recited Acts to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Clerk of Supply of the County, or otherwise for the Use of the County.

Constables disqualified from voting at certain Elections.

XVII. No Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed, or any Part thereof, or for any County adjoining thereunto, or for any Royal or Parliamentary Burgh or Town within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to induce any Elector to give, or abstain from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament as aforesaid; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Clerk of Supply of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained

contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Constables exempted from serving on Juries, &c.

XVIII. All Constables holding Office under this Act shall be exempt from being returned and from serving upon any Juries whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists.

Constables not prevented from receiving Half Pay.

XIX. No Office or Employment as a Constable under this Act shall prevent the Holder thereof from receiving any Half Pay or Pension to which, if he did not hold or have such Office or Employment, he might be or become entitled.

Penalty on Constables for Neglect of Duty.

XX. Every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before the Sheriff or any Two Justices of the Peace, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from any Salary or Wages due to such Offender, or, in the Discretion of the Sheriff or Justices by whom he shall be convicted, he may be imprisoned, with or without Hard Labour, for any Time not exceeding One Month.

Constables not to resign without Leave or Notice.

XXI. No Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom he may be placed, or unless he shall give to such Chief Constable or Superintendent One Month's Notice in Writing of his Intention; and every Constable who shall resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof, to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds.

Constables dismissed to deliver up Accoutrements, &c.

XXII. Every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before the Sheriff or any Two Justices of the Peace, to Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and it shall be lawful for the Sheriff or any Justice of the Peace to issue his Warrant to search for and seize to the Use of the County Police all the Clothing,

Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XXIII. Every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof, to a Penalty not exceeding Ten Pounds.

Penalty on Publicans harbouring Constables during the Hours of Duty.

XXIV. If any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable appointed under this Act, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, to the Neglect of his Duty, during any Part of the Time appointed for his being on such Duty, every such Victualler or Keeper as aforesaid, being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Horses, &c. in the Service of the Police exempted from Toll.

XXV. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of any Police Force established under the Provisions of this Act; provided, that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Chief Constable to make Reports.

XXVI. Every Chief Constable shall, when so required, make Reports to the Police Committee, Sheriff, and Justices of the Peace, and Magistrates of Burghs forming Part of any County for the

the Purposes of this Act, or consolidated therewith under this Act, of all Matters which they shall respectively require of him concerning the Police of the County or Burgh respectively, and shall obey all lawful Orders and Warrants of the Sheriff and Justices in the Execution of his Duty.

Allowances to Chief Constable, &c. for necessary Expenses.

XXVII. In addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expenses necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders, and in the Execution of his and their Duty under this Act; and all such Allowances shall be examined and audited, and, if not disallowed, paid by the Commissioners of Supply.

Expenses of County Police to be defrayed out of Police Assessments.

XXVIII. The Salaries and Allowances of the Chief Constable and other Constables, and all Expenses incurred in providing them with such Clothing, Accoutrements, and Necessaries as may be allowed by the Rules to be established under this Act, and all other Expenses incurred in putting this Act into execution, shall be defrayed by the Commissioners of Supply of the County out of the Police Assessments to be made and levied by them in Terms of this Act.

Police Assessment to be levied for the Purposes of this Act.

XXIX. The Commissioners of Supply of every County shall once in each Year impose an Assessment for the Purposes of this Act, to be called "The Police Assessment," upon all Lands and Heritages within such County, according to the yearly Value thereof, as established by the Valuation Rolls in force for the Year of Assessment, under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one), "for the Valuation of Lands and Heritages in *Scotland*;" and otherwise in Terms of the said last-mentioned Act, and that at such Rate in every Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be laid on in each Year shall be payable, as for the Period from *Whitsunday* in such Year to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied

occupied and unfurnished during the whole Period to which such Assessment applies: Provided also, that the Expenses of the Period from the Fifteenth Day of *March* One thousand eight hundred and fifty-eight to the Fifteenth Day of *May* One thousand eight hundred and fifty-eight shall be deemed to be Expenses of the Year from *Whitsunday* One thousand eight hundred and fifty-eight to *Whitsunday* One thousand eight hundred and fifty-nine.

Regulations as to Payment of small Assessments.

XXX. In the Case of Premises within any County not situated within the Landward Part of such County, let at a Rent under Four Pounds, or for a less Period than Half a Year, Deduction shall be allowed by the said Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief for Assessment in case of Poverty.

XXXI. The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Police Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit in whole or part Payment of the said Assessment by such Person in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Mode of recovering Assessments.

XXXII. The whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Rogue Money and the Police Assessment as hereby authorized to be assessed and levied; and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery of such Rogue Money and such Police Assessment, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Rogue Money and Police Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Disputes as to Assessments to be summarily settled.

XXXIII. Any Dispute which may arise between the Commissioners of Supply of any County, or any Person or Persons acting under them, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment of Rogue Money or any Police Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sheriffdom in which such Dispute shall arise, or of the Sheriffdom the

the Commissioners of Supply of which have laid on such Assessment; and such Sheriff shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily, and such Decision shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review.

Recited Act 2 & 3 Vict. c. 65. repealed.

XXXIV. The recited Act of the Second and Third Years of Her Majesty (Chapter Sixty-five) shall be and the same is hereby repealed: Provided always, that any Constables appointed in any County under the said recited Act may continue to act as such Constables until the Appointment of Constables in such County under this Act; provided also, that any Assessments laid on and levied or in the Course of Collection under the said recited Act, prior to the passing of this Act, may be levied and applied in Terms of the said recited Act as if this Act had not been made, and any Surplus of such Assessments beyond what may be required for the Purposes of the said recited Act shall be applied to the purposes of this Act in the County from which such Assessments are levied.

As to Assessments levied prior to passing of this Act.

Detached Parts of Counties to be taken as Part of the County in which locally situated.

XXXV. In assessing for the Purposes of this Act, the Commissioners of Supply shall assess and tax the whole County in Terms of this Act, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary.

Sheriffs and Justices may act in detached Parts of other Counties locally situate within their Counties.

XXXVI. It shall be lawful for any Sheriff or Justice of the Peace of any County to act as Sheriff or Justice of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Sheriff or Justice of the Peace acts; and all Acts of such Sheriff or Justice, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Sheriff or Justice acts; and all Constables and Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Sheriff or Justice, and to

perform their several Duties in respect thereof under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Contributions to be paid on account of detached Parts of Counties.

XXXVII. It shall be lawful for the Commissioners of Supply of any County, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County towards any Police Assessment under this Act, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Commissioners of Supply of the County to which such detached Part belongs to pay to them or to their Collector under this Act, out of the Monies collected in such last-mentioned County by way of Police Assessment, the Amount mentioned in the Warrant; and the Persons to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to them, pay the Amount or cause the same to be paid to the Collector of the County from which such Warrant shall have issued, and such Collector paying the same shall be allowed therefor in his Accounts with his County; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed; and Delivery of a Copy of any such Warrant, certified by the Clerk of Supply or Collector under this Act of the County from which it emanates, to the Clerk of Supply or Collector under this Act of the County to the Commissioners of Supply of which such Warrant is directed, shall be held to be Delivery of such Warrant to such last-mentioned Commissioners of Supply.

How such Contributions to be reimbursed.

XXXVIII. For the Purpose of reimbursing the Collector or other Person by whom any such Sum shall have been paid, the Commissioners of Supply of the County to which such detached Part belongs shall lay on a Police Assessment, at the Rate mentioned in the Warrant, upon such detached Part of their County, and such Assessment shall be levied and collected thereon in like Manner as the Police Assessment is levied and collected under this Act by the Commissioners of Supply of any County for the Expenses of the Police of their own County.

In case of Default in Payment the Amount may be levied directly on the detached District.

XXXIX. If Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Assessment upon any such detached Part of another County in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Assessments the Commissioners of Supply of such first-mentioned County shall have within every such

detached Part of another County the same Powers which they have for levying and collecting Police Assessments under this Act within the Limits of their own County, and such Assessments may be levied and collected by the like Methods as if such detached Parts of another County were to all Intents Part of such first-mentioned County.

Collector under this Act to be appointed by Commissioners of Supply.

XL. The Commissioners of Supply of every County shall from Time to Time appoint One or more Collectors of Police Assessments under this Act to act during their Pleasure; and each such Collector shall be allowed, by way of Remuneration for collecting Assessments authorized to be levied under this Act, and for the Performance of the whole Duties of his Office under this Act, a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums as he shall collect and receive; and each such Collector, before he shall be permitted to take upon him the Execution of the said Office, shall grant Bond, with a sufficient Surety or Sureties, to the said Commissioners, for his Intromissions, and for the just and faithful Execution of his Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector shall forfeit treble the Amount thereof to the said Commissioners, and that without Prejudice to any Punishment to which he may be liable in respect thereof; and any Collector of Police Assessment under this Act may act as Collector of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

Collector to lodge all Monies received by him in Bank.

XLI. Every Collector of every County under this Act shall be bound to lodge all Money received by him in a Bank of Issue, or in One of the Branches of such Bank within the County, to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Commissioners or the Police Committee to be appointed under this Act, or any Two or more of them, or by any Person to be appointed for that Purpose by such Commissioners or Police Committee for the Purposes of this Act.

Collector, &c. to keep separate Accounts of Receipts and Expenditure.

XLII. The Collector of every County, and every Officer of the County, or other Person intromitting with any Sums received or paid under this Act, shall keep a separate Account thereof, and shall produce the same when called upon, and at least once in every Year, to the Commissioners of Supply, by whom the same shall be examined, and, if allowed, passed.

XLIII. In

In case of Insolvency of Collectors, Deficiency may be assessed.

XLIII. In case any Collector shall become insolvent, and that any Sums chargeable against him shall not be paid by him or his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed along with and as Part of the next or any succeeding annual Assessment under this Act.

Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.

XLIV. Accounts of all Property, Heritable and Moveable, vested in the Commissioners of Supply for the Purposes of this Act, showing the Return of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the said Commissioners, shall be kept in Books by the Clerk of Supply, Collector, or other Person who may be appointed by the Commissioners; and all such Books of Accounts and Proceedings whatsoever 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 such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings 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 Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed and hear and determine the Matter of such Complaint, and his Decision shall be final.

Accounts of Receipts and Expenditure to be annually made out and published.

XLV. The Commissioners of Supply of every County shall annually, and previous to the Fifteenth Day of *March* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied during the Year to *Whitsunday* immediately preceding; and such Account, so soon as the same shall have been audited as herein-after provided, shall be signed by the Convener or any Two of the Commissioners of Supply and the Clerk of Supply, and shall be deposited with such Clerk of Supply, who shall forthwith cause to be printed and inserted in One or more of the Newspapers published or circulating in the County authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act within such County to inspect and examine such Accounts, at all reasonable Times, without Fee or Reward.

XLVI. The

Auditors to be appointed.

XLVI. The Commissioners of Supply of every County shall annually appoint One or more Persons, not being Commissioners, to be Auditor or Auditors of the Accounts of the Commissioners under this Act, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.

XLVII. The Auditors so appointed shall attend at such Time and Place as may be fixed by the said Commissioners, and from Time to Time shall proceed to audit the Accounts of the said Commissioners for the preceding Year; and the said Commissioners shall, as soon as may be after the Twenty-fifth Day of *March* in every Year, lay before such Auditors the Accounts for the Year to Fifteenth Day of *March* preceding, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Ratepayer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct, such Auditors shall sign the same in token of their Allowance thereof; but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the said Commissioners be dissatisfied with the Result of such Audit, they may appeal to the Sheriff, whose Decision shall be final: Provided always, that the said Audit shall be completed in every Year as soon as may be after the said Twenty-fifth Day of *March*, and at latest by the Thirtieth Day of *April* in such Year; provided also, that unless the Balance, as ascertained and fixed by the Auditors, shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

Three Commissioners of Supply to be a Quorum.

Preses at Meetings to have Casting Vote.

XLVIII. In all Proceedings under this Act any Three Commissioners of Supply shall be deemed to be a Quorum of such Commissioners, and shall be entitled to exercise all the Powers conferred on the general Body of Commissioners under this Act, and the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote in addition to his own Vote.

XLIX. In

Convener to act as Preses.

XLIX. In all Meetings of Commissioners of Supply under or with reference to this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

Papers and Documents emanating from the Commissioners of Supply and Police Committee how to be authenticated.

L. For the Purposes of this Act the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply or of the Chairman or Preses of a Meeting of the Police Committee adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole of the Police Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses" shall be good *primâ facie* Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Actions by or against Commissioners of Supply how to be brought, and not to abate.

LI. All Actions, Suits, or Proceedings in respect to any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners of Supply of any County shall be in the Name of the Clerk of Supply or Collector appointed under this Act for the Time being, as the Party Pursuer or Defender representing the said Commissioners; and no such Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of the Clerk of Supply or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in the said Commissioners; but the Clerk of Supply or Collector 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.

Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.

LII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, and upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who is Sixty Years of Age, is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, to order that such Constable shall receive, out of the Police Assessment to be levied as aforesaid, such Sum in gross, as a Gratuity upon his Retirement, as to the said Commissioners of Supply may seem proper.

Power to grant Superannuations to Chief Constables.

LIII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, a Sum by way of Superannuation Allowance, and

and such Superannuation Allowance shall be paid out of the Police Assessments to be levied under this Act, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age unless such Commissioners of Supply be satisfied that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office: Provided always, that all such Sums or Allowances shall be subject to the following Conditions, and shall not exceed the following Proportions; (that is to say,) if the Constable retiring shall have served for Fifteen Years and less than Twenty Years, a Sum which shall not be more than equal to Three Years Pay; if for Twenty Years and upwards, a Sum which shall not be more than equal to Five Years Pay: Provided also, that if any such Constable shall be disabled or killed in the actual Execution of his Office it shall be lawful to pay him or his Heirs a Sum which shall not be more than equal to Eight Years Pay, but nothing herein contained shall entitle any Constable absolutely to any Gratuity or Allowance.

On Establishment of County Constabulary under this Act old Police Force to be discontinued.

LIV. Upon the Appointment of Constables under this Act in any County the Power to appoint and pay, and to make Assessments for paying, any Constables under the Provisions of any Act (except as regards any Burgh within such County) other than this Act shall cease and determine, and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards the Purposes of this Act so far as regards such County: Provided always, that all Arrears of Assessments made for the Purposes aforesaid shall be levied and collected as if this Act had not been made; provided also, that nothing herein contained shall prevent or invalidate the Appointment of any Constable not paid out of County Assessments: Provided always, that in the event of any Burgh being consolidated with any County as after mentioned, it shall be lawful to stipulate that the Assessment levied within such Burgh shall be assessed in the same Way, and recovered from the same Persons, as had previously been in use in regard to the Police Assessment within such Burgh.

Station Houses and Strong Rooms or Lock-ups to be provided.

LV. It shall be lawful for the Commissioners of Supply of any County, if they think fit, to order that Station Houses and Strong Rooms or Lock-ups, or any or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State, and for that Purpose

to

to purchase and hold or to rent or hire Lands and Heritages, or to appropriate to that Purpose any Lands or Heritages belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, and the Expense of building, purchasing, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms or Lock-ups, and all other Expenses attending the same, shall be defrayed out of the Police Assessments to be made and levied in Terms of this Act.

Provisions of 8 & 9 Vict. c. 19. for Purpose of Purchase of Station-houses, &c. incorporated with this Act.

LVI. For facilitating the Purchase of Lands and Heritages for the Purposes of this Act, the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall, for the Purposes of such Incorporation, mean the Commissioners of Supply of any County.

Money may be borrowed on Credit of Police Assessments.

LVII. It shall be lawful for the Commissioners of Supply of any County to borrow Money for the Purpose of purchasing any such Lands and Heritages, or of building any such Station Houses and Strong Rooms or Lock-ups, and to charge the future Police Assessments with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, of not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

Police Districts may be formed.

LVIII. It shall be lawful for the Commissioners of Supply of any County, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of such County, to divide such County (including any detached Portion of another County united thereto) or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each such Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which such Determination shall have been grounded, shall be sent to One of Her Majesty's Principal Secretaries of State, and, if approved by such Secretary of State, such Division or Alteration shall be deemed to be and shall be completed.

LIX. If the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expense of putting this Act into execution in such County or Part of such County shall be classed under Two Heads of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expense of the Salaries and Clothing of the Constables appointed for each District, and such other Expenses as the Commissioners of Supply, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Assessments under this Act shall be assessed and levied in such Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Each Police District to pay for its own Constables.

LX. In case it shall appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under this Act, will be liable to contribute, to the Police Assessment of any County for the Purposes of this Act, that a Distinction ought to be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County to exercise the Powers given by this Act for the Division of such County into Police Districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such Approval as herein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and in the event of such Police Districts or Number of Constables as so declared not being approved by the Secretary of State, he shall fix and apportion the same; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in this Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by this Act, and the Assessments imposed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *Edinburgh Gazette* One Month at least before such Petition shall be considered.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

Burghs may agree to consolidate their Police with County Police.

LXI. It shall be lawful for the Commissioners of Supply of any County, and for the Magistrates and Town Council of any Burgh situated in or adjoining to such County, to agree together for the Consolidation of the County and Burgh Police Establishments; and in every such Case all the Constables appointed either for the County or the Burgh shall have all the Powers, Privileges, and Duties throughout the County and the Burgh and the adjoining Counties which Constables appointed for any County have within such County or adjoining Counties under this Act, and all the Provisions of this Act shall be taken to apply to the Burgh Constables as well as to the County Constables; and the Magistrates and Council of the Burgh shall thereupon forthwith, and thereafter annually on or before the Thirtieth Day of *April*, appoint to be Members of the Police Committee herein-before mentioned One or more of their Number as may have been fixed in such Agreement, who, while the Agreement subsists, shall have the like Powers, as Members of such Committee, with the Members appointed by the Commissioners of Supply; and every such Agreement which shall have been agreed to by the Commissioners of Supply of the County on the one hand, and by the Magistrates and Town Council of the Burgh on the other hand, shall be binding on both Parties as soon as a Memorandum of such Agreement shall be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County on behalf of the County, and by the Chief Magistrate and Town Clerk of the Burgh on behalf of the Burgh; and when any such Agreement shall have been made between any County and any Burgh, either Party shall be empowered to put an end thereunto without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County, and, if given by the Burgh, to be signed by the Chief Magistrate and Town Clerk of the Burgh: Provided always, that no such Notice shall be given by the County or by the Burgh, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of a Meeting of the Commissioners of Supply of the County specially convened for the Purpose, or at One or other of the statutory Meetings of the Commissioners of Supply, Fourteen Days Notice having been given of the Intention to bring such Subject before the Meeting, or Three Fourths of the Magistrates and Town Council of the Burgh; and no such Notice shall be given by any County or Burgh without Consent of One of Her Majesty's Principal Secretaries of State.

Provisions for Government of

LXII. In all Cases where the Establishment of County and Burgh Constables shall be consolidated into One Police Establishment,

ment, the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Burgh Constables he shall report the Fact, with his Reasons for the Dismissal, to the Chief Magistrate of the Burgh; and the Police Authorities of the Burgh having Power to that Effect shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Burgh Constable who shall have been dismissed by the Chief Constable shall be capable of being reappointed for the same Burgh without the Consent of the Chief Constable; and no Constable of any Burgh whose Establishment of Constables is consolidated with the Establishment of County Constables shall be dismissed by any Police Authority of the Burgh during the Time that any Agreement for such Consolidation shall be in force.

County and Burgh Police when consolidated.

LXIII. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Magistrates and Town Council of any Burgh that Application has been made by such Magistrates and Council to the Commissioners of Supply of any County in or adjoining to which such Burgh is situated, to consolidate the Police of such County and Burgh in the Manner provided by this Act, and that such Consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect; and thereupon the Provisions of this Act shall become applicable as if such Consolidation had been effected by an Agreement made under this Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council shall seem just.

Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation of Police with Counties.

LXIV. The Sheriffs of Counties and Magistrates of Burghs shall in the Month of *October* in every Year transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of such Secretaries may from Time to Time direct, for the Year ending the Twenty-ninth Day of *September* then last, of the Number of Offences reported to the Police within all Counties and Burghs respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings

Annual Statement as to Crime in Counties and Burghs to be furnished to Secretary of State.

Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such Counties and Burghs which such Sheriffs or Magistrates may think it material to furnish, and a classified Abstract of all such Reports shall be annually prepared and laid before Parliament.

Her Majesty may appoint Inspector of Police.

LXV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint, during Her Majesty's Pleasure, One Inspector under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Burgh, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, and other Premises occupied for the Use of such Police; and the Inspector so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Report to be laid before Parliament; and such Inspector shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salary and Allowances as may be determined by the Commissioners of Her Majesty's Treasury.

On Certificate of Secretary of State that an efficient Police has been established in any County or Burgh, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

LXVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State that the Police of any County or Burgh has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year or Period ending on the Fifteenth Day of *March* in each Year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from Time to Time, out of any Monies to be provided by Parliament for the Purpose, such a Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing: Provided, that before any such Certificate shall be finally withheld in respect of the Police of any County or Burgh, the Report of the Inspector relating to the Police of such County or Burgh shall be sent to the Commissioners of Supply of such County, or to the Magistrates or other Police Authority of such Burgh, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Commissioners of Supply or Magistrates or other Police Authority as aforesaid, shall be laid before Parliament.

No such Sum to be paid to any Burgh where Population does not exceed 5,000, &c.

LXVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Burgh, not being consolidated with the Police of a County under this Act, the Population of which Burgh, according to the last Parliamentary Enumeration for the Time being, does not exceed Five thousand.

LXVIII. Every

Recovery of Penalties under this Act.

LXVIII. Every Penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary Proceeding upon Complaint in Writing made in Name of any Chief Constable or Superintendent of Police, or Constable, or Clerk of Supply, to the Sheriff or Justices of the Peace of the County in which the Offence shall have been committed, or to the Sheriff or Justices of the Peace of any County in which the Offender may be found; and on such Complaint being made such Sheriff or Justices shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or Justices to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff or Justices shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Months.

Application of Penalties.

LXIX. The Sheriff or Justices by whom every Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

Parishes of Cumbernauld and Kirkintilloch to be considered as Part of County of Dumbarton.

LXX. The Parishes of *Cumbernauld* and *Kirkintilloch* shall be considered as forming Part of the County of *Dumbarton*, unless a Majority of Two Thirds of the Commissioners of Supply of the County, and of Two Thirds of the Commissioners of Supply qualified within the said Parishes, shall be of opinion that it would be more for the public Advantage that they should, for the Purposes of this Act,

be considered as forming Part of the County of *Stirling* or of the County of *Lanark*, in which Case they shall form Part of such One of the said Counties as shall be agreed to by the Majority of Commissioners of Supply as aforesaid.

Parishes of Tulliallan and Culross, and Perthshire, Portions of Logie, to be considered as Part of County of Clackmannan, and Perthshire Portions of Fossoway and Muckhart as Part of County of Kinross.

LXXI. For the Purposes of this Act, the Parishes of *Tulliallan* and *Culross*, and the *Perthshire* Portions of the Parish of *Logie*, shall be considered as forming Part of the County of *Clackmannan*, and the *Perthshire* Portions of the Parishes of *Fossoway* and *Muckhart* shall be considered as forming Part of the County of *Kinross:* Provided always, that if the Heritors and Ratepayers of the *Perthshire* Portion of the Parish of *Logie* shall, within Six Months after the passing of this Act, at a Meeting specially called by public Advertisement, upon the Requisition of not fewer than Five of their Number, to consider the Provisions of this Act, resolve that it is expedient that such Portion of the Parish shall be connected with the County of *Perth*, then such Portion of the Parish shall be connected with such County for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Fossoway* and *Muckhart* shall, at a Meeting called in like Manner upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that the *Perthshire* Portions of such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Tulliallan* and *Culross* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly; and if the Heritors and Ratepayers of the Parish of *Alva* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parish shall be connected with the County of *Stirling*, then such Parish shall be connected with the County of *Stirling* accordingly.

Burghs not having a Police Establishment may adopt One within Six Months.

LXXII. It shall be lawful for any Burgh which may not, at the passing of this Act, have a Police Act or an Establishment of Police under the said recited Acts of Third and Fourth of King *William* the Fourth, Chapter Forty-six, or of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-three, to establish a Police therein, under the Provisions of the said recited Acts or either of them, within Six Months after the passing of this Act; and in the event of such an Establishment of Police being therein adopted within the said Period, such

such Burgh shall not be deemed, for the Purposes of this Act, to form Part of the County within which it is situated.

In Royal Burghs, &c., containing more than Two thousand Inhabitants, Chief Magistrate to be an ex officio Member of Police Committee.

LXXIII. If under this Act any Burgh being a Royal or Parliamentary Burgh or Burgh of Barony or Regality, containing by the Government Census immediately preceding more than Two thousand Inhabitants, shall be comprehended in and form Part of any County or District for the Purposes of this Act, the Chief Magistrate of such Burgh shall be an *ex officio* Member of the Police Committee of the County or District: Provided always, that there shall never be more than Two such Members of any Police Committee, and if more than Two such Burghs shall be so comprehended, the Chief Magistrates of such Burghs shall be Members of the Committee in annual Rotation, the Chief Magistrates of the Two Burghs which contain the greatest Amount of Population, as shown on such Census, being Members of the Committee for the Year commencing on the First Day of *November* next, and the like Order being observed annually in regard to the Chief Magistrates of the other Burghs respectively.

Act not to diminish Powers of Magistrates of Royal and other Burghs which may form Part of any District under this Act.

LXXIV. Nothing in this Act shall impair or diminish the Powers or Jurisdiction of the Magistrates of any Royal or Parliamentary Burgh or any Burgh of Barony or Regality which may form Part of any County or District under this Act; and such Magistrates shall be entitled to require any Constable appointed to be on Duty within such Burgh to execute their lawful Orders and Warrants relative to and within the Limits of such Burgh; and such Magistrates shall have the like Jurisdiction in respect of Neglect or Violation of Duty on the Part of a Constable within Burgh as is herein-before conferred on the Sheriff or Two Justices.

Any Burgh maintaining efficient Police to be dealt with as if it maintained a separate Police Force under a Police Act.

LXXV. If within Six Months after the Date of this Act the Inspector shall report to One of Her Majesty's Principal Secretaries of State that any Burgh maintains out of the common Good of the Burgh, or any Funds other than Assessment, a complete and efficient Police Force for the Purposes of such Burgh, such Burgh shall be considered and dealt with, as long as the Inspector shall continue so to report but no longer, as if it maintained a separate Police Force under a Police Act.

Act not to extend to Orkney or Shetland unless Her Majesty shall so direct.

LXXVI. This Act shall not extend to *Orkney* or *Shetland*, unless Her Majesty in Council, on the Application of the Lord Advocate, or of the Sheriff Principal of the County, or of the Commissioners of Supply of *Orkney* or *Shetland*, shall so direct.

LXXVII. This

Act not to affect Railway, &c. Police.

LXXVII. This Act shall not affect any Police Force maintained in respect of any Railway, Canal, or navigable River under Private or Local Acts of Parliament.

Interpretation of Terms.

LXXVIII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall exclude or be repugnant to such Construction; (that is to say,) the Word "County" shall include Stewartry, and shall extend to all Harbours, Bays, Lochs, or Anchorages within the County or Stewartry, and also all Burghs and Places within the County or Stewartry, not being a Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of the recited Act of the Third and Fourth of King *William* the Fourth (Chapter Forty-six), or of the recited Act of the Thirteenth and Fourteenth of Her Majesty (Chapter Thirty-three); the Word "Burgh" shall mean a Royal or Parliamentary or other Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of one or other of the Two last-mentioned Acts; the Expression "Landward Part of a County" shall include and apply to a County, exclusive of the Burghs situated therein; the Word "Sheriff," and the Words "the Sheriff," shall include Sheriff Substitute as well as Sheriff; the Expression "Lands and Heritages" shall have the like Signification as in the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one); the Expression "Commissioners of Supply," or "Commissioners of Supply of the County," shall mean the Commissioners of Supply of the County, exclusive of any Burgh or detached Part of any other County adjoining or locally situated within the same, and inclusive of any detached Part of such first-mentioned County locally situated in any other County; the Word "Constable" shall include "Chief Constable" and "Superintendent of Police," and every Grade of Constable or Police Officer; the Words "Clerk of Supply" shall extend and apply to any Person executing the Duties of Clerk of Supply, or who may be appointed by the Commissioners of Supply to be Clerk of Supply for the Purposes of this Act; the Words "Sheriff Clerk" shall extend to and apply to any Person executing the Duties of Sheriff Clerk; and the Word "Month" shall mean "Calendar Month."

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