ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. LXXXIII.

An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*. [4th *August* 1845.]

WHEREAS it is expedient that the Laws relating to the Relief of the Poor in *Scotland* should be amended, and that Provision should be made for the better Administration thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That 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 of the Act shall exclude or be repugnant to such Construction; (that is to say,) **Interpretation of Words and Expressions used in the Act.** the Word "Burgh" shall include and apply to Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute to send a Member to Parliament; **"Burgh:"** "Sheriff" shall include and apply to Sheriff Substitute and Stewart Substitute; **"Sheriff:"** the Words "Lands and Heritages" shall extend to and include all Lands, Fishings, Freshwaters, Ferries, Quays, Wharfs, Docks, **"Lands and Heritages:"** Canals, Railways, Mines, Minerals, Quarries, Coal Works, Lime Works, Brick Works, Iron Works, Gas Works, Factories, and manufacturing Establishments, Houses, Tenements, Shops, Warehouses,

"Oath:" "Owner:" "Persons:"

Mills, Cellars, Stalls, Stables, Gardens, Yards, and all Buildings and Pertinents thereof; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; "Owner" shall apply to Life-renters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; "Persons" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular only shall extend to several Persons or Things as well as one Person or Thing; and every Word importing the Plural shall be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender shall extend to a Female as well as a Male.

Board of Supervision for Relief of the Poor established.

II. And be it enacted, That a Board of Supervision shall be and is hereby established for the Purposes of this Act, and the said Board shall consist of the following Persons; (*videlicet,*) the Lord Provost of *Edinburgh*, the Lord Provost of *Glasgow*, the Solicitor General of *Scotland*, the Sheriff Depute of the County of *Perth*, the Sheriff Depute of the County of *Renfrew*, the Sheriff Depute of the County of *Ross* and *Cromarty*, all for the Time being, together with Three other Persons, whom it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Sign Manual, to appoint; and it shall also be lawful for Her Majesty, Her Heirs and Successors, to supply any Vacancy which may occur in the said Board by Removal, by Death, or otherwise of any of the said Three Persons; and the said Board shall be styled "The Board of Supervision for Relief of the Poor in *Scotland*;" and the said Board may sit from Time to Time and at such Places as they shall deem expedient.

Members of Board to derive no Emolument.

Their Expences to be paid.

III. And be it enacted, That the Members of the said Board shall derive no Profit or Emolument for the Discharge of the Duties of their Office, except as herein-after mentioned, and shall not be personally responsible for any thing done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers therein contained: Provided always, that any necessary Expences incurred by the Board or by Members thereof, or Committees or Commissioners authorized or appointed by the Board as herein-after provided, shall be deemed as Part of the incidental Expences attending the Execution of this Act, and be paid accordingly; and an Account of all Expences of the said Board shall be annually laid before Parliament.

One paid Member and Secretary to the Board.

IV. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate One of the Three Members of the said Board of Supervision to be appointed by Her Majesty as aforesaid, who shall be paid, and also to appoint a fit Person to be Secretary to the said Board, who shall also be paid, and to supply any Vacancy which may occur in the said Office of Secretary; and such paid Member of the Board of Supervision and such Secretary shall each receive an adequate Salary of such Amount as shall from Time to Time be regulated and approved by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; and such Secretary shall find sufficient Security for his Intro-

missions and Management to the Satisfaction of the said Board, and shall be liable to be removed by Her Majesty on the Recommendation of the said Board; and the Sheriffs of the said Three Sheriffdoms of *Perth*, *Renfrew*, and *Ross* and *Cromarty* shall each receive the Sum of One hundred Pounds Sterling *per Annum*, in addition to their present Salaries, so long as they continue to act as Members of the said Board.

Meetings of the Board.

V. And be it enacted, That the said Board of Supervision shall meet at *Edinburgh* in the Court Room of the First Division of the Court of Session upon the Twentieth Day of *August* next, or upon the first convenient Day within Ten Days thereafter, of which due Notice shall be given by the Secretary to each of the Members, and shall thereafter hold Two General Meetings in each Year, one upon the First *Wednesday* in *February*, and the other upon the First *Wednesday* in *August*; and at such First Meeting, and at all other Meetings to be held in pursuance of this Act, Three shall be sufficient to act; and the said Board shall have Power to adjourn for such Time and to such Place as they shall see fit; and it shall be lawful for the said Board to hold Special or *Pro re natâ* Meetings, which may be called by the Secretary, provided that such Notice shall be given in Writing by the Secretary as the Board shall direct; and that all Notices of Special or *Pro re natâ* Meetings shall specify the Business or Matter on which such Meetings are called; and it shall be the Duty of the paid Member of the said Board not only to attend at the General and the Special or adjourned Meetings, but to give regular Attendance for the Purpose of conducting the Business of the said Board; and the Board shall have Chambers in *Edinburgh* at which the ordinary Business of the Board shall be conducted, and at which the Meetings of the Board may be held.

Paid Member of Board of Supervision to attend regularly.

Board may name Committees.

VI. And be it enacted, That the said Board shall have Power, as often as they may deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board of Supervision; and such Committee shall be bound to report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the said Board at its next general statutory Meeting.

Board may make general Rules.

VII. And be it enacted, That it shall be lawful for the said Board from Time to Time, as they shall see Occasion, to make general Rules and Regulations for conducting the Business of the said Board, and for exercising the Powers and Authorities thereof, and to alter such Rules and Regulations: Provided always, that such Rules and Regulations and Alterations, or a Copy thereof, shall be transmitted to One of Her Majesty's Principal Secretaries of State for his Sanction and Approval, and for such Additions or Alterations as he may deem necessary; and no Rules or Regulations or Alterations as aforesaid shall be effectual, except such as shall have been approved of by the

the said Secretary of State, who shall be understood to have approved of all such Rules and Regulations and Alterations aforesaid as shall have been transmitted for his Sanction and Approval if no Intimation to the contrary be made to the Board of Supervision within Twenty-one Days from the Date of such Transmission; and a Copy, signed and certified by the Secretary of the Board of Supervision, of the Rules and Regulations and Alterations approved as aforesaid, shall be Evidence of such Rules, Regulations, and Alterations in any Court of Law or Justice.

Board to record their Proceedings, and make annual Reports on the State of the Poor.

VIII. And be it enacted, That the said Board of Supervision shall make a Record of their Proceedings, in which shall be entered Minutes of all Meetings held by them, or any Committee appointed by them, and all Resolutions passed and Orders made by them, and all other Matters which the Board may judge proper; and the said Board shall once in every Year submit to One of Her Majesty's Principal Secretaries of State a general Report of their Proceedings, which Report shall contain in particular a full Statement as to the Condition and Management of the Poor throughout *Scotland*, and the Funds raised for their Relief; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six Weeks of the next Meeting thereof.

Powers of the Board of Supervision to require Returns and examine Witnesses.

IX. And be it enacted, That it shall be lawful for the said Board of Supervision to inquire into the Management of the Poor in every Parish or Burgh in *Scotland*, and for this Purpose the said Board is hereby empowered to make Inquiries, and require Answers or Returns to be made to the said Board, upon any Question or Matter connected with or relating to the Relief of the Poor, and also by a Summons, signed by One of their Number, or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production, upon Oath, of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid the said Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize special Inquiries to be made.

X. And be it enacted, That it shall and may be lawful for the said Board, whenever it may seem fitting to them, to authorize and empower for a limited Time One of the Members thereof to conduct any special Inquiry in any Part of *Scotland*, and to report thereon to the Board; and such Member, so authorized and empowered, shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board of Supervision as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and such Expences

Expences shall be deemed Part of the Expences attending the Execution of this Act, and be paid accordingly.

Board may appoint Commissioners for conducting special Inquiries.

XI. And be it enacted, That it shall and may be lawful for the said Board of Supervision, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State, or of Her Majesty's Advocate for *Scotland*, or whenever the said Board may be thereunto required by One of Her Majesty's said Secretaries of State, or Her Majesty's said Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor, or Two or more of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any special Inquiry for a Period not exceeding Forty Days, and to report thereon; and the said Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry all such of the Powers of the said Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State, or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any special Inquiry shall, before he enter on the Execution of his Duties, take an Oath *de fideli administratione officii*, which Oath may be administered to him by any Member of the Board, or any One of the Judges of the Court of Session, or the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by Her Majesty's said Secretary of State or Advocate; and failing of any such Agreement the Amount of the Remuneration shall be fixed by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or by such Person or Persons as he or they shall name.

Board may allow Expences of Witnesses, &c.

XII. And be it enacted, That it shall be lawful for the said Board of Supervision, in any Case where they see fit, to order and allow such Expences of Witnesses, and such Expences of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board or Committee thereof or Commissioner, as such Board may deem reasonable; and such Expences so ordered and allowed shall be deemed Part of the incidental Expences attending the Execution of this Act, and be paid accordingly.

Penalties on Parties giving false Evidence, or refusing to

XIII. And be it enacted, That if any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the

obey Summons of the Board.

the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the said Board of Supervision or Committee thereof, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the said Board or Committee, or Member or Commissioner, or shall wilfully neglect or disobey any of the Orders of the said Board or Committee, or Member or Commissioner, or be guilty of any Contempt of the said Board or Committee, or Member or Commissioner, such Person being thereof lawfully convicted shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint Clerks, &c.

XIV. And be it enacted, That the said Board of Supervision shall be and is hereby empowered from Time to Time to appoint all such Clerks, Messengers, and Officers as they shall deem necessary, and from Time to Time, at the Discretion of the said Board, to remove such Clerks, Messengers, and Officers, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Clerks, Messengers, and Officers shall from Time to Time be regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal if no Notice to the contrary be received by the said Board within Twenty-one Days from the Day of the Date of such Intimation.

Members of Board of Supervision may attend Meetings of Parochial Boards.

XV. And be it enacted, That it shall be lawful for any of the Members or the Secretary of the said Board of Supervision, or for any Clerk or Officer of the said Board, provided that such Clerk or Officer shall be duly authorized by a Writing signed by Two at least of the Members of the said Board of Supervision, to attend and be present at the Meetings of any Parochial Board for the Management of the Poor, and to take Part in the Discussions, but not to vote at such Board.

Parishes may be combined.

XVI. And be it enacted, That in every Case in which it may appear to the Board of Supervision, on Application by the Parochial Boards of any One or more adjoining Parishes, or from a Regard to the relative Situation of Two or more such Parishes, or from any other Circumstances, that the Administration of the Affairs of the Poor therein might be carried on with greater Advantage to the said Parishes, and to the Poor therein, by the said Parishes being combined for the Purposes of this Act, then the Parochial Boards of such Parishes shall meet, on Requisition to that Effect by the Board of Supervision, for the Purpose of considering the proposed Combination; and in every Case where the Parochial Boards of Two or more such Parishes shall resolve that it is expedient and proper that such

Parishes shall be combined for all Purposes connected with the Management of the Poor, and the Administration of the Laws relating to their Relief, and for the Purposes of raising the necessary Funds for the Relief and Support of the Poor, and also for the Purposes of Settlement, and where it shall be established to the Satisfaction of the Board of Supervision that it is expedient and proper that such Parishes shall be so combined, it shall be lawful for the said Board of Supervision to resolve and declare that such Parishes shall thenceforward be combined for the Purposes aforesaid, and shall be considered as One Parish so far as regards the Support and Management of the Poor, and all Matters connected therewith; and all Expenditure in respect to the Poor belonging to such Combination of Parishes shall be deemed and held to be the common Expenditure of such Combination of Parishes, and be charged upon and paid out of the common and general Fund to be raised for the Relief of the Poor over the whole of such Parishes: Provided always, that, upon Application by the Parochial Board of any Parish adjacent to any such Combination, it shall be lawful for the said Board of Supervision, if they see fit, due Regard being had to the Circumstances of the Case, to resolve and declare that such Parish shall be for the Purposes of this Act added to such Combination from and after a Date to be signified in the Resolution of the said Board of Supervision, and such Parish shall, from and after such Date, be held in Law to be a Part of such Combination in all Matters relative to the Relief of the Poor, and subject in every respect to the Provisions and Regulations hereby made and provided in relation to Combinations of Parishes; and such Resolution shall be forthwith published in such Manner as the said Board of Supervision shall direct.

Board of Supervision may add other Parishes.

XVII. And be it enacted, That in every Burghal Parish or Combination of Parishes there shall be a Parochial Board of Managers of the Poor; and the whole Administration of the Laws for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, on whom shall devolve all the Powers and Authorities hitherto exercised by or vested in the Magistrates of Burghs in that Behalf, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in any Burgh or Burghal Parish; and until it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor of such Parish or Combination by Assessment, the Board shall, in the Case of a Burghal Parish, where there is no Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in such Parish, and shall, in the Case of a Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in the several Parishes of which the Combination is composed, or of such Committees of their Number as they may think proper to appoint; and when in any Burghal Parish or Combination in which it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board of such Parish or Combination shall be constituted and chosen

Parochial Board of Managers of the Poor in Burghal Parishes or Combinations.

chosen as follows; (that is to say,) the Persons assessed for the Support of the Poor within the Parish or Combination shall elect, in manner after mentioned, to be Members of the Parochial Board, such Number of Managers, not being more than Thirty, as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, and possessing such Qualification by the Ownership or Occupancy of Lands and Heritages of a certain annual Value within the Parish or Combination as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, such Qualification being in no Case fixed at a higher annual Value than Fifty Pounds, to be ascertained in manner herein-after provided in regard to the Qualification of Voters; and the Magistrates of the Burgh shall nominate Four Persons to be Members of the Parochial Board, and the Kirk Session of each Parish shall nominate not exceeding Four Members of such Kirk Session to be Members of the Parochial Board: Provided always, that those Parishes only shall be held to be separate Parishes which at the Date of this Act are separate Parishes for the Purposes of Settlement and Relief of the Poor; and that where there shall be in any such Parish Two or more Kirk Sessions the Members of such several Kirk Sessions shall meet together and nominate not exceeding Four of their Number to be Members of the Parochial Board.

Board of Supervision to fix the Day for the first Election of Managers.

XVIII. And be it enacted, That where in any Burghal Parish or Combination it shall have been so resolved to raise the Funds requisite for the Relief of the Poor by Assessment, and where the Persons from whom such Assessment is to be levied, and the Amount payable by each, shall have been ascertained or determined as herein-after provided, the Board of Supervision shall fix a Day for the Persons so assessed to elect such Number of Managers, duly qualified, to be Members of the Parochial Board as shall be regulated by the Board of Supervision as aforesaid, and shall also fix a Day or Days for the Magistrates and the Kirk Session or Kirk Sessions to nominate the Persons to be by them respectively nominated to be Members of the Parochial Board; and such Managers and Members, being elected or nominated, shall be entitled to act for the Period of One Year, and may be re-elected or re-appointed.

Mode of voting in Burghal Parishes or Combinations.

XIX. And be it enacted, That in all Cases of the Election of Managers of the Poor of any Burghal Parish or Combination under this Act the Votes shall be given or taken, collected and returned, in such Manner and under such Regulations as the Board of Supervision shall direct; and in every such Election every Person assessed for the Support of the Poor in such Parish or Combination shall be entitled to vote, whether such Assessment be made in respect of Ownership or Occupancy of Lands and Heritages, or in respect of Means and Substance; and it is hereby declared that the Owners of Lands and Heritages the annual Value of which shall be under Twenty Pounds shall have each One Vote; the Owners of Lands and Heritages the annual Value of which shall be Twenty Pounds but under Forty Pounds, Two Votes; the Owners of Lands and Heritages the annual

annual Value of which shall be Forty Pounds but under Sixty Pounds, Three Votes; the Owners of Lands and Heritages the annual Value of which shall be Sixty Pounds but under One hundred Pounds, Four Votes; the Owners of Lands and Heritages the annual Value of which shall be One hundred Pounds but under Five hundred Pounds, Five Votes; the Owners of Lands and Heritages the annual Value of which shall be Five hundred Pounds and upwards, Six Votes; and that all Persons assessed as the Occupants of Lands and Heritages, or assessed on Means and Substance, shall each have the same Number of Votes as an Owner of Lands and Heritages assessed to the same Amount for the Support of the Poor would have; and when any Occupant shall also be the Owner of Lands and Heritages, and assessed in both Capacities, he shall be entitled to vote as well in respect of his Ownership as of his Occupancy; and when any Person who is assessed on his Means and Substance shall also be an Owner of Lands and Heritages, and assessed as such, he shall be entitled to vote as well in respect of his Ownership as of his Means and Substance: Provided always, that no Person shall for himself have more than Six Votes in all, and that no Person shall be entitled to vote who shall have been exempted from Payment of his Rates or Assessment for Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed upon and due from him at the Time of so voting.

Board of Supervision may divide Burghal Parishes or Combinations into Wards or Divisions for Elections.

XX. And be it enacted, That for the Purpose of conducting the Election of Managers of the Poor it shall be lawful for the Board of Supervision to divide any Burghal Parish or Combination into such and so many Wards or Divisions as they may deem expedient, and to determine and apportion the Number of Managers to be elected by every such Ward or Division, having due Regard to the Population and the Value of Property therein: Provided always, that no Person shall be entitled to vote for the Managers of the Poor in any such Ward or Division unless he reside therein, or have a Right to vote in respect of his Ownership or Occupancy of Lands and Heritages within such Ward or Division; nor shall any Person give in any One Ward or Division, in respect of Ownership or Occupancy of Lands and Heritages, a greater Number of Votes than he is entitled to in respect of Lands and Heritages in such Ward or Division; nor shall any Person give in the whole of the Wards or Divisions into which a Parish may be divided a greater Number of Votes than he would be entitled to have given if the Parish had not been so divided.

Right of voting how to be ascertained.

XXI. And be it enacted, That for the Purpose of ascertaining the Number of Votes to which each Person is entitled the Books of the Collector of the Assessment for the Poor shall be taken as the Evidence of the annual Value of the Lands and Heritages assessed, and of the Amount for which each Person is assessed.

Parochial Board in Parishes not burghal or combined.

XXII. And be it enacted, That in every Parish not being a Burghal Parish, and not being Part of any Combination as aforesaid, there shall be in like Manner a Parochial Board for the Management of the Poor of such Parish, and the whole Administration of the Laws

for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, who shall have and exercise all the Powers and Authorities hitherto exercised by or vested in the Heritors and Kirk Session, or in the Heritors, Kirk Session, and Magistrates, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in such Parish, by virtue of any Law or Usage; and such Parochial Board shall be constituted as follows; (that is to say,) in every such Parish as aforesaid in which the Funds requisite for the Relief of the Poor shall be provided without Assessment the Parochial Board shall consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in such Parish; and in every such Parish as aforesaid in which it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board shall consist of the Owners of Lands and Heritages of the yearly Value of Twenty Pounds and upwards, and of the Provost and Bailies of any Royal Burgh, if any, in such Parish, and of the Kirk Session of such Parish, and of such Number of elected Members, to be elected in manner after mentioned, as shall be fixed by the Board of Supervision: Provided always, that no Provost or Bailie or Elder of the Kirk Session shall, as such, be a Member of such Parochial Board unless he is assessed for the Poor; and provided also, that not more than Six Members of the Kirk Session shall, as such, be Members of such Parochial Board; and if the Kirk Session shall consist of more than Six Members it shall be lawful for such Kirk Session from Time to Time to nominate Six of its Members to be Members of the Parochial Board, for such Time as to the Kirk Session shall seem fit; and it shall be competent for any Heritor, being a Member of the Parochial Board, to appoint, as heretofore, by a Writing under his Hand, any other Person to be his Agent or Mandatory to act and vote for him at such Board; and such Appointment shall remain in force till recalled; and such Writing of Appointment is hereby declared to be valid and lawful, although the Paper whereon it is written should not be stamped.

Elected Members.

XXIII. And be it enacted, That in every such Parish as aforesaid in which it shall have been resolved to raise the Funds for Relief of the Poor by Assessment, and in which the Persons from whom such Assessment is to be levied, and the Amount payable by each, have been ascertained or determined as herein-after provided, it shall and may be lawful for the Persons so assessed, not being Owners of Lands and Heritages of the yearly Value of Twenty Pounds, or Provost or Bailies of any Royal Burgh in such Parish, or Members of the Kirk Session, and as such Members of the Parochial Board, to elect so many of their own Number to be Members of the Parochial Board of such Parish as shall be regulated and fixed from Time to Time by the Board of Supervision, due Regard being had to the Amount of the Population, the Number and Residence of the other Members of the Parochial Board, and the special Wants and Circumstances of each particular Parish; and the said Board of Supervision shall also fix a Day for the said Persons to meet and choose such Number of elected Members of the Parochial Board as shall have been fixed by the Board of Supervision as aforesaid; and such elected Members,

being so appointed, shall be entitled to act for the Period of One Year, and may be re-elected: Provided always, that no Person shall be entitled to act as an elected Member unless he be assessed to the Poor, and pay Assessment to the Parish.

Elected Members how to be appointed.

XXIV. And be it enacted, That on the Day so to be fixed by the Board of Supervision as aforesaid, and on the same Day in each succeeding Year, or on a Day, as soon thereafter as may be, to be fixed by the Board of Supervision, the Persons assessed as aforesaid shall meet for the Purpose of appointing elected Members of the Parochial Board; and if they shall not agree in the Choice of elected Members, then it shall and may be lawful for the Inspector of the Poor appointed in manner after mentioned, or in case of his Absence or Inability for any Person appointed by the Parochial Board to act for the Occasion, to take in Writing and collect the Votes of the Persons entitled to vote at such Meeting, and to declare (according to the Number prescribed by the Board of Supervision) those Persons to be elected Members who shall appear to have the Majority of Votes, and in the event of an Equality the Person paying the largest Amount of Assessment shall be preferred; and at every such Meeting Owners of Lands and Heritages within the Parish under Twenty Pounds of yearly Value shall each have One Vote, and Tenants or Occupants of Lands and Heritages, and Persons assessed upon Means and Substance, if assessed to an Amount less than is assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds, shall each have One Vote; and if assessed to an Amount equal to that assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds but under Forty Pounds, shall each have Two Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Forty Pounds but under Sixty Pounds, shall each have Three Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Sixty Pounds but under One hundred Pounds, shall each have Four Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of One hundred Pounds but under Five hundred Pounds, shall each have Five Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Five hundred Pounds or more, shall each have Six Votes; and the Books of the Collector of the Assessment in each Parish shall be binding and conclusive for the Purpose of ascertaining the Number of Votes to which any Person shall be entitled in respect of the Ownership, Occupancy, or Means and Substance upon which he is assessed; and where any Person who is assessed as Owner is assessed also as Occupier, or on Means and Substance, he shall be entitled to vote as well in respect of such Occupancy, or Means and Substance, as of his being such Owner: Provided always, that no Person shall have more than Six Votes, and that no Owner of Lands and Heritages of the yearly Value of Twenty Pounds or upwards, and no Provost, Bailie, or Member of the Kirk Session, being a Member of the Parochial Board, and no Person who shall have been exempted from the Payment of his Rates or Assessments for the Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed upon

upon and due from him, shall be entitled to vote; and for the Purpose of conducting the Election it shall be lawful for the Board of Supervision to divide any Parish into such and so many Districts or Divisions as they may deem expedient, and to determine and apportion the Number of elected Members to be elected by every such District or Division, subject to the like Conditions and Restrictions as are herein-before provided in regard to the Election of Managers in Burghal Parishes or Combinations.

In Cases of Corporations or Joint Stock Companies, who entitled to vote.

XXV. And be it enacted, That in Cases of Lands and Heritages being owned or occupied by any Corporation, or any Joint Stock or other Company, or by Joint Owners or Joint Occupants, no Member of such Corporation or Proprietor of or interested in such Joint Stock or other Company, and no such Joint Owner or Joint Occupant, shall, as such, be entitled to vote at the Election of any Member of a Parochial Board of any Parish or Combination; but any Member or Officer of such Corporation, Joint Stock or other Company, or any One of such Joint Owners or Joint Occupants whose Name shall be entered by Order of such Corporation or Company, or the governing Body thereof, or of such Joint Owners or Joint Occupants, in the Books of the Parish or Combination, in the Manner that may be directed by the Board of Supervision, and who shall have complied with the Regulations regarding voting, shall be entitled to vote in the same Manner as if he were the Owner or Occupant of such Lands and Heritages.

Husbands may vote in right of their Wives.

XXVI. And be it enacted, That in all Meetings and Matters under this Act the Husbands of Owners of Lands and Heritages shall be entitled to vote and act in right of their Wives.

Disputes as to Elections how to be determined.

XXVII. And be it enacted, That any Dispute which may arise as to the Validity of the Election of any Person to be a Member of the Parochial Board of any Parish or Combination shall be determined by the Sheriff of the County in which such Parish or Combination, or the greater Portion of them, may be situate, upon Petition in a summary Manner; and the said Sheriff shall hear the Parties, and investigate the Matter in such Way as he may think proper, and shall have Power to call for such Evidence, and for the Production of such Documents, as he may think necessary, provided that no written Pleadings shall be allowed, and no Record shall be made of the Proceedings; and the Decision by the said Sheriff shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review; and it shall be lawful for the said Sheriff to order the Expences of all such Proceedings to be paid by such Parties and in such Manner as to him may seem equitable: Provided always, that it shall not be lawful for any Person to question the Validity of any Election under this Act, unless a Notice in Writing of his Intention so to do be served on the Returning Officer at the Time of making the Return, or within Forty-eight Hours from the Time when such Return shall have been made.

Party returned may

XXVIII. And be it enacted, That in the event of any disputed Election of any Parochial Board, or of any Member or Members of any

any Parochial Board, the Persons whose Names are returned by the Returning Officer as having the Majority of Votes shall be entitled to sit and act as elected Members of such Board in the meantime and until the Question regarding the Validity of their Election shall have been tried and determined; and all Acts and Deeds done by them in their Character of Members of such Board or Managers for the Poor shall be valid and effectual; and no Defect in the Qualification, Election, or Appointment of any Person acting in the Character of a Member of a Parochial Board shall vitiate or make void any Proceedings of such Board in which he may have taken a Part. act in the meantime.

XXIX. And be it enacted, That if any Returning Officer be guilty of wilfully making a false Return he shall be liable to a Penalty of Fifty Pounds, to be recoverable by Action in the Court of Session, and payable to the Party or Parties aggrieved by such false Return. Penalty on Officer making false Return.

XXX. And be it enacted, That it shall be lawful for every Parochial Board to fix certain Days and Places on and at which the general Meetings of the Board shall be held, and to adjourn such Meetings from Time to Time and to such Places as they shall see fit: Provided always, that every Parochial Board shall be bound to hold at least Two general Meetings in every Year, one on the First *Tuesday* of *February*, or as soon thereafter as may be, and the other on the First *Tuesday* of *August*, or as soon thereafter as may be, or at such other stated Times as may be approved of by the Board of Supervision, and at such Meetings to revise and adjust the Roll of Paupers and their Allowances; and it shall also be lawful for every Parochial Board to hold Special Meetings as Occasion may require, upon Summonses to be issued by the Inspector of the Poor or by the Chairman of the Board; and it shall be lawful for every Parochial Board to nominate and appoint Committees to act on behalf of the whole Board, and such Committees in transacting the Business committed to them shall exercise all the Powers necessary for that Purpose which belong to the Parochial Board. Meetings of Parochial Boards and Committees.

XXXI. And be it enacted, That every Parochial Board shall annually elect One of their Number to be Chairman for the Year ensuing, and such Chairman shall preside at all Meetings of the Board, and shall have both an original and a casting Vote in case of Equality; and in the event of the Absence of the Chairman of the Board at any Meeting the Members present shall elect a Chairman *pro tempore*, who shall act as Chairman of the Meeting, and such Chairman shall have a casting as well as an original Vote. Parochial Board to elect a Chairman annually.

XXXII. And be it enacted, That each Parochial Board shall, on the Third *Tuesday* of *September* in this present Year, or on such Day thereafter as may be fixed by the Board of Supervision, meet for the Purpose of making up or causing to be made up a Roll of the poor Persons claiming and by Law entitled to Relief from the Parish or Combination, and of the Amount of Relief given or to be given to each of such Persons, and for the Purpose of appointing an Inspector or Inspectors of the Poor in such Parish or Combination, and fixing the Amount of Remuneration to be given to every such Inspector; Parochial Boards to meet and make up Roll of the Poor;

and appoint an Inspector of the Poor.

and such Meeting shall make up or cause to be made up such Roll as aforesaid with the least possible Delay, and shall nominate and appoint a fit and qualified Person or Persons to be Inspector or Inspectors of the Poor in such Parish or Combination, and shall fix the Amount of the Remuneration to be given to every such Inspector, and shall forthwith report to the Board of Supervision the Name and Address of such Inspector, and the Amount of the Remuneration to be given to him, and shall at the same or at another Meeting, to be held on a Day not more than Fourteen Days thereafter, consider and determine as to the Mode of raising the Funds requisite for the Relief of the Poor in the Parish or Combination.

Parochial Boards may resolve that the Funds shall be raised by Assessment.

XXXIII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination assembled at such Meeting, or at any Adjournment thereof, or for the Parochial Board of any Parish or Combination at any Meeting of such Board called for that Purpose, and of which due Notice shall have been given, by Letter, Advertisement, or otherwise, to all the Persons entitled to attend, to resolve that the Funds requisite for the Relief of the poor Persons entitled to Relief from the Parish or Combination, including the Expences connected with the Management and Administration thereof, shall be raised by Assessment; and if the Majority of such Meeting shall resolve that the Funds shall be raised by Assessment, such Resolution shall be final, and shall be forthwith reported to the Board of Supervision, and it shall not be lawful to alter or depart from such Resolution without the Consent and Authority of the Board of Supervision previously had and obtained.

Modes of imposing Assessment.

XXXIV. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved to raise by Assessment the Funds requisite, such Board shall, either at the same Meeting or at an Adjournment thereof, or at a Meeting to be called for the Purpose, resolve as to the Manner in which the Assessment is to be imposed; and it shall be lawful for any such Board to resolve that one Half of such Assessment shall be imposed upon the Owners, and the other Half upon the Tenants or Occupants of all Lands and Heritages within the Parish or Combination rateably according to the annual Value of such Lands and Heritages, or to resolve that one Half of such Assessment shall be imposed upon the Owners of all Lands and Heritages within the Parish or Combination according to the annual Value of such Lands and Heritages, and the other Half upon the whole Inhabitants, according to their Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland*, or to resolve that such Assessment shall be imposed as an equal Percentage upon the annual Value of all Lands and Heritages within the Parish or Combination, and upon the estimated annual Income of the whole Inhabitants from Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland;* and when the Parochial Board shall have resolved on the Manner in which the Assessment is to be imposed, such Resolution shall be forthwith reported to the Board of Supervision for Approval; and if the Manner of Assessment so resolved upon shall be approved by the Board of Supervision, the same shall be adopted and acted upon in such Parish

or

or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision; and if the Board of Supervision shall disapprove of the Manner of Assessment so resolved upon as aforesaid, the Parochial Board shall, upon such Disapproval being intimated, forthwith meet and resolve upon another Mode of imposing the Assessment consistent with Law, and shall report such Resolution to the Board of Supervision; and the Manner of imposing the Assessment so resolved upon shall be adopted and acted upon in such Parish or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Assessment may be imposed according to local Act or established Usage.

XXXV. And be it enacted, That if at the Date of this Act an Assessment for the Poor shall in any Parish or Parishes be imposed according to the Provisions of any Local Act, or according to any established Usage, it shall be lawful for the Parochial Board or Boards of such Parish or Parishes to resolve that the Assessment in such Parish or Parishes shall be imposed according to the Rule established by such local Act or Usage; and such Resolution, if approved of by the Board of Supervision, shall continue to be acted upon in such Parish or Parishes, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Parochial Boards may classify Lands.

XXXVI. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants of Lands and Heritages, it shall be lawful for the Parochial Board, with the Concurrence of the Board of Supervision, to determine and direct that the Lands and Heritages may be distinguished into Two or more separate Classes, according to the Purposes for which such Lands are used and occupied, and to fix such Rate of Assessment upon the Tenants or Occupants of each Class respectively, as to such Boards may seem just and equitable.

Annual Value defined.

XXXVII. And be it enacted, That in estimating the annual Value of Lands and Heritages, the same shall be taken to be the Rent at which One Year with another such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain such Lands and Heritages in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year preceding the Day on which the Assessment may be ordered to be levied.

Roll of Persons liable to Assessment to be made up.

XXXVIII. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved as aforesaid to raise by Assessment the Funds requisite, and when the Manner in which the Assessment is to be imposed shall have been fixed, and the Sum to be so raised for the Year or Half Year then ensuing shall have been ascertained, such Parochial Board shall make up or cause to be forthwith made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons, distinguishing the Sums assessed in respect of Ownership

or

or Occupancy, or Means and Substance; and the Book or Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then ensuing; and the Parochial Board shall appoint One or more fit and qualified Persons to be Collector or Collectors of the Assessments, and shall fix the Amount of Remuneration to be given to every such Collector; and it shall be competent to nominate and appoint the same Person who is an Inspector of the Poor to be Collector of the Assessment, and to fix the Amount of Remuneration to be given to such Person for the Performance of the additional Duties of Collector of the Assessment.

Amount of Assessment payable by each Person to be intimated.

XXXIX. And be it enacted, That as soon as may be after such Book or Roll is made up as aforesaid the Collector shall intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable.

Parochial Boards to fix annually the Amount of Assessment, and make up Roll of Rate-payers.

XL. And be it enacted, That before the Expiration of One Year from the Date at which the first Assessment under the Provisions of this Act shall have been imposed as aforesaid in any Parish or Combination, and yearly or half-yearly thereafter, the Parochial Board of every such Parish or Combination shall fix and determine the Amount of Assessment for the Year or Half Year then next ensuing, and shall make up or cause to be made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons; and the Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then next ensuing; and the Collector shall forthwith intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable: Provided always, that it shall be lawful for the Parochial Board of any such Parish or Combination, if there shall have been found to exist any Error in the Sum or Sums to be levied by way of Assessment, or any Omissions or Surcharges in respect of the Persons liable to pay the same, to cause such Error, Omission, or Surcharge to be corrected at their next or any subsequent Meeting after such Error, Omission, or Surcharge shall have been discovered: Provided also, that nothing herein contained shall preclude any Person who considers himself aggrieved by such Assessment from his Remedy by Law in the like Form and on the same Grounds as, at the Date of the passing of this Act, was competent to any Party who considered himself aggrieved by Assessment imposed under the Statutes then in force for Relief of the Poor, but to the Extent and Effect only of exempting himself from Payment of any Surcharge which may have been made upon him.

Power to correct Errors;

and impose additional Assessments.

XLI. And be it enacted, That if the Assessment imposed for any Year or Half Year shall, from any unforeseen or other Circumstances, prove insufficient, it shall be lawful for the Parochial Board of such Parish or Combination to meet and impose such further and additional Assessment as may be sufficient to raise the Sum required.

Power to Parochial Boards to exempt on

XLII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination to exempt from Payment of the Assessment or any Part thereof, to such an Extent as may seem proper

and reasonable, any Persons or Class of Persons on the Ground of Inability to pay. the Ground of Inability.

XLIII. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants, of Lands and Heritages, it shall be competent for the Collector of such Assessment to levy the whole thereof from the Tenants or Occupants, who shall be entitled to recover One Half thereof from the Owners, or to retain the same out of their Rents, on Production of a Receipt granted by the Collector of such Assessment. Power to levy from Tenants the Assessment on Owners.

XLIV. And be it enacted, That in all Landward as well as all Burghal Parishes and Combinations where Houses have been or shall be built by the Tenant of any Land held under a Building Lease upon such Land, the Tenant and his Heirs and Assignees in such Lease shall for the Purposes of this Act be deemed and taken to be the Owners of such Houses. Long Leaseholders to be considered Owners.

XLV. And be it enacted, That in Cases where any Canal or Railway shall pass through or be situate in more than One Parish or Combination, the Proportion of the annual Value thereof on which such Assessment shall be made for each such Parish or Combination shall be according to the Number of Miles or Distance which such Canal or Railway passes through or is situated in each Parish or Combination in proportion to the whole Length. Canals and Railways how to be assessed.

XLVI. And be it enacted, That the Owners and Occupiers of Lands and Heritages shall not be liable to be assessed in respect of such Lands and Heritages for the Relief of the Poor in more than One Parish or Combination. The same Property not to be assessed in Two Parishes.

XLVII. And be it enacted, That if in any Parish or Combination in which an Assessment is imposed on Means and Substance any Company or any Individual shall occupy any Lands and Heritages, or shall carry on any Trade or Business in any Premises within such Parish or Combination, such Company and the Partners thereof, and such Individual, shall be liable to be assessed in such Parish or Combination on their or his Means and Substance derived from or relating to such Occupancy, Trade, or Business, although none of the Partners of such Company, nor such Individual, should be actually resident in such Parish or Combination; and such Company and Partners, and such Individual, shall not be liable to be assessed on the same Means and Substance in any other Parish or Combination; and if any Person shall be assessed in any Parish or Combination upon his Means and Substance, other than Means and Substance derived from or relating to the Occupancy of Lands and Heritages within such Parish or Combination, or the carrying on of Trade or Business in Premises within such Parish or Combination, such Person shall not be assessed upon the same Means and Substance in any other Parish or Combination; and if any Person shall reside in and be liable to be assessed as an Inhabitant of more than One Parish, it shall be optional to such Person to determine in which of such Companies or Individuals to be assessed in certain Cases. Means and Substance not to be assessed in more than One Parish.

Parishes he shall be assessed on his Means and Substance, other than Means and Substance derived from and relating to the Occupancy of Lands and Heritages, or the carrying on of Trade or Business in Premises within any particular Parish.

Means and Substance under 30*l.* not to be assessed.

XLVIII. And be it enacted, That no Person shall be liable to be assessed in any Parish or Combination on his Means and Substance unless the estimated annual Value thereof in whole shall exceed Thirty Pounds.

Stipends may be assessed.

XLIX. And be it enacted, That Clergymen shall be liable to be assessed for the Poor in respect of their Stipends.

Certain Privileges of Exemption to cease.

L. And be it enacted and declared, That the Privileges of Exemption from Payment of Assessments in the City of *Edinburgh*, possessed and enjoyed by Members of the College of Justice and Officers of the Queen's Household, shall not be applicable to Assessments imposed and levied for the Relief of the Poor under the Authority of this Act.

Assessment not to be void from Error or Misnomer.

LI. And be it enacted, That where any Assessment shall have been imposed by the Parochial Board of any Parish or Combination, such Assessment shall be payable at the Time or Times and in the Proportions to be appointed by the Parochial Board; and no Assessment shall be rendered void or affected by reason of any Mistake or Variance in the Christian or Surname or Designation of any Person chargeable therewith, but all Assessments shall be valid and effectual against the Person intended to be charged, and *bonâ fide* liable in Payment of the same.

Parish Property vested in new Parochial Boards.

LII. And be it enacted, That where any Property whatsoever, whether heritable or moveable, or any Revenues, shall at the Time of the passing of this Act belong to or be vested in the Heritors and Kirk Session of any Parish, or the Magistrates, or Magistrates and Town Council of any Burgh, or Commissioners, Trustees, or other Persons on behalf of the said Heritors and Kirk Session, or Magistrates, or Magistrates and Town Council, under any Act of Parliament, or under any Law or Usage, or in virtue of Gift, Grant, Bequest, or otherwise, for the Use or Benefit of the Poor of such Parish or Burgh, it shall, from and after a Time to be fixed by the Board of Supervision, be lawful for the Parochial Board of each such Parish, or of the Combination in which such Parish or Burgh may be respectively, to receive and administer such Property and Revenues, and the Right thereto shall be vested in such Parochial Board; and the said Heritors and Kirk Session, Magistrates, Town Council, Commissioners, Trustees, or other Persons are hereby authorized and required either to continue to hold all such Property and Revenues for the Behoof of such Parochial Board, or to make, grant, subscribe, and deliver such Dispositions, Assignations, and Conveyances of all such Property and Revenues as may be necessary to enable such Parochial Board to administer the same for behoof of the Poor of such Parish or Combination.

LIII. And

Funds to be invested.

LIII. And be it enacted, That all and every Sums or Sum of Money or other Funds which have been or may hereafter be given, mortified, or bequeathed for the Use of the Poor, and which shall become vested in the Parochial Board of any Parish or Combination, and whereof the annual Proceeds are to be applied for behoof of the Poor, shall, if not specially directed to be otherwise invested, be, without Delay, either lodged in a chartered Bank, or placed at Interest on Government or Heritable Security, or in the Stock of One or more of the chartered Banks in *Edinburgh*; and the Board of Supervision is hereby authorized and empowered to require Returns to be made to them from Time to Time, as they shall deem expedient, as to all such Money or Funds.

Church Collections in assessed Parishes.

LIV. And be it enacted, That in all Parishes in which it has been agreed that an Assessment should be levied for the Relief of the Poor, all Monies arising from the ordinary Church Collections shall, from and after the Date on which such Assessment shall have been imposed, belong to and be at the Disposal of the Kirk Session of each Parish: Provided always, that nothing herein contained shall be held to authorize the Kirk Session of any Parish to apply the Proceeds of such Church Collections to Purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the Heritors of their Right to examine the Accounts of the Kirk Session, and to inquire into the Manner in which the Funds have been applied: Provided also, that the Session Clerk or other Officer to be appointed by the Kirk Session shall be bound to report annually, or oftener if required, to the Board of Supervision, as to the Application of the Monies arising from Church Collections, and if such Session Clerk or other Officer shall refuse to make such Report when required he shall be liable to a Penalty not exceeding Five Pounds.

Duties of Inspector of the Poor.

LV. And be it enacted, That the Inspector of the Poor in each Parish or Division of a Parish for which he may be appointed shall have the Custody of and be responsible for all Books, Writings, Accounts, and other Documents whatsoever relating to the Management or Relief of the Poor in such Parish or Division of a Parish, and it shall be the Duty of the said Inspector to inquire into and make himself acquainted with the particular Circumstances of the Case of each individual poor Person receiving Relief from the Poor Funds, and to keep a Register of all such Persons, and of the Sums paid to them, and of all Persons who have applied for and been refused Relief, and the Grounds of Refusal, and to visit and inspect personally, at least Twice in the Year, or oftener if required by the Parochial Board or Board of Supervision, at their Places of Residence, all the poor Persons belonging to the Parish or Division of the Parish in the Receipt of Parochial Relief, provided that such poor Persons be resident within Five Miles of any Part of such Parish or Division of a Parish, and to report to the Parochial Board and to the Board of Supervision upon all Matters connected with the Management of the Poor, in conformity with the Instructions which he may receive from the said Boards respectively, and to perform such other Duties as the said Boards may direct: Provided always, that in populous

Assistant Inspectors

in populous Parishes.

populous and extensive Parishes or Divisions of Parishes the Duties of inspecting and visiting the Poor may be performed by Assistant Inspectors or other competent Persons, to be appointed and paid by the Parochial Board for these Duties, and for whose Conduct and Accuracy the Inspector of the Poor shall be responsible to the Board of Supervision.

Board of Supervision may dismiss or suspend Inspectors.

LVI. And be it enacted, That if any Inspector of the Poor shall fail or neglect or refuse to perform the Duties of his Office, or shall, in the Opinion of the Board of Supervision, be unfit or incompetent to discharge the Duties of his Office, then it shall and may be lawful for the said Board of Supervision, by a Minute or Order, to suspend or dismiss such Inspector; and the Parochial Board of the Parish or Combination for which such Person is Inspector shall forthwith proceed to appoint another Person to perform the Duties of Inspector of the Poor in the Room of the Inspector so suspended or dismissed

Inspectors may pursue and defend Actions.

LVII. And be it enacted, That in case it shall be necessary to commence or institute any Action by or on behalf of any Parish or Combination, or Parochial Board for the Relief of the Poor, such Action may be brought in the Name of any Inspector of the Poor of such Parish or Combination as Pursuer; and in any Action to be brought against any Parochial Board it shall not be necessary to call the individual Members of the Parochial Board as Defenders, but it shall be lawful for the Pursuer in such Action to call any Inspector of the Poor of any such Parish or Combination, and such Inspector shall be bound to appear and answer on behalf of the Parochial Board; and all Summonses, Notices, Diligences, Decree, or other Proceedings served or obtained or had against any Inspector of the Poor shall be binding on and conclusive against the Parochial Board of the Parish or Combination for which he is an Inspector; and the Parochial Board shall have the entire Direction and Control of every such Action, although the same may be carried on in Name of the Inspector.

Actions transferred.

LVIII. And be it enacted, That all Actions brought by or against any Inspector of the Poor in his official Character shall be continued by or against his Successors in Office, notwithstanding the Death, Resignation, Suspension, or Removal of such Inspector, upon Notice given to such Successor, without any Action of Transference.

Lunatic Paupers to be placed in Asylums.

LIX. And be it enacted, That in every Case in which any poor Person who shall have become chargeable in any Parish or Combination shall be insane or fatuous, the Parochial Board of such Parish or Combination shall, within Fourteen Days from the Time when such Person is declared or known to be insane or fatuous, provide that such insane or fatuous Person be conveyed to and lodged in an Asylum or Establishment legally authorized to receive lunatic Patients; and the Inspectors of the Poor in every Parish or Combination shall and are hereby required to report without Delay to the Board of Supervision all Cases of insane or fatuous Persons chargeable as Paupers in their respective Parishes; and the said Board of Supervision is hereby authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor

Board of Supervision may direct Removal in

Person to an Asylum or Establishment as aforesaid within the Time herein-before specified, to take such Measures as may be necessary for removing such insane or fatuous poor Person to a Lunatic Asylum or Establishment; and the whole Expence of such Removal and all subsequent Expences shall be recoverable from and defrayed by such Parochial Board: Provided always, that under special Circumstances in particular Cases it shall be lawful for the Parochial Board, with the Consent of the Board of Supervision, to dispense with the Removal of insane or fatuous poor Persons to a Lunatic Asylum or Establishment, and to provide for them in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board of Supervision. certain Cases.

LX. And whereas for more effectually administering to the Wants of the aged and other friendless impotent Poor, and also for providing for those poor Persons who from Weakness or Facility of Mind, or by reason of dissipated and improvident Habits, are unable or unfit to take charge of their own Affairs, it is expedient that Poorhouses should be erected in populous Parishes; be it enacted, That in every Case in which a Parish or Combination of Parishes contains more than Five thousand Inhabitants, according to the Enumeration of the Population then last published by Authority of Parliament, it shall be lawful for the Parochial Board of any such Parish or Combination to take into consideration the Propriety of erecting a Poorhouse for such Parish or Combination, or of altering or enlarging any existing Poorhouse; and if after full Time and Opportunity given for deliberate Consideration the said Parochial Board shall be satisfied of the Propriety of erecting a Poorhouse, or of enlarging any existing Poorhouse, and shall come to a Resolution to that Effect, such Resolution shall be forthwith reported to the Board of Supervision, and if approved of by the Board of Supervision the same shall be carried into execution by the said Parochial Board. Provision as to Poorhouses.

LXI. And be it enacted, That, with the Concurrence of the Board of Supervision had and obtained thereto, it shall be lawful for the Parochial Boards of any Two or more contiguous Parishes to agree to build a common Poorhouse for such Two or more Parishes; and the Expence of maintaining and erecting such Poorhouse shall be borne by such Parishes in such Proportions as shall be agreed on by the Parochial Boards of the said Parishes respectively: Provided always, that if any such Agreement for the Purpose of building a Poorhouse has once been effected, it shall not be lawful for any One or more of the Parishes to withdraw from such Agreement without the Consent of the Board of Supervision previously had and obtained. Parishes may unite for the Purpose of building Poorhouses.

LXII. And be it enacted, That for the Purpose of erecting new Poorhouses, and for enlarging, altering, or repairing any existing Poorhouse, the Parochial Board in any Parish or Combination is hereby authorized and empowered to borrow Money; and for the more effectually securing the Repayment of the Sum borrowed, with Interest, it shall be lawful for the said Parochial Board to burden or charge the future Assessments for the Poor in such Parish or Combination with Power to borrow Money for building Poorhouses.

with the Amount of the Money so borrowed: Provided always, that the Principal Sum so borrowed shall in no Case exceed Three Times the Amount of the Assessment raised for the Relief of the Poor during the Year immediately preceding that in which the Money is borrowed; and that any Loan of Money borrowed for the Purposes aforesaid shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of the Interest on the same: Provided also, that no further or other Sum shall be borrowed or chargeable on the Poor Assessment for the Purposes aforesaid until the whole of the Money last borrowed, with Interest on the same, shall have been paid off.

Plans for Poorhouses to be approved by Board of Supervision.

LXIII. And be it enacted, That from and after the passing of this Act no new Poorhouse shall be built, nor shall any existing Poorhouse be enlarged or altered, nor shall it be lawful to impose an Assessment or borrow Money for such Purposes, unless the Plan of such new Poorhouse, or of such proposed Enlargements or Alterations, shall have been submitted to and approved by the Board of Supervision, and signed, subscribed, or endorsed by at least Three of the Members of the said Board in attestation of their Approval.

Parochial Boards to frame Rules for Regulation of Poorhouses.

LXIV. And be it enacted, That in every Case in which a Poorhouse already exists, or shall be built or enlarged or altered under the Provisions of this Act, the Parochial Board or Boards shall frame Rules and Regulations for the Management of such Poorhouse, and for the Discipline and Treatment of the Inmates thereof, and for the Admission of any known Minister of the religious Persuasion of any Inmate of such Poorhouse at all reasonable Times, on the Request of such Inmate, for the Purpose of affording religious Assistance to such Inmate, and shall submit such Rules and Regulations to the Board of Supervision for Approval; and no Rules or Regulations shall be effectual, or shall be acted upon, except such as shall have been approved by the Board of Supervision.

Poor Persons from other Parishes may be received into Poorhouses.

LXV. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination in which a Poorhouse has been or shall hereafter be erected to receive and accommodate in such Poorhouse poor Persons belonging to any other Parish, and to charge such Rates for the Maintenance of such poor Persons as shall be approved by the Board of Supervision, and such poor Persons shall be in all respects subject to the same Discipline and Treatment as the other Inmates of the Poorhouse in which they are so accommodated.

Medical Attendance in Poorhouses.

LXVI. And be it enacted, That in all Cases in which Poorhouses shall be erected or enlarged or altered, under the Provisions of this Act, there shall be proper and sufficient Arrangements made for dispensing and supplying Medicines to the sick Poor, under such Regulations as the Parochial Board shall make, and the Board of Supervision shall approve; and there shall be provided by the Parochial Board proper Medical Attendance for the Inmates of every such Poorhouse, and for that Purpose it shall be lawful for the Parochial Board to nominate and appoint a properly qualified Medical Man who shall give regular Attendance at such Poorhouse, and to fix a reasonable Remuneration

Remuneration to be paid to him by such Parochial Board: Provided always, that if it shall appear to the Board of Supervision that such Medical Man is unfit or incompetent or neglects his Duty, it shall be lawful for the Board of Supervision to suspend or remove such Medical Man from his Appointment and Attendance.

Parishes may subscribe to Hospitals, &c.

LXVII. And be it enacted, That it shall be lawful for the Parochial Board in any Parish or Combination, for the Benefit of the Poor of such Parish or Combination, to contribute annually, or otherwise, such Sums of Money as to them may seem reasonable and expedient, from the Funds raised for the Relief of the Poor, to any public Infirmary, Dispensary, or Lying-in Hospital, or to any Lunatic Asylum, or Asylum for the Blind or Deaf and Dumb.

Funds raised by Assessment applicable to Relief of occasional Poor.

LXVIII. And be it enacted, That from and after the passing of this Act all Assessments imposed and levied for the Relief of the Poor shall extend and be applicable to the Relief of occasional as well as permanent Poor: Provided always, that nothing herein contained shall be held to confer a Right to demand Relief on able-bodied Persons out of Employment.

Medical Relief, Clothing, and Education.

LXIX. And be it enacted, That in every Parish or Combination it shall and may be lawful for the Parochial Board and they are hereby required, out of the Funds raised for the Relief of the Poor, to provide for Medicines, Medical Attendance, nutritious Diet, Cordials, and Clothing for such Poor, in such Manner and to such Extent as may seem equitable and expedient; and it shall be lawful for the Parochial Board to make Provision for the Education of poor Children who are themselves or whose Parents are Objects of Parochial Relief.

Destitute Persons to be relieved, although having no Settlement in the Parish to which they apply.

LXX. And be it enacted, That in every Case in which a poor Person in any Parish or Combination shall apply for Parochial Relief, the Inspector of the Poor, or other Officer of such Parish or Combination whose Duty it shall be to attend to such Applications, shall be bound to make Inquiry forthwith into the Circumstances of the Applicant, and shall, notwithstanding such poor Person may not have a Settlement in the Parish or Combination, if he be in other respects legally entitled to Parochial Relief, be bound to furnish him with sufficient Means of Subsistence until the next Meeting of the Parochial Board, and such Board shall continue to afford to such poor Person such interim Maintenance as may be adjudged necessary until the Parish or Combination to which such poor Person belongs be ascertained, and his Claim upon such Parish or Combination admitted or otherwise determined, or until he shall be removed; and every Inspector of the Poor, or other Officer to whom Application shall be made by or on behalf of any poor Person for Parochial Relief, shall be bound to return an Answer to such Application within Twenty-four Hours from the Time when it was made: Provided always, that if the necessary Means of Support are afforded to the Applicant in the meantime, such Inspector or other Officer may delay giving a final Answer to such Application for any Period which to him may seem necessary for prosecuting his Inquiries: Provided also, that such

such poor Person shall be bound to give to the Inspector and Parochial Board of the Parish or Combination to which he has applied for Relief all Information and Assistance which it is in his Power to give for the Purpose of ascertaining the Parish or Combination to which he belongs, and every other Matter regarding his Case which the Inspector may desire to ascertain, and shall be bound to answer upon Oath, if required, all such Questions as may be put to him before any Justice of the Peace or Magistrate, and in case of false swearing shall be liable to be prosecuted for Perjury.

Expences may be recovered from Parish of Settlement.

LXXI. And be it enacted, That where in any Case Relief shall be afforded to a poor Person found destitute in a Parish or Combination, it shall be lawful for the Parochial Board of such Parish or Combination to recover the Monies expended in behalf of such poor Person from any Parish or Combination within *Scotland* to which he may ultimately be found to belong, or from his Parents or other Persons who may be legally bound to maintain him: Provided always, that in all Cases in which Relief shall be afforded by One Parish or Combination to a poor Person having a Settlement in another Parish or Combination, written Notice of such poor Person having become chargeable shall be given to the Inspector of the Poor of the Parish or Combination to which such poor Person belongs; and the Parish or Combination affording Relief shall not be entitled to recover for any Charges or Expences incurred in respect of such poor Person, except from and after the Date of such Notice.

Where Parishes do not provide for Removal of their Poor from other Parishes after Notice.

LXXII. And be it enacted, That if within a reasonable Time after Notice the Parish or Combination to which such poor Person shall as aforesaid have been ascertained to belong shall not remove such poor Person, or shall not make Provision to the Satisfaction of the Parish or Combination which has given the Notice for the constant weekly Subsistence of such poor Person, it shall be lawful for the Parish or Combination which has given the Notice to cause such poor Person to be removed to the Parish or Combination to which he belongs, at the Expence of such last-mentioned Parish or Combination, unless such poor Person shall, owing to Sickness or Infirmity, be incapable of being removed, in which Case the Parish or Combination in which he is shall be bound to relieve him, and shall be entitled to recover from the Parish or Combination to which he belongs the Amount so expended, provided that such Amount does not exceed the Rate expended for Relief of other poor Persons in the Parish so relieving such poor Person.

Party refused may apply to Sheriff.

LXXIII. And be it enacted, That if Relief shall be refused to any poor Person who shall have made Application for Relief, it shall and may be lawful for such poor Person to apply to the Sheriff of the County in which the Parish or Combination from which such poor Person has claimed Relief, or any Portion of such Parish or Combination, is situate, and the said Sheriff shall forthwith, if he be of Opinion that such poor Person is, upon the Facts stated, legally entitled to Relief, make an Order upon the Inspector of the Poor, or other Officer of such Parish or Combination, directing him to afford Relief to such poor Person in the meantime until such Inspector or

other Officer shall, on or before a Day to be appointed by the said Sheriff, and to be intimated in the same Order, give in a Statement in Writing showing the Reasons why the Application of such poor Person for Relief was refused, which Statement the said Sheriff shall afterwards appoint to be answered, and shall, if required, nominate an Agent to appear and answer on behalf of such poor Person, and shall further, if necessary, direct a Record to be made up, and a Proof to be led by both Parties; and it shall be lawful for the Sheriff, if he shall see fit, to direct the interim Support to such poor Person to be continued until a final Judgment shall have been pronounced on the Merits of the Case: Provided always, that nothing herein contained shall be construed to enable the said Sheriff to determine on the Adequacy of the Relief which may be afforded, or to interfere in respect of the Amount of Relief to be given in any individual Case.

Proceedings when Amount of Relief considered inadequate.

LXXIV. And be it enacted, That in every Case in which any poor Person shall consider the Relief granted him to be inadequate, such poor Person shall lodge or cause to be lodged a Complaint with the Board of Supervision, which Board shall and is hereby required, without Delay, to investigate the Nature and Grounds of the Complaint; and if, upon Inquiry, it shall appear that the Grounds of such Complaint are well founded, and if the same shall not be removed, then the said Board shall by a Minute declare that in the Opinion of the Board such poor Person has a just Cause of Action against the Parish or Combination from which he claims Relief, and a Copy of such Minute, certified and signified by the Secretary, shall, if required, be delivered to such poor Person, and upon the Production or Exhibition of such Minute or certified Copy thereof such poor Person shall forthwith, and without any further Proceedings, be entitled to the Benefit of the Poor's Roll in the Court of Session; and it shall be lawful for the Board of Supervision, after any Action has actually been commenced by or on behalf of such poor Person, to award to him such interim Aliment as to the said Board shall seem just during the Dependency of such Action, which Award the Parochial Board of every such Parish or Combination shall be bound to obey.

No Action to lie relative to Relief, unless by Consent of Board of Supervision.

LXXV. Provided always, and be it enacted, That it shall not be competent for any Court of Law to entertain or decide any Action relative to the Amount of Relief granted by Parochial Boards, unless the Board of Supervision shall previously have declared that there is a just Cause of Action as herein-before provided.

Settlement by Residence for Five Years.

LXXVI. And be it enacted, That from and after the passing of this Act no Person shall be held to have acquired a Settlement in any Parish or Combination by Residence therein unless such Person shall have resided for Five Years continuously in such Parish or Combination, and shall have maintained himself without having Recourse to common begging, either by himself or his Family, and without having received or applied for Parochial Relief; and no Person who shall have acquired a Settlement by Residence in any Parish or Combination shall be held to have retained such Settlement if during any subsequent Period of Five Years he shall not have resided in such Parish or Combination continuously for at least

One Year: Provided always, that nothing herein contained shall be held to affect those Persons who, previous to the passing of this Act, shall have acquired a Settlement by virtue of a Residence of Three Years, and shall have become proper Objects of Parochial Relief.

Removal of English and Irish Paupers.

LXXVII. And be it enacted, That if any poor Person born in *England*, *Ireland*, or the *Isle of Man*, and not having acquired a Settlement in any Parish or Combination in *Scotland*, shall be in the course of receiving Parochial Relief in any Parish or Combination in *Scotland*, then and in such Case it shall be lawful for the Sheriff or any Two Justices of the Peace of the County in which such Parish or any Portion thereof is situate, and they are hereby authorized and required, upon Complaint made by the Inspector of the Poor, or other Officer appointed by the Parochial Board of such Parish or Combination, that such poor Person has become chargeable to such Parish or Combination by himself or his Family, to cause such Person to be brought before them, and to examine such Person or any Witness, on Oath, touching the Place of the Birth or last legal Settlement of such Person, and to take such other Evidence or other Measures as may by them be deemed necessary for ascertaining whether he has gained any Settlement in *Scotland*; and if it shall be found by such Sheriff or Justices that the Person so brought before them was born either in *England* or *Ireland* or the *Isle of Man*, and has not gained any Settlement in *Scotland*, and has actually become chargeable to the complaining Parish or Combination by himself or his Family, then such Sheriff or Justices shall and they are hereby empowered, by an Order of Removal under their Hands, which Order may be drawn up in the Form of the Schedule (A.) hereunto annexed, to cause such poor Person, his Wife, and such of his Children as may not have gained a Settlement in *Scotland*, to be removed by Sea or Land, by and at the Expence of the complaining Parish, to *England* or *Ireland* or the *Isle of Man* respectively, according as such poor Person shall belong to *England*, *Ireland*, or the *Isle of Man*: Provided always, that no Person shall be so removed until there has been obtained a Certificate, on Soul and Conscience, by a regular medical Practitioner, setting forth that the Health of such Person, his Wife and Children as aforesaid, is such as to admit of such Removal: Provided also, that nothing herein contained shall prevent any Parochial Board or their Inspector from making Arrangements for the due and proper Removal of such poor Persons either by Land or Water, provided the Arrangement be made with the Consent of such poor Persons themselves.

Removing Officer to have Powers of a Constable.

LXXVIII. And be it enacted, That every Officer, Constable, or other Person to whom any such Order of Removal shall be delivered for the Purpose of being carried into execution shall and may by virtue thereof detain and hold in safe Custody every poor Person mentioned in any such Order until such poor Person shall have arrived at the Place to which he is ordered to be removed, and shall and may for that Purpose, in every County and Place through which he shall pass in the due Execution of such Order, have and exercise the Powers with which a Constable is by Law invested,

vested, notwithstanding such Person may not otherwise be empowered to act as a Constable for the County or Place respectively through which he may have Occasion to pass in carrying such Order into execution, and although such Order may not have been granted or backed by any Judge or Magistrate of such County or Place.

Persons again becoming chargeable to be punished.

LXXIX. And be it enacted, That if any Person who has been removed to *England* or *Ireland* or the *Isle of Man* from any Parish or Combination in *Scotland*, under any Order of Removal, shall afterwards return to *Scotland* and apply for Relief, or again become chargeable by himself or his Family to the same Parish or Combination without having obtained a Settlement therein, such Person shall be deemed to be a Vagabond under the Provisions of an Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, intituled *An Act for Punishment of strang and idle Beggars, and Reliefe of the pure and impotent*, and may be apprehended and prosecuted criminally before the Sheriff of the County in which such Parish or any Portion thereof is situate, at the Instance of the Inspector of the Poor of the Parish to which he shall have so applied for Relief or become chargeable, and shall upon Conviction be punishable by Imprisonment, with or without hard Labour, for such a Period as the said Sheriff shall think proper, not exceeding Two Months.

1579, c. 74.

Punishment for Desertion of Wives, and Refusal to maintain illegitimate Children.

LXXX. And be it enacted, That every Husband or Father who shall desert or neglect to maintain his Wife or Children, being able so to do, and every Mother and every putative Father of an illegitimate Child, after the Paternity has been admitted or otherwise established, who shall refuse or neglect to maintain such Child, being able so to do, whereby such Wife or Children or Child shall become chargeable to any Parish or Combination, shall be deemed to be a Vagabond under the Provisions of the aforesaid Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, and may be prosecuted criminally before the Sheriff of the County in which such Parish or Combination or any Portion thereof is situate, at the Instance of the Inspector of the Poor of such Parish or Combination, and shall upon Conviction be punishable by Fine or Imprisonment, with or without hard Labour, at the Discretion of the said Sheriff.

1579, c. 74.

Penalties how to be recovered.

LXXXI. And be it enacted, That every Penalty or Forfeiture imposed by this Act, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding upon Complaint in Writing made in the Name of the Secretary to the Board of Supervision, or of any Agent to be appointed by a Minute of the said Board, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an 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

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 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 or Forfeiture incurred, as well as such Expences as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expences shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expences, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture or Expences shall not have been paid, and shall in no Case exceed Three Calendar Months.

Application of Penalties.

LXXXII. And be it enacted, That the Sheriff by whom any Penalty or Forfeiture shall be imposed by virtue of this Act, the Application whereof is not herein otherwise provided for, shall award such Penalty or Forfeiture to the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of the Poor or other Officer for that Purpose; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

To be prosecuted for within Six Months.

Rate-payers competent Witnesses.

LXXXIII. And be it enacted, That no Inhabitant or other Person liable to be assessed for the Relief of the Poor in any Parish shall be deemed an incompetent Witness in any Proceeding for the Recovery of any Penalty or Forfeiture inflicted or imposed for any Offence against this Act, notwithstanding such Penalty, when recovered, shall be applicable as aforesaid.

Penalty on Witnesses making default.

LXXXIV. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Sheriff in any Matter in which such Sheriff shall have Jurisdiction under the Provisions of this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, or appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence, over and above any other Punishment to which such Person may by Law be liable for every such Refusal.

Informalities.

LXXXV. And be it enacted, That no Proceeding for the Recovery of Penalties or Forfeitures in pursuance of this Act shall be set aside for Want of Form, or on the Ground of no Record having been made, nor shall the same be removed by Suspension, Advocation, Appeal,

or otherwise into or be in any Manner subject to Review or Reduction by any Superior Court.

Limitation of Actions.

LXXXVI. And be it enacted, That all Actions on account of any thing done in the Execution of this Act shall be brought before the Sheriff Court, and every such Action shall be commenced within Three Calendar Months after the Fact committed, and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defender One Calendar Month at least before the Commencement of the Action; and no Pursuer shall recover in any Action for Irregularity or wrongful Proceedings if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity or wrongful Proceedings before such Action shall have been brought, or if during the Dependence of such Action a Tender shall be made of sufficient Amends, and of all Charges and Expences which the Pursuer may already at the Time of such Tender being made have incurred in prosecuting such Action.

Tenders of Amends.

Provision for Refusal or Neglect of Parochial Boards.

LXXXVII. And be it enacted, That in case any Parochial Board shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the said Board of Supervision to apply by summary Petition to the Court of Session, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary.

Assessments for the Poor may be recovered summarily as Land and Assessed Taxes.

LXXXVIII. And be it enacted, That the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Assessments imposed for the Relief of the Poor; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff's Small Debt Court; and all Assessments for the Relief of the Poor shall, in 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.

Parochial Board may borrow Money on Security of Assessment remaining due.

LXXXIX. And be it enacted, That if the Parochial Board of any Parish or Combination shall find it necessary in any Year or Half Year to make Disbursements for the Relief of the Poor beyond the Amount received of the Assessment applicable to the Expenditure of such Year or Half Year, it shall be competent for such Board to borrow Money on the Security of such Part of the Assessment as is still due and unreceived, but not to an Amount greater than One Half of such Part of such Assessment; and when any Money has been so borrowed

as aforesaid on the Security of Assessments, it shall not be competent to borrow on the Security of any future Assessment until the Money borrowed as aforesaid shall have been paid off.

Notices how to be given.

XC. And be it enacted, That in all Cases in which by the Provision of this Act Notice or Intimation is required to be given without prescribing the particular Form of the Notice, or the Manner in which the same is to be given, it shall be lawful for the Board of Supervision from Time to Time to fix the Form of such Notice or Intimation, and the Manner in which the same is to be given.

Former Acts repealed which are at variance with this Act.

XCI. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they are at variance or inconsistent with the Provisions of this Act; provided always, that the same shall continue in force in all other respects: Provided also, that nothing herein contained shall be held to affect or repeal an Act passed in the Seventh Year of Her present Majesty, intituled *An Act for the Liquidation of the Debt owing by the Charity Workhouse of the City of* Edinburgh, in so far as such Act relates to that Debt, and the Powers thereby conferred for paying off the same.

7 & 8 Vict. c. vi.

Alteration of Act.

XCII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Order for Removal to England, &c.

I *A. B.*, the Sheriff [*or* We, *C. D.* and *E. F.*, Two of the Justices of the Peace,] of the County of do hereby order and adjudge *G. H.*, who has become and is now actually chargeable to the Parish of to be removed, with *J. H.* his Wife and *K. L. M.* his Children, and conveyed to England, *&c.*, in pursuance of the Provisions of an Act made and passed in the Eighth and Ninth Years of the Reign of Queen Victoria, intituled [*Title of this Act*].

(Signed)

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