

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. LXXVI.

An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*. [28th *August* 1833.]

WHEREAS the Right of electing the Common Councils and Magistrates of the Royal Burghs of *Scotland* appears to have been originally in certain large Classes of the Inhabitants of such Burghs, by the Abrogation of which ancient and wholesome Usage much Loss, Inconvenience, and Discontent have been occasioned, and still exist; for Redress and Prevention whereof it is expedient that an immediate Remedy be applied, and that the close System of Election now practised in these Burghs should be forthwith abolished, and their ancient free Constitutions substantially restored: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Period when this Act shall come into operation the Right of electing the Town Councils in all such Burghs respectively (except in those contained in Schedule (F.) to this Act annexed) shall be in and belong to all such Persons, and to such only, (except as herein-after excepted,) as are or shall be qualified, as Owners or Occupants of Premises within the Royalty, whether original or extended, of any such Burgh, to vote in the Election of a Member of Parliament for such Burgh by virtue of an Act passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland, and as are duly

Electors of Council how to be qualified.

2 & 3 W. 4. c. 65.

duly registered as such Voters in the Registers by the said recited Act appointed to be kept, and also in all such Persons who are possessed of the Qualification described in the said recited Act, in respect of the Property or Occupancy of any House or other Subject therein described of the Value thereby required, within the Royalty of any Royal Burgh not now entitled to send Members to Parliament: Provided always, that all such Electors who may be qualified as herein-before provided shall have resided for Six Calendar Months next previous to the last Day of *June* in this and all future Years within the Royalty of such Burgh, or within Seven Statute Miles of some Part thereof: Provided also, that no Person shall be entitled to vote who has been in the Receipt of parochial Relief, or who has been a Pensioner of any Corporation, within Twelve Months of any such annual Election, or for any Burgh of which he may have been Town Clerk at the Time of such Election, or at making up the List or Roll of Electors with a view to such Election.

Electors in Burghs having no Parliamentary Registers.

II. And be it enacted, That every Person claiming to be entitled to vote in the Election of the Council of any Royal Burgh not now entitled to send Members to Parliament shall, on or before the Twentieth Day of *September* in the present and the Twenty-first Day of *July* in any succeeding Year, give in his Claim, subscribed by himself or his Agent, to the Town Clerk of such Burgh, such Claim being in the Form, as nearly as may be, of the first Part of Schedule (A.) to this Act annexed, together with any written Title or other Evidence he may choose to produce along with such Claim; and such Town Clerk, immediately on receiving such Claim, shall mark upon it the Date when it was delivered to him, by filling up, as nearly as may be, the Form of the Second Part of the said Schedule (A.) to this Act annexed, and within Four Days after the last Day for receiving such Claims, and after consulting with the Provost or Chief Magistrate of such Burgh, shall give or cause to be given Intimation of all such Claims by affixing on the Church Doors of the several Parishes within the Royalty of such Burgh, Fourteen Days at least before the Time when such Claims are intended to be taken into consideration, a written or printed List of all such Claimants, together with a Notice specifying the Place where and the Day and the Hour at which such Claims are to be considered; and the said Notice shall also bear that any Objection to such Claims will be at the same Time taken into consideration, provided such Objections shall be lodged with the Town Clerk and intimated to the Party objected to, by either delivering a Copy of the Objection to him personally, or leaving the same at his Dwelling House, or transmitting it to him by Post, Seven Days previous to the Day appointed for considering the same and deciding upon such Claims (all such Objections being signed by the Party objecting or his Agent, and being drawn up, as nearly as may be, in the Form of the Schedule (B.) to this Act annexed); and the Persons claiming and the Persons objecting to such Claim shall have Access to see such Claims and Objections in the Town Clerk's Office at all seasonable Hours, without Payment of any Fee for such Inspection, and to obtain Extracts therefrom, paying for any Copy or Extract of the same at the Rate of Sixpence for every Seventy-two Words: Provided always, that every such

Chief Magistrate shall be obliged, within Four Days after the said Twenty-first Day of *July*, to fix on and communicate to the Town Clerk a Day for taking such Claims and Objections into consideration, which Day shall not be less than Twenty or more than Twenty-five Days after the said Twentieth Day of *September* in the present and the said Twenty-first Day of *July* in all future Years.

Assessors to be appointed

III. And be it enacted, That the Provost or Chief Magistrate, or, in case of his Absence or Disability, the Senior Magistrate capable of attending in each such Burgh, shall, if required by any Three or more Persons claiming or objecting as aforesaid, previous to the Day appointed for the Consideration of such Claims and Objections, make choice of and appoint a Person of the Profession of the Law to be an Assessor or Assistant to him in the Decision thereof, such Assessor being always an Advocate or a Writer to the Signet, or a Solicitor of Supreme Courts, or a Procurator in the inferior Courts, of not less than Three Years standing respectively; and such Provost or Chief or Senior Magistrate and Assessor shall, at the Hour appointed, proceed to consider the Claims and Objections lodged, and shall hear the Parties or their Agents thereupon, and receive all competent Evidence which either Party may produce in support of his Claim or Objection respectively; but no written Pleadings shall be admitted, nor any Record kept of the Proceedings, except that the Magistrate or Assessor shall make a Note of the Witnesses who may be examined, and authenticate by his Signature any Document or written Evidence which may be produced; and no other Witnesses shall be examined, and no other Documents produced, in any Court of Review, than those so noted and authenticated; and, where satisfied that the Claim is good, the said Magistrate shall write thereon the Word "Admit," and sign his Name thereto, and, where satisfied that the Claim is bad, he shall write thereon the Word "Reject," and sign his Name thereto; and, where the Claim shall be sustained, the Claimant's Name shall be enrolled or entered by the Town Clerk of such Burgh in the List or Roll of Electors to be kept for such Burgh in manner herein-after directed.

Lists of Electors to be kept.

IV. And be it enacted, That the respective Town Clerks of each Royal Burgh shall, on or before the Twentieth Day of *October* in the present and on or before the Sixteenth Day of *September* in all future Years, make up and complete a List or Roll of Persons entitled to vote in the Election of the Common Council of such Burgh in manner following; *videlicet*, the Town Clerk of each Burgh which, in virtue of the said recited Act, sends either severally, or in combination with any other Burgh or Burghs, a Member or Members to Parliament, shall make up and complete such List by transferring from the Parliamentary Register for such Burgh to such List or Roll the Names of all the Voters contained in such Register entitled to vote in the Election of a Member of Parliament as are so registered in respect of Properties situated within the Royalty, whether original or extended, of such Burgh, without requiring any Claim, or admitting any Objection against the Persons so registered; and the respective Town Clerks of such of the

the Royal Burghs as do not now send or contribute to send a Member to Parliament shall in like Manner make up a complete List or Roll of all the Persons, qualified in manner aforesaid, who shall have been admitted as Electors by the Chief or Senior Magistrates of such Burghs respectively in manner herein-before directed.

Lists to be completed annually.

V. And be it enacted, That each Town Clerk shall, in every succeeding Year, keep his List or Roll of Electors in the Town Clerk's Office, or other Place appointed for keeping the Records of such Burgh, accessible, without Fees, at all seasonable Hours, from the First to the Tenth Day of *August*; and within Five Days after the last of these Days any Person intending to object to the Continuance of any Name on the said List or Roll in any Burgh not contained in the said recited Act shall be bound to give in his Objections to such Town Clerk, in the same Way and Manner, and to be disposed of by such Town Clerk and Provost or Chief or Senior Magistrate and Assessor in all respects, as Objections against original Claims are herein-before and after directed to be disposed of; and each Town Clerk in such Burghs shall, on or before the Tenth Day of *September* in each such Year, proceed to correct and complete such List or Roll of Electors by removing therefrom all the Names to which such Objections shall have been sustained, and also the Names of any Persons who may be known to have died since such List or Roll was last completed, and shall also insert in such List or Roll the Names of any Persons who shall respectively have been admitted as Electors by the Provost or Chief or Senior Magistrate of such Burghs respectively, in manner herein-before directed; and each Town Clerk in the Burghs contained in the said recited Act shall in like Manner correct and complete his List of Electors, on or before the Sixteenth Day of *September*, by removing therefrom the Names of such as may have died, and adding the Names of those who may have been inserted in the Register appointed by the said recited Act since it was made up in the previous Year, in respect of Premises situate within the Royalty of any such Burgh; and all Persons interested shall be entitled to Extracts from the said Lists, paying the Town Clerk for every Extract at the Rate of Sixpence for every Seventy-two Words contained therein.

Extracts may be obtained.

Appeal to the Court of Review under recited Act.

VI. And be it enacted, That if either Party shall be dissatisfied with the Decision of the Provost or Chief Magistrate and Assessor, admitting or rejecting any Claimant for the Right of electing Councillors, in any Burgh not contained in the said recited Act, it shall be competent to such Party, within Two Days of the Date of the Decision, but not thereafter, to appeal to the Court of Review appointed by the said recited Act for deciding upon Appeals as to the Registration of Voters for Members of Parliament for the District within which such Burgh may be situate, the Appellant always giving Notice, within the Time above specified, to the Town Clerk of such Burgh and to the opposite Party, of such Appeal, the Notice to the said Party being either delivered personally, left at his Dwelling Place, or transmitted through the Post Office, and producing to the Court of Appeal Evidence of such Notice before such Appeal shall be heard; and it shall be competent for such Court of Appeal,

Appeal, if it shall affirm the Judgment appealed from, to find Expences due by the Appellant, and to decern for the same; and upon Production of the Judgment of such Court, or an Extract thereof, to the Town Clerk, Keeper of the List or Roll of Electors of such Burgh, such Town Clerk shall forthwith, where necessary, alter and correct such List or Roll in accordance with the Judgment of such Court; and the Sheriffs acting in such Courts of Appeal shall always proceed to the Consideration of Appeals under this Act immediately after they have disposed of all the Appeals under the said recited Act, and shall be entitled to add the Periods of Time during which they may be exclusively occupied with the said Appeals under this Act to the Periods occupied with the said other Appeals, and to make the same Charges for the Time so occupied in their Accounts in Exchequer as is by the said recited Act provided as to the said other Appeals.

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

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

Councils to be chosen.

VIII. And be it enacted, That (with and under the Exceptions herein-after provided) upon the First *Tuesday* of *November* next the Electors qualified and entered in the List or Roll made up as aforesaid shall, in each of the said Royal Burghs not contained in Schedule (F.) to this Act annexed, choose from among such of their own Number as either reside within the Boundaries assigned to such Burgh by the said recited Act, or as may carry on Business or reside within the Royalty thereof, such a Number of Councillors as by the Set or Usage of each Burgh respectively at present constitutes the Common Council of such Burgh, or where such Number admits of Variation, then the smallest Number which may by the existing Set and Usage constitute a full Council in any such Burgh, in manner following; that is to say, in all such Burghs as are contained in the said Schedule (C.), and divided into Wards or Districts as aforesaid, the qualified Electors of each District whose Names shall be in the said

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

Poll not to be open more than One Day.

IX. And be it enacted, That no Poll by this Act authorized shall be kept open for more than One Day, and that only between the Hours of Eight in the Morning and Four in the Afternoon, it being competent to the Town Clerk to appoint as many Polling Places in each Ward, and as many Booths or Divisions at each Polling Place, as may be necessary for completing the said Elections within the said Period.

Poll-Books to be summed up by Pro-

X. And be it enacted, That at all such Elections of Councillors for the Burghs contained in the said Schedule (C.) the Poll Books for the several Wards or Districts of the said Burghs shall, at the Close

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

vost, who shall declare the Result.

XI. And be it enacted, That upon the said First *Tuesday* of *November* next the qualified Electors of all the said Royal Burghs, not contained in the said Schedules (C.) or (F.), shall assemble in the Town Hall or other public Room of such Burgh, and choose from among their own Number such and the like Number of Councillors, being resident or personally carrying on Business, as herein-before provided, as by the Set or Usage of such Burghs respectively at present constitutes the Common Council of such Burgh, or, where this is variable, the smallest Number constituting a full Council, and shall declare their Votes by a List containing the Names of the Persons for whom each Elector respectively intends to vote, which several Lists shall be signed by each such Elector respectively, and shall be openly given in by each Elector to the Town Clerk of such Burgh on the Day of Election; and such Town Clerk, together with the Provost or Chief or Senior attending Magistrate of the Burgh, who shall preside at such Election, no other Inquiry being permitted, or other Oath allowed to be tendered than as herein-after provided as to the Burghs in Schedule (C.), shall publicly cast up the Number of Votes, and shall declare upon whom the Election has fallen by the Majority of Votes; and the Provost or Chief or Senior Magistrate shall forthwith give or cause to be given Notice in Writing to the several Councillors elected of such their Election, and call upon them severally to appear in the Town Hall or other public

Election in Burghs not contained in Schedule (C.) or (F.)

public Room aforesaid on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person so elected shall decline to accept, or in case there shall be an Equality of Votes in favour of Two or more Persons the whole of whom cannot be received as Councillors, a new Election shall immediately thereafter take place for the vacant Place or Places of the Councillor or Councillors so declining to accept, or elected by equal Numbers, to be intimated as herein-before provided as to the Burghs in Schedule (C.), and to proceed in the same Manner in all respects in which the Election for Councillors is herein-before directed to proceed, until the Council of such Burgh shall be completed.

Elections in Burghs contained in Schedule (F.)

XII. And be it enacted, That nothing in this Act contained shall be held to affect or apply to the several Burghs contained in Schedule (F.) to this Act annexed; but the Election of Councillors and Magistrates in all the Burghs contained in the said Schedule (F.) shall proceed and be conducted in the Way and Manner hitherto practised in such Burghs, and as if this Act had not been passed.

Persons elected failing to attend held to decline accepting.

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

Councillors to be Burgesses before Induction.

XIV. And be it enacted, That no Person shall be entitled to be received and inducted as Councillor who shall not, previous to such Induction, be entered a Burgess of the Burgh for which he is so elected, wherever there is any Body of Burgesses in any such Burgh; and each such Person so elected shall produce, when he declares his Acceptance, the Evidence of his being such Burgess; and his Omission so to do shall be held to vacate his Election in the same Manner as if he had declined to accept: Provided always, that no merely honorary Burgess shall be entitled to be so inducted, and that any Person so elected shall be forthwith entitled to be entered as a Burgess on Payment of the ordinary Fees.

Succeeding annual Election of Council.

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

XVI. And

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

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

Provost and Magistrates to be chosen.

XVII. And be it enacted, That the Councillors of all such Burghs not contained in Schedule (F.) to this Act annexed respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost or Chief Magistrate, the Number of Baillies fixed by the Set or Usage of such Burgh, a Treasurer, and other usual and ordinary Office Bearers now existing in the Council by the Set or Usage of each such Burgh, and shall also elect the Managers of any charitable or other public Institution existing in or connected with such Burgh, the Appointment of the Managers to which is at present vested in the Magistrates and Town Council of such Burgh.

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

XVIII. And be it enacted, That (with and under the Exception herein-after enacted) upon the Completion of the first Elections of Councillors, Magistrates, and Office Bearers to be made in all the Royal Burghs in *Scotland* under the Provisions of this Act, and not sooner, the Provost, Magistrates, Office Bearers, and other Councillors now in Office in such Burghs respectively shall go out, and their whole Powers, Duties, and Functions shall cease and determine, except only where any of the said Persons shall have been again elected under the Provisions of this Act.

Official Titles and Functions in Councils to be abolished.

XIX. And be it enacted, That (except as herein-after excepted) the Offices and Titles of Deacon, and of Convener and Dean of Guild, and of Old Provost and Old Baillie, as official and constituent Members of any Town Council, shall, after the Completion of the first Elections under the Provisions of this Act, cease and determine, and no Distinction shall afterwards be kept up or recognized between Trades Baillies and Merchant Baillies, or Trades

Councillors and Merchant Councillors, in any such Council: Provided always, that (except as herein-after excepted) the Duties and Functions heretofore performed by the Dean of Guild in such Council, or in any Dean of Guild Court of such Burgh, shall, in all the Burghs where there now is such an Officer, be performed by a Member of the Council to be elected, in manner herein-before provided, by the Majority of Councillors.

Election of Trustees and Managers.

XX. And be it enacted, That where any Trust, Management, or Direction is by the Terms of any Public or Local Act, or of any Charter or Deed of Foundation, or other Deed, conferred on any Members of the Council under the Denomination of Old Provost, Old Baillie, or Old Dean of Guild, or of Merchant or Trades Baillies or Merchant or Trades Councillors respectively, the Town Councils to be named and elected in Terms of this Act shall, immediately after their own Acceptance and Induction into Office, nominate and elect from their own Body such a Number of Persons to be such Trustees, Managers, or Directors as are by such Acts, Charters, or Deeds appointed to those Offices under the said Denominations; and the whole Powers and Functions now belonging to the said Offices of Trustees, Managers, or Directors shall belong to and be as fully vested in the Persons so elected as if they had possessed the Denominations used in the said Acts, Charters, or Deeds.

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

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

Certain Deans of Guild and Deacon Conveners to be Members of Councils ex officio.

XXII. And be it enacted, That from and after the Time when this Act comes into operation the Persons elected (or to be elected) as herein-before provided to the Offices of Dean of Guild and Deacon Convener, or Convener of Trades, by the Convenery and Guild Brethren respectively in the City of *Edinburgh*, and to the Offices of Dean of Guild and Deacon Convener by the Merchants House and Trades House respectively in the City of *Glasgow*, shall, in virtue of their said Elections by the said Guild Brethren, Convenery, Merchants House, and Trades House respectively, be constituent Members of the Town Councils of the said Cities, and shall enjoy all the Powers and perform all the Functions now enjoyed or performed by such Office Bearers in these Cities; and in like Manner the Persons elected (or to be elected) to the Offices of Deans of Guild by the several Guildries of the City of *Aberdeen* and the Towns of *Dundee* and *Perth*

Perth shall, in virtue of such their Elections, be constituent Members of the Town Councils of the said City and Burghs respectively, and shall as such enjoy all the Powers and perform all the Functions now exercised or enjoyed by the existing Deans of Guild in the said City and Burghs respectively; and the registered Electors, qualified as herein-before provided, in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* shall, in *November* in the present Year and in all future Years, elect only such a Number of Councillors as, with the Addition of the said Deans of Guild and Conveners to be so elected as aforesaid, make up the Number of Councillors now existing in the said several Cities and Burghs; and the Councillors so elected in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* shall not at the subsequent Election of Magistrates and Office Bearers elect any other Persons to fill the Offices or perform the Functions of Deans of Guild or Conveners, but these Offices shall be held and exercised, in the said Councils and otherwise, by the Persons so elected as aforesaid in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* respectively, and by no other Persons.

Trusts and Managements to be continued in Persons elected by Crafts, Trades, and Guildries.

XXIII. And be it enacted, That where any Trust, Management, or Direction of any charitable or other Institutions is vested in any Number of Deacons, or in a Deacon Convener, or Convener of Trades, or in any Dean of Guild, or other Office Bearers elected or hereafter to be elected by the several Crafts, Trades, Guildries, or Merchants, or Trades Houses, then and in all such Cases the Persons so elected as such Deacons, Conveners, Deans of Guild, or other Officers shall always be and continue Trustees and Managers of such Charities or Institutions, whether such Persons shall hereafter be Members of Council or not; and the Town Councils shall in no such Case have Power to elect from their own Body any other Trustees or Managers in place of such Deacons, Conveners, Deans of Guild, or other Officers: Provided always, that in any Burgh in which Trades Councillors or Merchant Councillors are or may be *ex officio* Trustees or Directors of any such Institutions or Charities, the Convenery or Trades House and the Guildry or Merchants House in such Burghs shall elect an equal Number from their own Bodies respectively to be such Trustees or Directors, any thing herein contained to the contrary notwithstanding.

Vacancies of Magistrates going out of Office how supplied.

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

XXV. And

Vacancies occurring within the Year how to be supplied.

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

Councillors, &c. may resign.

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

Burghs having no legal Councils.

XXVII. And be it enacted, That where any Royal Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without any legal Council or Magistracy at the Time when this Act comes into operation, or at any future Time, all the Functions directed by this Act to be performed by the existing Magistrates or Councils shall be performed by One or more of the Managers who may, by any lawful Appointment, be then in the actual Administration of the Affairs of any such Burgh.

No Councillor to hold the Office of Town Clerk.

XXVIII. And be it further enacted, That no Councillor, nor the Partner in Business of any Councillor, shall be capable of holding the Office of Town Clerk in any such Burgh; and that no Town Clerk shall, during the Period he shall hold that Office, interfere directly or indirectly in the Election of the Magistrates or Town Council of any such Burgh.

Town Clerk to give Notices.

XXIX. And be it enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh of any Meetings or Proceedings to be held or had in the Matter of the Elections of or respecting such Burgh shall, where not directed to be

be otherwise given, be given or made by the respective Town Clerks thereof.

Fees of Substitutes and Assessors, and Election Expences, how to be paid.

XXX. And be it enacted, That the several Persons officiating at Elections as Substitutes for the Provosts or Chief Magistrates in the several Wards or Districts into which the Burghs contained in the said Schedule (C.) shall be divided (not being the Town Clerks of such Burghs), shall be entitled to receive a Sum not exceeding Three Pounds Three Shillings for each Day they shall respectively be so employed, the Poll Clerks officiating at such Elections being each entitled to the Sum of One Pound One Shilling for each Day, and the several Persons who shall be appointed to assist the Provost or Chief Magistrate of any of the Royal Burghs as Assessors in disposing of Claims and Objections as aforesaid (not being the Town Clerks of such Burghs) shall be paid a like Sum, not exceeding Three Pounds Three Shillings, each Day such Persons shall be so employed; which Sum, together with all the other Expences attending such Elections, or the making up of the Lists or Rolls of Electors, giving Notices at the Church Doors, and providing Copies of the said Rolls, or Parts thereof, for the Purposes of Election, shall be defrayed from the common Good or other Means or Revenues of such Burghs respectively.

New Magistrates to administer the Affairs of the Burgh.

XXXI. And be it enacted, That the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall in all respects stand in relation to the Administration of the Affairs and Property of such Burghs, or of Property under the Care and Management of such Burghs, in the same Situation in which the Magistrates and Council and Office Bearers of such Burghs did stand previous to the passing of this Act; and the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall have such and the like Jurisdiction, and the same Rights and Powers of Administration of the Property and Affairs of the Burgh, and of making all usual and necessary Appointments, as heretofore lawfully belonged to and was exercised by their Predecessors in Office; any thing in the Set, Usage, or Custom of any such Burgh to the contrary notwithstanding.

Magistrates and Council to make up a State of their Affairs.

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

XXXIII. And

Magistrates not responsible for the Debts of the Burgh.

XXXIII. And be it enacted, That no Councillor or Magistrate elected and accepting under the Provisions of this Act shall incur by such Election or Acceptance any other Responsibility for the Debts of the Burgh, or the Acts of his Predecessors in Office, than might have attached to him as a Burgess or Inhabitant independently of such Election.

Penalty for wilful Malversation.

XXXIV. And be it enacted, That if any Magistrate, Councillor, Town Clerk, Sheriff, or other Person shall wilfully contravene or disobey the Provisions of this Act, he shall be liable to be sued for such Offence in the Court of Session by any Person aggrieved for the penal Sum of Three hundred Pounds; which Sum, or any smaller Sum which may be assessed by the Jury in any such Action, the Defender, upon Conviction, shall pay to the Pursuer with full Costs of Suit: Provided always, that every such Action shall be raised within Four Calendar Months after the Cause of Action shall have arisen, and that Notice in Writing shall be given to the Defender at least One Calendar Month before raising the same: Provided also, that any such Defender against whom Judgment shall have been once recovered in such Action shall be entitled to plead such Judgment as a Bar to any other Action which may be brought against him for the same Matter or Thing; and such other Action being thereupon dismissed, such Defender shall recover his full Costs of Suit.

Misnomers not to vitiate Proceedings.

XXXV. And be it enacted, That no Misnomer or inaccurate Description of any Person or Place in any Writing made in the Form of any Schedule to this Act annexed, or in any List or Register or Notice, or other Writing, made under Authority of this Act, shall in any way prevent or abridge the Operation of this Act; provided that such Person or Place shall be so designated in such Writing, List, Register, or Notice as to be commonly understood.

All Statutes at variance with this Act repealed.

XXXVI. And be it enacted, That all Laws, Statutes, and Usages now in force respecting the Royal Burghs in that Part of *Great Britain* called *Scotland* shall be and the same are hereby repealed in so far as they are inconsistent or at variance with the Provisions of this Act, but in all other respects the same shall remain in full Force and Effect: Provided always, that the Oath termed the Burgher Oath shall in no Case hereafter be required to be taken in any Burgh.

Burgher Oath not to be taken.

Irregularity in the Election of Councillors only to affect themselves.

XXXVII. And be it enacted, That no Irregularity or Nullity in the Election of any Councillor or Magistrate shall in any Case after the passing of this Act annul or affect the Election of other Councillors or Magistrates not liable to the same Grounds of Objection, but those particular Elections only in which such Irregularity or Nullity shall have occurred.

Act may be altered this Session.

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

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)—PART FIRST.

City [*or* Burgh] of

I *A. B.* [*insert Designation*] hereby claim to be enrolled as a Voter for the Town Councillors of the said City [or Burgh] in respect of my Interest in the House, Shop, *et cetera*, situated in [*here insert the Situation of the Premises, described by the Street, Number, Parish, or other Locality*]; and [*in Cases where the Claimant chooses to make such Production*] in support of my Claim I produce herewith a [Disposition, Seisin, Lease, *et cetera*, dated, *et cetera, as the Case may be.*]

[Date.] (Signed) *A. B.*

SCHEDULE (A.)—PART SECOND.

Number lodged with me *C. D.*, Town Clerk of this Day together with the Disposition, Seisin, Lease, *et cetera*, above written [*in Cases where any such Documents are lodged*].

(Signed) *C. D.*

SCHEDULE (B.)

City [*or* Burgh] of

I *A. B.* [*or* We *C. D., E. F., et cetera,*] object to the Claim of *A. B.* to be admitted [*or* to continue on the Roll] as a Voter for Councillors in the City [*or* Burgh] of on the following Ground [*here may be stated shortly the Grounds, as that Property or Occupancy not of sufficient Value, that the Party is not or has ceased to be Proprietor, Tenant, or Occupant, or is personally disqualified, as being a Minor, a fatuous Person, et cetera*]; and I crave to be heard on the said Objection or Objections before the Chief Magistrate or Assessor.

[Date.] (Signed) *A. B.*

SCHE-

SCHEDULE (C.)

EDINBURGH.
GLASGOW.
ABERDEEN.
DUNDEE.
PERTH.
DUNFERMLINE.
DUMFRIES.
INVERNESS.

SCHEDULE (D.)

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

SCHEDULE (E.)

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

SCHEDULE (F.)

DORNOCH.
NEW GALLOWAY.
CULROSS.
LOCHMABEN.
BERVIE.
WESTER ANSTRUTHER.
KILRENY.
KINGHORN.
KINTORE.

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