CAP. LXXIX.

An Act to provide additional Accommodation for the Sheriff Courts in *Scotland*.

[6th *August* 1860.]

'WHEREAS it is expedient that additional Accommodation should be provided for the Sheriff Courts in *Scotland* and the Offices connected therewith:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Sheriff Court Houses Act, 1860."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

The Word "Sheriff" shall include Sheriffs Substitute:

The Word "Magistrates" shall include Provost Magistrates and Council:

The Expression "Lands and Heritages," and the Expression "Valuation Rolls" shall have the same Meaning as is assigned to these Expressions in "The Valuation of Lands (*Scotland*) Acts," Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twenty-first *Victoria*, Chapter Fifty-eight:

The Word "Court House" shall include Sheriff Clerk's Offices, and Accommodation for the Procurator Fiscal, and for Procurators and Witnesses, and for the safe Custody of Documents: The Expression "Erection of a Court House" shall include the Addition to and the Alteration or rebuilding of any Court House already existing, and all necessary Works connected with such Erection, Addition, Alteration, or Rebuilding, and shall also include the Purchase of any existing Building for the Purpose of a Court House.

Representation may be made to the Secretary of State of Inadequacy of existing Court Houses.

III. On a Representation in Writing being made to One of Her Majesty's Principal Secretaries of State, by any Three Commissioners of Supply of any County, or by Her Majesty's Lieutenant and the Sheriff Depute of any County in *Scotland*, setting forth that the Court House Accommodation in such County is inadequate, it shall be lawful for the Secretary of State to remit such Representation for Investigation, and report to such Persons as he may think fit, and to make such other Inquiry with respect thereto as he may think necessary.

Representation with Intimation of Opinion of Secretary of State, to be sent to the Clerk of Supply.

IV. If it shall appear to the Secretary of State, on Consideration of the Reports made to him, that a Court House or Additions to any existing Court House is or are required, he shall transmit such Representation to the Clerk of Supply of the County, with an Intimation of his Opinion thereon, for the Purpose of being laid before the Commissioners of Supply of the County.

Meeting of Commissioners of Supply to be called and held within One Month after the Receipt of Intimation, and Burghs may send Representatives.

V. Within Fourteen Days after the Receipt of such Intimation, a Special Meeting of the Commissioners of Supply of the County, for the Purpose of considering the same, shall be called by Advertisement, stating the Purpose thereof, and signed by the Convener of the County, and inserted once in each of Two successive Weeks in at least One Newspaper published in the County, or if there be no Newspaper published therein, in at least One Newspaper published in an adjoining County, and such Meeting shall be held within One Month after the Receipt of such Intimation from the Secretary of State; and it shall be lawful for the Magistrates of every Royal and Parliamentary Burgh in the County the Lands and Heritages situate in which Burgh are of not less yearly Value than Twenty thousand Pounds, as appearing from the Valuation Rolls, if they see cause, from Time to Time to elect such Number of Persons respectively as is set forth in the Schedule to this Act annexed to be present as their Representatives at the said Meeting, and at all subsequent Meetings of Commissioners of Supply for the Purposes of this Act, and such Persons shall be entitled to be present and to vote at such Meetings in like Manner with the Commissioners of Supply of the County.

VI. The

Commissioners of Supply may adopt Resolution, &c.

VI. The Commissioners of Supply may at such Meeting resolve to proceed with the Erection of a Court House; or, if it shall appear to them that additional Accommodation is not required at the Time, they may adopt a Resolution to that Effect.

Secretary of State to dispose of Resolution.

VII. The Resolution of such Meeting shall, within Eight Days after the Date thereof, be transmitted by the Clerk of Supply to the Secretary of State; and in the event of a Resolution being adopted that additional Accommodation is not required, the Clerk of Supply shall along with the same transmit any Statement of their Reasons for adopting such Resolution which the Commissioners of Supply or the said Representatives of Burghs may think fit to submit to the Secretary of State; and on considering such Resolution and Statement (if any) it shall be lawful for the Secretary of State to dispose of the same, by deciding that additional Accommodation shall be provided, either by the Erection of a Court House or that additional Accommodation is not required at the Time, as he may think fit.

Decision of Secretary of State to be intimated to the Clerk of Supply.

VIII. The Decision of the Secretary of State shall be intimated to the Clerk of Supply, and in the event of such Decision being to the Effect that additional Accommodation shall be provided, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of such Intimation, to proceed in Terms thereof to obtain Plans and Specifications of a Court House.

Plans and Specifications to be deposited in Sheriff Clerk's Office for Public Inspection.

IX. Such Plans and Specifications shall, after being approved of by the Commissioners of Supply, be deposited in the Sheriff Clerk's Office of the County, and shall there remain for Fourteen Days after the Insertion in a Newspaper published in such County, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County, of a Notice intimating that such Plans and Specifications have been so deposited; and during the said Period of Fourteen Days such Plans and Specifications shall be open to Public Inspection free of Charge.

Plans and Specifications to be approved by the Secretary of State.

X. On the Expiration of the said Period of Fourteen Days, such Plans and Specifications shall be transmitted by the Clerk of Supply to the Secretary of State, who shall either approve of the same, or direct that any Alterations or Additions which he thinks necessary may be made thereon; and any Alterations or Additions directed by the Secretary of State shall be made by the Commissioners of Supply; and such Plans and Specifications shall thereafter be again transmitted by the Clerk of Supply to the Secretary of State for his Approval.

On Plans and Specifications being approved of, Buildings to be proceeded with.

XI. On such Plans and Specifications being approved of by the Secretary of State, the same shall be returned to the Clerk of Supply; and the same, with an Estimate of the necessary Expense, having been submitted to and approved of by the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of the Plans and Specifications so approved, to proceed to purchase and acquire the Lands required for the Court House, and enter into Contracts, and to do all other Things necessary for carrying into effect the Purposes of this Act; and such Court House shall be erected and completed under the Superintendence of the Commissioners of Supply, or any Committee or Person appointed by them for that Purpose.

8 & 9 Vict. c. 18. incorporated.

XII. For facilitating the Purchase of Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," is hereby incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall, for the Purposes of this Act, mean the Commissioners of Supply of any County in *Scotland:* Provided that nothing in the said Act or in this Act contained shall authorize the Purchase of Lands otherwise than by Agreement.

Court Houses vested in Commissioners of Supply.

XIII. The Court Houses to be erected under the Provisions of this Act, and the Lands, Property, and Effects acquired for the Purposes thereof, shall vest in the Commissioners of Supply of the County in which such Court Houses are erected; and all Dispositions and Conveyances of Lands purchased and acquired under the Authority and for the Purposes of this Act shall be granted and taken to the Commissioners of Supply of such County by that Name, without further Description; and the Court Houses, Property, and Effects, which shall

shall be so vested and acquired, shall be held by and for the Use of the Commissioners of Supply of such County for the Time being, without the Necessity of any continuing Title or Renewal of the Investiture, other than the said Dispositions and Conveyances and this Act; and such Court Houses shall be managed and kept in a proper State of Repair by the Commissioners of Supply of such County, who shall have the Control and Superintendence thereof.

Agreements may be made for Use of Court Houses by other Parties.

XIV. The Commissioners of Supply may make and enter into Agreements and Arrangements for and with respect to the Use of any Court Houses erected under the Provisions of this Act, or any Part thereof, with any Persons or Corporations desiring to use the same, on such Terms and Conditions as may be agreed upon, except on such Days as the said Court Houses are required for the Discharge of the ordinary Civil and Criminal Jurisdiction of the Sheriffs; and any Questions or Differences as to the Use or Disposal of any Court Houses erected or improved under the Provisions of this Act, or any Part thereof, which may arise between the Commissioners of Supply and such Persons or Corporations, or any other Person entitled or claiming to be entitled to the Use of such Court Houses, or any Part thereof, shall be referred to and decided by the Lord Advocate of *Scotland* for the Time being, whose Decision shall be final, and not subject to Review in any Court or by any Process whatsoever.

One Half of Expense of Buildings to be defrayed out of Monies provided by Parliament and the other Half by Assessment.

XV. On the Completion of any Court House which may be erected or improved under the Provisions of this Act, an Account of the total Expense thereof, including the Purchase of Lands and all incidental Expenses incurred in or with respect to the Erection or Improvement and fitting up and furnishing thereof, certified as correct under the Hands of the Convener and Two Commissioners of Supply of the County, shall be transmitted by the Clerk of Supply to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Receipt of such Account and Certificate, to pay One Half of such total Expense to such Commissioners of Supply, or their Treasurer, out of any Monies to be provided by Parliament from Time to Time for that Purpose; and the other Half of such total Expense shall be raised and defrayed by Assessment, as herein provided, on the Lands and Heritages in such County and the Burghs situate therein.

Expenses of Management and Repair to be defrayed out of Monies provided by Parliament.

XVI. The Expense of maintaining, managing, and keeping in repair, and of cleaning, lighting, and warming the Court Houses to be erected or improved under the Provisions of this Act, including the Salaries or Wages of Porters, Hall Keepers, and other Persons employed therein, and other incidental annual Disbursements, shall be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be from Time to Time provided by Parliament for that Purpose: Provided that the Accounts of all such Expenses shall be transmitted to and certified by the Queen's and Lord Treasurer's Remembrancer in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Additional Sum may be contributed in Circuit Towns.

XVII. In the event of a Circuit Court of Justiciary being authorized to be held in any Burgh not being now a Circuit Town, it shall be lawful for the Commissioners of Her Majesty's Treasury, out of any Monies to be provided by Parliament from Time to Time for that Purpose, to contribute towards the Erection of a Court House in such Burgh, over and above the Sums herein-before mentioned, the Amount which it shall appear to the said Commissioners corresponds to any Saving of Public Money thereby effected.

As to Disposal of Court Houses ceasing to be used.

XVIII. In case any Court House, or any Part thereof, not being the Property of private Parties or of the Magistrates and Council of the Burgh in which it is situate, shall cease to be used as such in consequence of other Accommodation having been provided under this Act, the Commissioners of Supply may sell the same for such Price as they may obtain therefor, and convey the same to the Purchaser: Provided always, that when the Building so discontinued forms Part of any Building used for other Purposes, the first Offer of the same shall be made to the Parties having Right to the other Parts of the Building, at such Price as may be agreed on, or, in case of Disagreement, as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the Price received shall be applied

applied to the Purposes for which an Assessment is authorized by this Act, and in Diminution *pro tanto* of the Sum so to be levied.

Assessments to be imposed on Lands and Heritages.

XIX. The Assessments for the Purposes of this Act, to be called "The Court House Assessments," shall be imposed and levied for such Periods as may be necessary by the Commissioners of Supply of every County in which a Court House has been erected or improved under the Provisions of this Act, and the Magistrates of every Burgh situate therein, respectively on all Lands and Heritages situate within such County and Burghs, according to the yearly Rent or Value thereof as established by the Valuation Rolls, and such Commissioners of Supply and Magistrates respectively are hereby empowered and required to impose and levy such Assessments accordingly, and that at such Rate in every Year as such Commissioners of Supply shall deem necessary, in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be required to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years, and the Assessment shall be payable as for the Period from *Whitsunday* in the Year in which the same is imposed to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of such Lands and Heritages; but the Tenant, in the event of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided that such Commissioners of Supply or Magistrates shall not levy any Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies.

Regulations as to Payment of small Assessments.

XX. In the Case of Lands and Heritages situated within any Burgh, let at a Rent under Four Pounds *per Annum*, or for a less Period than Half a Year, Deduction shall be allowed by the Magistrates of the Assessment for each entire Period of Six Months, from *Whitsunday* to *Martinmas* or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief from Assessment in Cases of Poverty.

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

County of Lanark to be divided into Four Districts for Assessment under this Act.

XXII. The County of *Lanark* shall, for Purposes of Assessment under this Act, be divided into Four separate Districts, namely, the Upper Ward, the Lower Ward, the *Airdrie* District of the Middle Ward, as defined in "The *Airdrie* Rural District Police and *Airdrie* District Court Houses Act (1855)," and the *Hamilton* District, comprehending the Remainder of the Middle Ward; and the Court House Assessments under this Act, in respect of the Court Houses and Offices in each of the said Districts, shall be apportioned upon and levied from the landward Part and Burghs within such District only, and shall not affect the other Part of the said County.

Mode of recovering Assessments.

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

Disputes as to Assessments to be summarily settled.

XXIV. Any Dispute which may arise between the Commissioners of Supply of any County, or the Magistrates of any Burgh, or any Person or Persons acting under them, respectively, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment under this Act which it may not be competent or convenient to try and

and determine in the Sheriff Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, or of the County in which the Court House is situate in respect of which such Assessment is leviable; and such Sheriff shall, on a written Petition being presented to him by any of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be subject to Appeal or Review in any Court or by any Process whatsoever.

Clauses of 10 & 11 Vict. c. 16. respecting Mortgages incorporated.

XXV. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with this Act; and the Word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of any County in *Scotland*, and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to borrow on Mortgage.

XXVI. It shall be lawful for the Commissioners of Supply of any County to borrow on Bond or Mortgage, for the Purposes of this Act, any Sum not exceeding the Amount specified in the Account and Certificate herein-before mentioned as the total Expense incurred in the Erection or Improvement of any Court House or Offices, under the Provisions of this Act, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by such Commissioners of Supply in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Money so borrowed and Interest thereon; and if after having borrowed the said Sum or any Part thereof such Commissioners of Supply shall pay off the same, otherwise than by means of the Monies received by them from the Commissioners of Her Majesty's Treasury, under the Provisions of this Act, or by means of the Sinking Fund provided for in the said Commissioners Clauses Act, it shall be lawful for them again to borrow the Amount so paid off, either by granting new Mortgages and Assignations in Security therefor, or otherwise, and so from Time to Time as they shall think proper.

Power to borrow on Cash Credit.

XXVII. It shall be lawful for such Commissioners of Supply, in the course of the Erection of any such Court House as aforesaid, to take from any Bank or Banking Company Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of such Commissioners of Supply or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the estimated Expense of the Erection of such Court House, as approved by the Commissioners of Her Majesty's Treasury, or any Part thereof, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by them in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon.

Monies raised, &c. to be applied to Purposes of this Act.

XXVIII. The whole Monies raised or borrowed under the Authority of this Act shall be applied to the Purposes herein specified, and to no other Purpose whatsoever; and separate and distinct Accounts of all Monies received and Payments made under the Authority of this Act shall be kept, made out, audited, and published in the Manner provided by the Police (*Scotland*) Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and the Enactments and Provisions contained in Sections Forty to Forty-seven, both inclusive, of the said Act, with respect to the Appointment and Duties of a Collector of Assessments, and the keeping, making out, auditing, and publishing of Accounts, are hereby incorporated with this Act, and shall be applicable to the Assessments authorized to be levied and the Property to be acquired under the Authority of this Act, in the same Manner as if such Enactments and Provisions were herein repeated and re-enacted.

Quorum of Commissioners of Supply.

XXIX. In all Meetings and Proceedings under or with reference to this Act, any Five Commissioners of Supply of any County shall be deemed to be a Quorum, and shall be entitled to exercise all the Powers conferred by this Act; and every Question which may arise at any such Meeting shall be determined by the Votes of the Majority of Commissioners of Supply and Representatives of Burghs present at such Meeting; and where the

Votes of those present shall be equal, the Preses of such Meeting shall have a Casting Vote, in addition to his deliberative Vote.

Preses of Meetings.

XXX. In all Meetings of Commissioners of Supply under or with reference to this Act the Convener of the County, or, in the Absence of the Convener, the Person who may be elected by the Commissioners of Supply and Representatives of Burghs present at such Meeting to act as their Preses, shall be the Preses of such Meeting.

Authentication of Documents relating to the Execution of this Act.

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

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

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

SCHEDULE referred to in this Act.

Showing the Number of Members to be elected as Representatives of the several Royal and Parliamentary Burghs entitled to elect Representatives under this Act.

Annual Value of Lands and Heritages not less than £	Number of Representatives.
300,000	8
200,000	6
100,000	4
50,000	2
20,000	1

CAP. LXXX.

An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property in *Scotland*.

[6th *August* 1860.]

23 & 24 Vict. c. 15.

'WHEREAS by an Act passed in the present Session of Parliament, Chapter Fifteen, it was enacted, that Money secured on Heritable Property in *Scotland*, and Money secured by *Scotch* Bonds in favour of Heirs and Assignees, excluding Executors, should for the Purposes of the Act be held and interpreted to be Moveable Property, and should be