Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Prevention of Crimes Amendment Act, 1876.

Restriction on obligation to register and photograph criminals.

2. In Great Britain the Secretary of State, and in Ireland the Lord Lieutenant, may from time to time by order prescribe the class or classes of prisoners to which the enactments of the Prevention of Crimes Act, 1871, relating to registry and photographing are for the time being to apply; and such enactments shall, so long as any such orders are in force, be deemed to apply to the prescribed class or classes of prisoners only, and not to all persons convicted of crime.

CHAPTER 24.

An Act for the Relief of the Executors of Testates in Scotland where the Personal Estate is of small Value. [13th July 1876.]

WHEREAS many poor persons die testate in Scotland possessed of personal estate of small amount, and it is desirable to increase the facilities for expeding confirmation to such estate and effects, and to reduce the expense attending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Small Testate Estates (Scotland) Act, 1876."

Extent of Act.

2. This Act shall extend to Scotland only.

Where estate does not exceed 150*l.* executor may apply to commissary clerk to fill up inventory and expede confirmation.

3. Where the whole real and personal estate and effects of a testate dying domiciled in Scotland shall not exceed in value the sum of one hundred and fifty pounds, the executor of such testate may apply to the commissary clerk of the county within which such testate was domiciled at the time of death; and the said commissary clerk, on production of the will or other writing of the testate containing the nomination of an executor, shall prepare and fill up an inventory and relative oath, as nearly as may be in the form of Schedule A. appended to this Act, and, upon such inventory being duly sworn to by the executor, shall proceed to record said will or other writing and inventory and expede confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the executor without the payment of any fee therefor save as is provided in Schedule C. annexed to this Act; and such confirmation shall have the same force and effect as that prescribed in Schedule E. annexed to the Act of the twenty-first and twenty-second Victoria, chapter fifty-six; and where such confirmation shall contain English or Irish estate the registrar of any probate court in England or Ireland shall affix the seal of the said court thereto on the confirmation being sent to him by the commissary clerk for that purpose, enclosing a fee of two shillings and sixpence.

Proof of identity.

4. The commissary clerk of the county may require such proof as he may think sufficient to establish the identity of the executor.

Commissary clerk must be satisfied that whole estate is under 150*l.*

5. If the commissary clerk of the county has reason to believe that the whole real and personal estate and effects of which the testate died possessed exceed in value one hundred and fifty pounds, he shall refuse to proceed with the application until he is satisfied as to the true value thereof.

Who may administer oath.

6. Oaths or affirmations under this Act or under the Intestates Widows and Children's (Scotland) Act, 1875, shall, notwithstanding anything to the contrary in the last-mentioned Act, be administered in the manner provided by section 11 of the Confirmation and Probate Act, 1858.

Procedure and fees.

7. Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed and may from time to time be altered by the Court of Session by Act of Sederunt; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C. annexed to this Act.

Inventory duty not affected.

8. Provided always, that nothing herein contained shall be construed to affect any duty now payable on inventories of personal estate.

SCHEDULES.

SCHEDULE A.

FORM OF INVENTORY AND RELATIVE OATH.

INVENTORY of the PERSONAL ESTATE and EFFECTS wheresoever situated of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

I. SCOTLAND.

1. Cash in the house		£
2. Household furniture and other effects in the house		
3. Stock-in-trade and other effects belonging to deceased		
4. Money in bank	£	
Interest thereon to date of oath to inventory		
Amount of personal estate in Scotland		£

II. ENGLAND.

1. Principal sum in policy of insurance on life of deceased by the *A.B.* Insurance Co., numbered and dated , 18	£	
Vested bonuses		
Amount of personal estate in England		£
Total amount of personal estate in Scotland and England		£

(*Add under Scotland or England any other estate in usual form.*)

At on the day of 18 . In presence of

Appeared *C.D.* (*design deponent*), who being solemnly sworn and examined depones: That the said *A.B.* (*repeat designation*) died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*: That the deponent is the executor of the said *A.B.*, and has entered upon the possession and management of his or her estate as executor nominated by him or her (*along with*) in his or her will (*or other testamentary settlement or writing*) dated the day of , 18 , and now exhibited and signed by the deponent, and as relative hereto: That the deponent does not know of any other will or testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory signed by the deponent and the said as relative hereto is a full and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him (*or* her) beneficially at the time of death in so far as the same has come to the knowledge of the deponent: That the value at this date of the whole real and personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed 150*l.* sterling: That confirmation of the said personal estate and effects in Scotland (England and Ireland, *as the case may be*) is required in favour of the deponent (*and the said*). All which is truth, as the deponent shall answer to God.

SCHEDULE B.

FORM OF CONFIRMATION.

Confirmation issued under the Act 39 & 40 Vict. cap. 24.

CONFIRMATION in favour of *C.D.*, residing at , executor nominate of *A.B.* (*design deceased*), who died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him (*or* her) at the time of his (*or* her) death the following personal estate and effects, viz.:

[*Take in particulars of estate as specified in the inventory.*]

I, *E.F.*, Esq., Commissary of the said county of *A.*, considering that the said *A.B.* died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*; and farther considering that the said *A.B.* by his (*or* her) will (*or other writing containing the nomination of executor*) dated the day of , 18 , and recorded in my court books upon the day of , 18 , nominated and appointed the said *C.D.* to be his (*or* her) executor; and now seeing that the said *C.D.*, as executor nominate foresaid, has given up on oath an inventory of the whole personal estate and effects of the said *A.B.* at the time of his (*or* her) death, situated in Scotland (*and England and Ireland, as the case may be*), amounting in value to £ , as therein and herein-before set forth, and that the said inventory has likewise been recorded in my court books on the said day of , 18 : Therefore I, in Her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid will (*or other writing containing the nomination of executor*), and I give and commit to the said *C.D.* full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally everything concerning the same to do that to the office of an executor nominate is known to belong: Providing always, that he shall render just count and reckoning for his intromissions therewith, when and where the same shall be legally required.

Given under the seal of office of the commissariat of the county of *A.*, and signed by the clerk of court at on the day of , 18 .

Commissary Clerk.

SCHEDULE C.

TABLE OF FEES.

Where the whole personal estate and effects of the testate shall not exceed in value *twenty pounds*, the sum of *five shillings*, and where the whole estate and effects shall exceed in value *twenty pounds*, the sum of *five shillings*, and the further sum of *one shilling* for every *ten pounds* or fraction of *ten pounds* by which the value shall exceed *twenty pounds*; together with the ordinary fees exigible for recording the will or other writing of the testate.

CHAPTER 25.

An Act to amend the Law in Scotland in regard to the division of Burghs into Wards. [13th July 1876.]

WHEREAS by the "General Police and Improvement (Scotland) Act, 1862, Amendment Act," provision is made for the division into wards of a burgh in the sense of that Act, not being a royal or parliamentary burgh, having, by the census last taken, a population of above ten thousand persons: 31 & 32 Vict. c. 102.

And whereas by the Municipal Elections Amendment (Scotland) Act, 1868, provision is made for the division into wards of any royal or parliamentary burgh having, by the census last taken, a population of above ten thousand persons: 31 & 32 Vict. c. 108.

And whereas it is expedient to amend such provisions:

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: