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VICTORIÆ REGINÆ.

Cap. cclxxiii.

An Act to regulate the Police and Statute Labour
of the City of *Glasgow*; and for other Purposes.
[23d *July* 1866.]

WHEREAS an Act, herein-after called the recited Act, was passed in the Twenty-fifth and Twenty-sixth Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Acts relating to the Police and Statute Labour of the City of Glasgow, and for other Purposes*, and it was thereby provided that the said Act should continue in force for a limited Period: And whereas it is expedient that permanent Provision should be made for the Regulation of the Police and Statute Labour of the said City, and that the said Act should be amended, and further Powers should be granted for the better Regulation and Government of the said City; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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; (that is to say,)

25 & 26 Vict.
c. cciv.

1. This Act may be cited for all Purposes as "The *Glasgow* Police Act, 1866."

Short Title.

[*Local.*]

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Limits of Act.

2. The Provisions of this Act shall apply to and extend over the whole City, and, in so far as specially provided, to Places beyond the City.

8 & 9 Vict. c. 18., and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act.

Interpretation of Terms.

4. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

"Board of Police of *Glasgow*" shall mean the Board acting under and appointed by the recited Act:

"Board" shall mean the Board of Police constituted by this Act:

"The Magistrates Committee" shall mean the Statutory Committee of the Board appointed by this Act, consisting of the Lord Provost and the Magistrates of *Glasgow*:

"Clerk," "Treasurer," "Auditor," "Surveyor," "Collector," and "Assessor" shall respectively mean the Clerk, Treasurer, and Auditor, and any One of the Surveyors, Collectors, and Assessors, appointed in pursuance of the Provisions of the recited Act or this Act:

"Chief Constable" shall mean the Chief Constable appointed in pursuance of the Provisions of this Act:

"The Procurator Fiscal" shall mean the Procurator Fiscal appointed in pursuance of the Provisions of the recited Act or this Act; and the Word "Fiscal" shall mean the Procurator Fiscal or any One of the Persons authorized to act as Procurator Fiscal in his Absence:

"The Medical Officer," "the Inspector of Nuisances," and "the Inspector of Lodging Houses" shall respectively mean any One of the Medical Officers, Inspectors of Nuisances, and Inspectors of Lodging Houses appointed in pursuance of the Provisions of this Act:

"The Sheriff" shall mean the Sheriff of *Lanarkshire* or any One of his Substitutes:

"Magistrate" shall mean the Lord Provost or One or more of the Magistrates of the City of *Glasgow* sitting in any of the Police Courts of the City, or otherwise acting in pursuance of this Act:

"Dean of Guild" shall include the Dean of Guild Court acting in the Execution of this Act:

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Trustees (but without implying personal Responsibility), Corporations, and Companies:

"Valuation

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- “Valuation Roll” shall mean the Valuation Roll made up in pursuance of the Acts for the Valuation of Lands and Heritages in *Scotland* in force for the Time being :
- “Lands and Heritages” shall mean Lands and Heritages within the City, and shall have the Meaning attached to that Expression in the said Acts :
- “Land or Heritage” in the Singular Number shall mean One of such Lands and Heritages separately valued, or entered in the Valuation Roll as separately occupied :
- “Proprietor” shall mean the Proprietor or any One of the Proprietors of a Land or Heritage, and shall apply to Liferenters as well as to Fiars and to Lessees, provided they are not in the actual Occupancy of such Land or Heritage, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wad-setters, or other Persons who shall be in the actual Enjoyment of the Rents and Profits of such Land or Heritage, and to the Factor for any such Proprietor in the Management or Receipt of the Rents or Profits thereof :
- “Occupier” shall mean the Occupier or any One of the Occupiers of a Land or Heritage, and shall apply to any Proprietor in the actual Occupancy thereof, or to any Person in the actual Occupancy thereof as Tenant, or by Permission of such Proprietor :
- “City” shall mean the whole Territory within the ancient and extended Royalty of the City and Burgh of *Glasgow*, and the Territory within the Parliamentary and Municipal Boundaries of the said City as defined in an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*, and within any Extension of the said Boundaries which may be made in pursuance of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to provide for the Extension of the Boundaries of Burghs in Scotland, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes*, or in pursuance of an Act passed in the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty, intituled *An Act to amend the Boundaries of Burghs Extension (Scotland) Act* :
- “Turnpike Road” shall mean any Road or Bridge which is maintained by any Act of Parliament wholly or partly out of Tolls leviable thereon :
- “Public Street” shall mean any Road, Street, Lane, Vennel, Wynd, Alley, Bridge, Quay, Passage, Square, or other Place within the

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the City, used either by Carts or Foot Passengers, which has been maintained by the Police and Statute Labour Committee, or which is by this Act or shall hereafter in pursuance thereof be declared to be a public Street :

“ Private Street ” shall mean any such Road, Street, or Place within the City (not being or forming Part of any Railway Station or Depôt) used by Carts, and either open and accessible to the Public from a public Street, or forming a common Access to Lands and Heritages separately occupied, which has not been maintained by the Police and Statute Labour Committee, and is not by this Act or shall not hereafter be in pursuance thereof declared a public Street :

“ Court ” shall mean any such Road, Street, or Place within the City (except a Common Stair) used solely for Foot Passengers, and open and accessible to the Public from a public or private Street, and forming a common Access to Lands and Heritages separately occupied, which has not been maintained by the Police and Statute Labour Committee, or is not by this Act or shall not hereafter be in pursuance thereof declared a public Street :

“ Causeway ” and “ Foot Pavement ” shall respectively include all Modes in which the Carriageway or the Footway of a Turnpike Road, Street, or Court is or may be constructed and maintained :

“ Common Stair ” shall mean any Passage or Stair in any Building leading to Parts thereof separately occupied :

“ Sewer ” shall include any Drain, Vault, Culvert, or Watercourse, and all Cesspools, Traps, and other ordinary Appurtenances thereof :

“ Public Sewer ” shall mean a Sewer for the Drainage of a Turnpike Road or public Street :

“ Common Sewer ” shall mean a Sewer for the Drainage of a private Street or Court connected with a public Sewer :

“ Private Sewer ” shall mean a Sewer for the Drainage of the Lands and Heritages of One or more Proprietors connected with a Public or Common Sewer, or with a River or Stream, and shall include any House Drain :

“ Penal Offence ” shall mean any Crime or Offence consisting either of an Act or the culpable Neglect or Omission to do an Act, at what Place or Period soever the same may have occurred, which the Magistrate is restrained by this Act from trying :

“ Police Offence ” shall mean any Crime or Offence consisting either of an Act or the culpable Neglect or Omission to do an Act which the Magistrate is authorized by this Act to try :

“ Guild

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“ Guild Offence ” shall mean any Offence consisting either of an Act or the culpable Neglect or Omission to do an Act to which a Penalty is attached, and which the Dean of Guild is authorized by this Act to try :

“ Police Office ” shall mean and include any Police Station, Lock-up House, Prison, or other Place of Detention for Prisoners within the City maintained in pursuance of this Act :

“ Police Court ” shall mean any Court for the Trial of Police Offences within the City maintained in pursuance of this Act.

I.

REPEAL OF EXISTING ACT—CONSTITUTION OF NEW BOARD—ITS POWERS AND DUTIES.

5. Except as otherwise herein-after specially provided, this Act shall come into operation on the Fifteenth Day of *May* Eighteen hundred and sixty-seven, and thereupon, subject to the Provisions of this Act, the recited Act shall be and is hereby repealed. Recited Act repealed.

6. The general Power and Duty of carrying into effect the Objects and Purposes of this Act, except in so far as otherwise specially provided, are hereby vested in and shall be performed by a Board consisting of the Lord Provost and Magistrates, the Dean of Guild, the Deacon Convener of the Trades House of the City of *Glasgow* for the Time being *ex officio*, and of Eighteen other Members of the Town Council of the said City herein-after called “ elective Members,” and who shall be a Body Corporate under the Name and Style of “ the Board of Police of *Glasgow*,” with perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to acquire, hold, use, and dispose of Lands and Heritages for the Purposes of this Act, and all other Privileges of a Body Corporate, and who may in pursuance and subject to the Provisions of this Act do any of the following Acts : Intrusting Execution of Act to a Board.

They shall estimate, assess, levy, and apply the Monies by this Act authorized to be raised or received :

They may appoint and suspend or remove at pleasure all Officers and other Persons now employed or hereafter to be employed in the Execution of this Act whose Appointment or Removal is not specially conferred on others : Provided that they shall not appoint to any Office under them any of the Town Clerks or the Chamberlain of the City of *Glasgow* :

They shall fix and may from Time to Time alter the Number and Description of all Officers, except the special Officers herein-after directed to be appointed, and the Number and Description of all

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Superintendents, Lieutenants, Inspectors, Constables, Firemen, Lamplighters, Pavours, Scavengers, and other Persons to be employed in the Execution of this Act, whether appointed by them or not :

They shall fix and may from Time to Time alter the Salaries to be paid to all Officers, whether by this Act specially directed to be appointed or not, and the Salaries or Wages of all Superintendents, Lieutenants, Inspectors, Constables, Firemen, Lamplighters, Pavours, Scavengers, and other Persons employed in the Execution of this Act, and may reward them for meritorious Services, or make Provision for any of them who may be disabled in the Execution of his Duty, or after long Service may become unfitted for the Execution of his Duty :—

They may make Byelaws for regulating the Conduct and Duties of all such Officers and Servants, except those with respect to whom the Power of making Byelaws is herein-after conferred on the Magistrates Committee or on the Chief Constable :

They may, with Consent of the Owners, Lessees, and Occupiers, purchase any Lands or Heritages which shall be required for adding to the existing or for erecting any new Court Room, Police Office, or other Office for any of the Purposes of this Act :

They may do all other Things necessary for fully and efficiently executing this Act.

Duration of Office of Elective Members.

7. Each of the elective Members shall, unless disqualified, be entitled to continue in Office so long as he remains without Re-election a Town Councillor.

Members of Board of Police of Glasgow to be First Members of Board.

8. The Members constituting the Board of Police of *Glasgow* on the Day before this Act comes into operation shall constitute and be the Members of the Board under this Act, and shall continue in Office so long as they shall retain their then Qualification without Re-election.

For supplying ordinary Vacancies at Board.

9. The Town Council of *Glasgow* shall annually, at the Time and in the Manner prescribed in relation to the Election of Magistrates and other Office Bearers in the Council, fill up any Vacancies which have occurred at the Board in consequence of its Members ceasing to be Town Councillors, or in consequence of their Death, Disqualification, or Resignation, or of the Expiry of the Period for which they held an interim Appointment under the Provision next herein-after contained, by electing Members in their Place ; but such new elective Members shall be chosen so that at least One of the Councillors representing each of the Municipal Wards shall always be an elective Member of the Board, unless where all the Councillors representing any Ward shall be Magistrates, and as such *ex officio* Members of the Board.

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10. When a Vacancy occurs at the Board between the Periods of the annual Election of Magistrates and other Office Bearers, the Town Council shall, on a Day to be fixed by the Lord Provost or acting Chief Magistrate, and at a Meeting to be called on not less than Three Days Notice by the Town Clerks in the usual Way, but not later than the First Ordinary Meeting of Council, which shall take place Three Days after such Vacancy, elect another Councillor to supply such Vacancy; and every Person so elected shall hold Office until the next annual Election.

For supply-
ing extra-
ordinary
Vacancies at
Board.

11. It shall not be lawful for any Member of the Board, or any Company of which such Member is a Partner (except a Chartered or Joint Stock Company), to enter into any Contract with the Board.

Members of
Board not to
contract with
the Board.

12. The Board may from Time to Time appoint Committees of their Number, provided One of the Magistrates be a Member of each such Committee, for carrying the several Purposes of this Act or of any Public Acts into execution, except the Imposition of Assessments and the Appointment or Removal or the fixing or Alteration of the Salaries of superior Officers, and may delegate to such Committees the Powers competent to the Board in whole or in part, and may name the Convener and Sub-Convener of such Committees and the Quorum thereof; and the Convener or Sub-Convener, or in his Absence a Member to be chosen by the Committee, shall preside at any Meeting thereof, and shall be entitled to a Casting Vote in addition to his deliberative Vote.

Power to
appoint
Committees.

13. The Lord Provost and Magistrates of the City of *Glasgow*, as *ex officio* Members of the Board, shall form a Statutory Committee thereof for the Execution of the Powers herein-after specially conferred on them, and may also carry into execution as an ordinary Committee any Purposes or exercise any Powers which they may be required to carry into effect or to exercise by the Board, and Three shall be a Quorum of such Committee; and the Lord Provost, or in his Absence the Senior Magistrate present, shall be Convener and Chairman thereof, and shall be entitled to a Casting Vote in addition to his deliberative Vote.

Statutory
Committee of
Magistrates.

14. Fortnightly Meetings of the Board shall be held on a Day and at an Hour and at a Place to be fixed from Time to Time by them for transacting the ordinary Details of Business.

Fortnightly
Meetings.

15. It shall be competent for the Board at any Fortnightly Meeting to consider and resolve as to any special Business, provided Intimation of the Intention to bring forward such special Business has been given by

Power to
make Fort-
nightly
Meetings
special.

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by a Member at the Fortnightly Meeting immediately preceding, or has been inserted in the Notice of such Fortnightly Meeting by Order of the Lord Provost, or of the Convener or Sub-Convener of a Committee of the Board to whom such special Business has been intrusted.

Extraor-
dinary
Meetings.

16. The Lord Provost, or in his Absence the acting Chief Magistrate, may, if he thinks fit, and shall, on a Requisition signed by Four or more Members, call an Extraordinary Meeting of the Board, to be held at such Time and at such Place as he may appoint, to consider and resolve as to any special Business.

Notice of
Meetings.

17. Notice of every Meeting of the Board shall be sent by the Clerk to each Member, and such Notice may be wholly or partly in Writing or in Print, and shall be sent Twenty-four Hours at least previous to the Meeting, by Post or otherwise, to the usual Place of Abode or Place of Business of each Member, and shall specify the Matters to be considered at the Meeting; but no Proceeding of the Board shall be invalidated or be illegal in consequence of the Omission to send such Notice, or the Irregularity thereof, or in consequence of any Vacancy in the Board, or of any Disqualification of or Objection to any Member thereof.

Quorum of
Board.

18. At all Meetings of the Board Seven shall be a Quorum, and every Meeting may be adjourned by the Members present (whether more or less than a Quorum) to such Time as they think fit; but if such Adjournment is made by less than a Quorum, the adjourned Meeting shall not be held sooner than Forty-eight Hours thereafter, and Notice thereof shall be given by the Clerk to each Member of the Board Twenty-four Hours previously.

Majority of
Members to
be present
when certain
Business
transacted.

19. It shall not be competent for the Board to impose Assessments or to fix or alter the Salaries of any of the special Officers herein-after directed or authorized to be appointed, or of the Superintendents and Lieutenants of Police, the Treasurer, and Collector, except at Meetings attended by a Majority of the Members.

Chairman of
Board.

20. At every Meeting of the Board the Lord Provost, and in his Absence the Senior Magistrate present, and in Absence of all the Magistrates the Dean of Guild, and in his Absence the Deacon Convener, whom all failing a Member to be chosen by the Meeting, shall preside, and shall have a Casting Vote in addition to his deliberative Vote.

Minute
Books to be
kept.

21. The Board shall cause Entries of all their Proceedings, and of the Proceedings of the Magistrates Committee, and of every Committee

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Committee appointed by them, with the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for the Purpose which shall be kept by the Clerk; and any such Entry, duly authenticated, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Board or Members of such Committees respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed until the contrary is proved; and such Books shall at all reasonable Times be open to the Inspection of any of the Members of the Board.

22. The Provisions of "The Commissioners Clauses Act, 1847," relating to the following Matters, and except in so far as varied by this Act, are incorporated with and form Part of this Act; *videlicet,* 10 & 11 Vict. c. 16. incorporated.

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners;

With respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

With respect to the Appointment and Accountability of the Officers of the Commissioners;

With respect to giving Notices and Orders;

With respect to the Mortgages executed or to be executed by the Commissioners: Provided that the Register of such Mortgages and of the Transfers thereof may be kept either by the Clerk or by the Registrar appointed by this Act;

And the Word "Commissioners" in the said Act shall with reference to this Act mean the Board and the Members thereof.

23. The Board shall cause full and true Accounts to be kept of all Monies received or expended by them, and all Persons employed by or under them, and of the Matters and Things for which such Monies have been received or disbursed and paid. Accounts to be kept.

24. The Books kept by the several Officers appointed by the Board shall be closed and balanced as on the Fifteenth Day of *May* in each Year, and forthwith on the Books being so balanced an exact Balance Sheet shall be made up which shall exhibit a true Statement of the Capital, Stock, Credits, and Property of every Description belonging to or vested in or under the Charge and Control of the Board, and the Debts due by them at the Date of making up such Balance Sheet, and a distinct View of the whole Receipts and Expenditure of the Board during the preceding Year; and such Balance Books to be balanced.

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Sheet shall previous to the Fifteenth Day of *June* be examined by a Committee appointed for that Purpose by the Board consisting of not less than Three Members thereof, and shall be signed by the Convener of the said Committee, and reported to the Board for their Consideration and Approval.

Auditor to
examine
Accounts
and Report.

25. It shall be the Duty of the Auditor once in every Year to Audit the Accounts of the Board, and for that Purpose the Treasurer shall deliver to him the said Balance Sheet with the proper Vouchers in support thereof on or before the First Day of *July*, and the Auditor may examine the Accounts and Account Books and Vouchers of the Board at any Time previous to the Thirty-first Day of *July*, and shall on or before that Day either make a special Report on the said Accounts, or simply confirm the same; and the Board shall pay to the Auditor such reasonable Sum for his Trouble in making such Audit and Report or Confirmation as may, in case of Difference, be fixed by the Sheriff.

Inspection of
Accounts by
Ratepayers
at stated
Times.

26. The Books so balanced, together with the said Balance Sheet and the Auditor's Report thereon, shall, for Two Months after the Thirty-first Day of *July*, be open daily, between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon, at the Head Office of the Board for the Inspection of the Ratepayers; but they shall not be entitled at any Time, except during the said Period, to demand Inspection of such Books or Balance Sheet or Auditor's Report, unless in virtue of a written Order signed by Three of the Members of the Board.

Balance
Sheet and
Report to be
published
and sent to
Town Clerks.

27. On or before the Fifteenth Day of *August* in each Year the Clerk shall cause the said Balance Sheet and Auditor's Report to be printed and inserted in One or more Newspapers published in *Glasgow*, and a Copy to be transmitted to the Town Clerks and to each Member of the Town Council of *Glasgow*.

II.

PRESERVATION AND TRANSFER OF EXISTING RIGHTS.

Transferring
Property and
other Rights
of Board of
Police of
Glasgow
to the Board.

28. All Lands and Heritages, Assessments, Claims, Demands, and Property and Effects of every Kind belonging to or vested in the Board of Police of *Glasgow*, or in any Person on their Behalf, under or by virtue or in pursuance of the recited Act, and all Powers, Rights, and Privileges conferred on or vested in the Board of Police of *Glasgow* by any Acts of Parliament or Provisions of Acts other than those hereby specially repealed, are transferred to and vested in the Board herein-after constituted.

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29. All Mortgages, Bonds, Assignations, Leases, Grants, Conveyances, and other Deeds or Securities made or granted to or by the Board of Police of *Glasgow*, or to which they had acquired Right, and all Claims for annual or other Payments for which they were liable under or by virtue or in pursuance of the recited Act, and all Contracts and Agreements entered into with them, and all Judgments or Decrees Arbitral pronounced in any Suit or Arbitration to which they were a Party, shall be good, valid, and effectual to all Intents and Purposes, and may be enforced by or against the Board to the same Extent and Effect that they might have been enforced by or against the Board of Police of *Glasgow*.

Deeds and Conveyances to be binding on the Board.

30. The Decree Arbitral and Agreement mentioned in Section Nine of the recited Act shall be good, valid, and effectual to all Intents and Purposes, and may be enforced by or against the Board to the same Extent and Effect that they might have been enforced by or against the Board of Police of *Glasgow*.

Decree Arbitral and Agreement mentioned in recited Act.

31. All Rates and Assessments, Fines, Penalties, and Expenses imposed under or by virtue or in pursuance of the recited Act, and remaining unpaid, may be levied and recovered by the Board, or the Officers appointed by them, in the same Way and by the same Means that they would have been recoverable by the Board of Police of *Glasgow*, or the Officers appointed by them, if this Act had not been passed.

Arrears of Assessment may be recovered by Board.

32. All Actions, Suits, and Proceedings at Law or in Equity, and all Arbitrations, to which the Board of Police of *Glasgow*, or the Officers appointed or acting under the recited Act, were Parties when this Act comes into operation, may be proceeded with by or against the Board, or the corresponding Officers appointed or acting under this Act, without the Necessity of intimating such Action, Suit, Proceeding, or Arbitration, or making them respectively formally Parties thereto.

Actions not to abate.

33. Everything before this Act comes into operation done, suffered, and confirmed respectively under or by virtue or in pursuance of the recited Act shall be as valid as if this Act had not been passed, and this Act shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, and Demands, both present and future, which, if this Act had not been passed and the recited Act not been repealed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Board shall to all Intents represent

General Saving of Rights under recited Act.

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represent the Board of Police of *Glasgow*: Provided that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

Act not to revive Claims which have lapsed.

34. Nothing in this Act contained shall revive in favour of or against the Board, or any Officer appointed or acting under the recited Act, or any other Person, any Claim or Cause of Action which, when this Act comes into operation, had lapsed or been waived or discharged, or shall confer any new Claim or Cause of Action, Right, Privilege, Liberty, or Exemption which did not exist immediately previous to this Act coming into operation in favour of or against the Board of Police of *Glasgow* or such Officer or Person.

Certain Officers to continue and be subject to Provisions of this Act.

35. The Assessors and Procurator Fiscal, Clerk, Treasurer, Surveyor, Collector, Chief Constable, Master of Works, Inspector, and other Officers appointed in pursuance of the recited Act, or continued in Office under the same, shall remain in Office during the Period of their Appointment or until removed, and shall be subject to the Provisions of this Act as regards both their by-past and future Acts and Intromissions to the same Extent that they would have been if they had respectively been appointed in pursuance of this Act; and all Bonds or Securities for such Acts and Intromissions granted to the Board of Police of *Glasgow* may be enforced by the Board.

Books of Board of Police of *Glasgow* to be deemed Books of the Board.

36. The Books, Register of Mortgages and other Registers, Lists of Ratepayers, Accounts, and other Documents and Vouchers of the Board of Police of *Glasgow*, and the Minutes of their Proceedings and their Committees and Sub-Committees, shall be deemed the Books, Register, List, Accounts, Documents, Vouchers, and Minutes of the Board and their Committees, and shall receive Effect in the same Way and to the same Extent that they would have done in any Question or Proceeding to which the Board of Police of *Glasgow* might have been Parties if this Act had not been passed.

Reserving Byelaws of Clyde Trustees.

37. Except as herein specially provided, nothing in this Act contained shall affect or diminish the Powers, Rights, or Privileges conferred, or the Duties or Obligations imposed, on the Trustees of the *Clyde* Navigation for the Execution and Maintenance of their Works, or prevent the said Trustees from enacting Byelaws, or from enforcing Byelaws already enacted or which may be enacted by them in pursuance of the Provisions of any Act of Parliament empowering them in that Behalf; and the Sheriff to whom any such Byelaws may be submitted for Confirmation shall in considering the same have regard, notwithstanding anything in this Act contained, to the primary Object of the Quays, Streets, and other Works and Property belonging to the said Trustees, *videlicet*, the Accommodation and Convenience of the Trade

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Trade of the River *Clyde* and Harbour of *Glasgow*; and any Byelaw enacted or which may be enacted as aforesaid shall be sufficient to justify any Act committed by any Person lawfully using such Quays, Streets, or other Works or Property which, except for such Byelaw, would be in contravention of the Provisions of this Act.

38. Nothing in this Act contained shall affect or diminish the Statutory Powers of the Company of Proprietors of the *Forth and Clyde* Navigation, or of any other Canal Company, including their Right to use, in pursuance of the Provisions of any Local Act of Parliament applicable to their Undertaking, any Canal, or its Quays, Wharves, Depôts, Sheds, Towing-paths, Banks, and other Works and Appurtenances belonging to them within the City, nor shall anything contained in this Act prevent such Canal Companies from enacting Byelaws, or from enforcing Byelaws already enacted or which may be enacted by them, for the Purpose of regulating the Use thereof in pursuance of any such Provisions; and any of such Byelaws shall be sufficient to justify any Act thereby authorized committed by any Person lawfully using such Canal and other Works and Appurtenances which, except for such Byelaw, would be in contravention of the Provisions of this Act.

Saving certain Rights of Canal Companies.

III.

ASSESSMENTS.

39. The Board shall annually, at their last Fortnightly Meeting in *August*, or at any Adjournment thereof, take into consideration the Accounts of Expenditure for the several Purposes of this Act during the Year ending on the Fifteenth Day of *May* immediately preceding, and also the Estimates of Expenditure for such several Purposes during the Year then current, and shall thereupon impose and direct to be paid in such Proportions and at such Places as they think proper,

Power to make ordinary Assessments for the Purposes of Act.

First, an Assessment to be called "the Statute Labour Assessment," not exceeding the Amount herein-after mentioned, *viz.*,

In respect of all Lands and Heritages, Fourpence in the Pound on the yearly Rent or Value thereof:

Secondly, an Assessment to be called "the Police Assessment," not exceeding and to be imposed rateably in proportion to the several Amounts herein-after mentioned, *viz.*,

In respect of any Land or Heritage the yearly Rent or Value of which is less than Ten Pounds, or the aggregate Value of which and of One or more other Lands or Heritages in the Possession of the same Occupier is less than Ten Pounds, Sevenpence Halfpenny in the Pound on the annual Value:

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In

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In respect of any Land or Heritage the yearly Rent or Value of which is or exceeds Ten Pounds, or the aggregate annual Value of which and of One or more other Lands or Heritages in the Possession of the same Occupier is or exceeds Ten Pounds, One Shilling and Threepence in the Pound on the annual Value: Provided always, that if in any Year it shall appear to the Board unnecessary to impose the Police Assessment to the full Amount authorized by this Act, it shall be lawful for the Board to increase the Statute Labour Assessment to any Amount not exceeding the Portion of the Police Assessment unimposed: Provided further, that the Board shall not impose any Assessment in respect of any Place used solely for Public Worship, or any Building which is solely occupied for the Purposes of Religion or of Public Charity, or as a Parish or Charity School, or a School supported by any Religious Institution or Society, or which is exempted from County, Burgh, Parochial, or other local Rates or Cesses by the Provisions of an Act passed in the Sixth and Seventh Year of the Reign of Her present Majesty, intituled *An Act to exempt from County, Burgh, Parochial, and other local Rates Lands and Buildings occupied by Scientific or Literary Societies*: Provided further, that nothing in this Act contained shall prejudice any legal Claim of Exemption from local Assessments competent to the University and College of *Glasgow* by Royal Charter, Act of Parliament, or otherwise.

Assessment
on private
Streets and
Courts.

40. At the same Time as the Statute Labour Assessment is imposed the Board shall also annually impose an Assessment on all Lands and Heritages bounding with or having a Right of Access by or to any private Street or Court, at a Rate not exceeding One Penny *per* Pound of the yearly Rent or Value thereof, for the Purpose of meeting the Expense of cleansing the said private Streets or Courts; and every Proprietor of such Lands and Heritages at the Time such Assessment is imposed shall be liable in Payment thereof, and such Assessment may be imposed, levied, and recovered from such Proprietor in the same Way and under the like Provisions as the Statute Labour Assessment, or may be recovered from the Occupiers of such Lands and Heritages along with the Statute Labour Assessment, and any Occupier who pays such Assessment shall be entitled to retain the same from his Rent.

Power to
make special
Assessments.

41. The Board may at any Time impose and direct to be paid, in such Proportions and at such Places as they think proper, a special Assessment for the Purpose of meeting the Claims for Damage sustained in consequence of any Riot or Tumult, or for the Purpose of defraying the Expense of carrying into effect the Provisions of this Act, classed under the Head of "Sanitary Objects, Nuisances, Diseases, Lodging Houses, and Food," which Assessment may be of

The Glasgow Police Act, 1866.

any Amount or Rate which the Board consider necessary, and shall be imposed rateably in respect of the same Classes of Lands and Heritages and in the same Proportions as is herein-before provided with respect to the Police Assessment.

42. Subject to the Provisions herein-after contained, the yearly Rent or Value of every Land or Heritage shall, for the Purposes of the Statute Labour, Police, and other Assessments under this Act, be definitively fixed with reference to the yearly Rent or Value thereof entered in the Valuation Roll which has been or may be completed in the Year current at the Date of making such Assessments, and shall for the Purpose of any special Assessment be definitively fixed with reference to the annual Value thereof entered, either in the last completed Valuation Roll at the Date of making such Assessment, or in the Valuation Roll which may be completed in the Year current at the Date of making such Assessment; as the Board shall direct; and for the Purpose of such Assessments the Town Clerks of the City of *Glasgow* shall, at all reasonable Hours, permit the Surveyor to have Access to and to make a Copy of or Extracts from any Valuation Roll in their Hands, in consideration of an annual Payment of Ten Pounds Ten Shillings in commutation of the Fees chargeable by them which the Board are hereby required to make, and shall also, if asked, compare and certify a complete Copy of any such Valuation Roll made by the Surveyor on Payment or Tender of a further Sum of Fifteen Pounds Fifteen Shillings, or any Extracts therefrom made by the Surveyor on Payment of Sixpence *per Folio*.

Annual Value of Lands and Heritages to be fixed by Valuation Roll.

43. The yearly Rent or Value of any Land or Heritage which is used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Garden, or Nursery Ground, or as the Line of any Canal, or as a Towing-path for the same, or as the Line of any Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be held to be One Fourth of the Amount entered in such Valuation Roll, and the yearly Rent or Value of all other Lands or Heritages, except as herein-after provided, shall be held to be the total Amount entered in such Valuation Roll.

Annual Value of Lands and Heritages used for agricultural and other Purposes.

44. The yearly Rent or Value of all the underground Pipes or underground Works of the *Glasgow* Gaslight Company, and the *City and Suburban* Gas Company of *Glasgow*, shall be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the yearly Value thereof entered in such Valuation Roll.

Annual Value of Gas Companies underground Pipes or Works.

45. Every Occupier of a Land or Heritage for any Period between the Term of *Whit Sunday* immediately preceding and the Term of *Whit Sunday* immediately following the Date of any Assessment,

Occupiers to be liable in Assessments, subject to

ment,

The Glasgow Police Act, 1866.

Abatement
in certain
Cases.

ment, the yearly Rent or Value of which is above Four Pounds, shall be liable in Payment of the Assessment imposed in respect thereof; but in the Case of a Land or Heritage let for any Portion of the Year subsequent to the Term of *Whit Sunday*, the Occupier by whom the Assessment is paid shall be entitled to an Abatement of a proportionate Part of such Assessment corresponding to the Period during which such Land or Heritage was wholly unoccupied.

Owners
liable for
Assessment
on Rental
of Four
Pounds.

46. Every Owner of a Land or Heritage which is rated at or under Four Pounds of annual Value, or which is let for a Period less than Three Months, shall be liable in Payment of the Assessments imposed in respect thereof; but such Owners shall be entitled to a Deduction from such Assessments of One Fourth of the Amount thereof.

No fractional
Part of a
Pound under
Five Shil-
lings to be
reckoned.

47. In levying and collecting the Assessments under this Act any fractional Part of a Pound of yearly Rent less than Five Shillings shall not be reckoned as Part of the rateable Rent, but any fractional Part of a Pound exceeding Five Shillings and less than Ten Shillings shall be reckoned as Ten Shillings of rateable Rent, and any such fractional Part exceeding Ten Shillings and less than Fifteen Shillings shall be reckoned as Fifteen Shillings of rateable Rent, and any such fractional Part exceeding Fifteen Shillings shall be reckoned as One Pound of rateable Rent, and all such fractional Parts shall be assessed accordingly.

As to light-
ing and
cleansing of
Quays, &c.,
by Clyde
Trustees.

48. The Trustees acting under "The *Clyde* Navigation Consolidation Act, 1858," shall as heretofore light and cleanse their Quays, Wharves, Sheds, and Streets, and in respect of the Cost thereof the Trustees shall be entitled to a Deduction from the annual Assessments to be levied on them under this Act of a Sum equal to Fourpence *per* Pound on the gross annual Valuation of the said Quays, Wharves, and Sheds, Cranes, and other Appliances connected with the Harbour of *Glasgow* as appearing in the Valuation Roll.

Power to
Board to
give an
Abatement
to Proprie-
tors agree-
ing to pay
Assessments.

49. The Board and any Proprietor of a Land or Heritage, the annual Value of which is under Ten Pounds, may contract for the Payment by such Proprietor to the Board, during such Period as shall be mutually agreed on, of any Assessment imposed or which may be imposed in respect thereof on the Occupiers in pursuance of the Provisions of this Act, in consideration of an Abatement on the Amount paid by such Proprietor not exceeding *Twenty per Centum*; and in every such Case so much of the Assessment imposed or which may be imposed in respect of any Land or Heritage referred to in such Contract as corresponds to the Period for which it is let shall be payable by the Occupier to the Proprietor, and may, on a Settlement with the
Board,

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Board, be recovered by the Proprietor as Rent, in addition to any other Rent agreed to be paid to him: Provided that the Abatement agreed to be given shall be at the same Rate in every such Contract entered into by the Board.

50. The Surveyor shall give Notice in manner herein-after provided to any Person whom he intends to hold liable for Payment of any Assessment, stating the Particulars and Amount thereof, the Place of Payment, and the Date at which such Payment is required to be made.

Notice to be given of every Assessment.

51. If any Person to whom such Notice is given considers himself to be improperly or unduly assessed he may within Fourteen Days thereafter lodge with the Surveyor written Objections signed by him, and the Board, or a Committee named by the Board, shall proceed on such Days and at such Places as shall be fixed by them, and of which Notice shall be given to such Persons by the Clerk in manner herein-after provided not less than Forty-eight Hours previously, to consider such Objections, and shall dispose thereof summarily and without written Pleadings.

Any Person aggrieved may lodge Objections and be heard before the Board, or a Committee named by the Board.

52. Any Person who shall have lodged Objections as aforesaid, and who feels aggrieved by the Determination of the Board or their Committee, may appeal within Ten Days thereafter to the Sheriff, and the Sheriff shall thereupon summarily call before him the Surveyor and such Person, and shall, without written Pleadings, inquire into and decide all Disputes and Questions competently raised by such Appeal, and may, if he sees Cause, award Expenses to either Party.

Appeal from the Board or their Committee to Sheriff.

53. It shall not be lawful for any Person to object to or resist Payment of any Assessment of which he has received Notice as aforesaid, except by lodging Objections with the Surveyor and thereafter appealing to the Sheriff in manner herein-before provided; and the Determination of the Board or their Committee if not appealed from, or the Decision of the Sheriff on Appeal, shall be final, and shall not be subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution.

Decisions of Board or their Committee, if not appealed from, or of Sheriff, final.

54. The Surveyor shall from Time to Time make up, certify, and deliver to the Collector a Roll or List of the Persons to whom he gives Notice as aforesaid stating the Particulars and Amount of the Assessment claimed from them respectively, and any Modifications of such Assessment made by the Board or by their Committee or by the Sheriff as aforesaid, and the Amount of the Assessment shown in such Roll or List shall form a Charge against the Collector, and Copies of the Entries therein, certified by the Surveyor, shall be *primâ facie*

Assessment Roll to be prepared and certified by Surveyor and delivered to Collector.

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Evidence that such Persons are respectively indebted in the Amounts therein entered, and that the said Amounts do not exceed the maximum Rates fixed by or under the Provisions of this Act, and that Notice thereof has been duly given by the Surveyor under the Provisions herein-after contained.

Second
Notice of^{POV}
every
Assessment
to be given
to De-
faulters.

55. If any Person to whom such Notice is given by the Surveyor does not pay the Assessment due by him at the Time and Place stated therein, the Collector, before taking any legal Proceedings for the Recovery thereof, shall give a new Notice in manner herein-after provided to such Person requiring him to make Payment thereof within Seven Days thereafter.

Recovery of
Assessments.

56. It shall be lawful for the Collector on the Expiry of the Time specified in such Notice in his own Name, but on behalf and at the Risk and Expense of the Board, to recover any Arrears of Assessment due by any Person or by any Number of Persons, either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff or the Magistrates of *Glasgow* a summary Warrant to recover such Arrears, with the Addition of Ten *per Centum* thereon in lieu of Costs, which Warrant the Sheriff or Magistrates shall grant on Production of an Extract from the Roll or List made up by the Surveyor of the Entries therein relating to such Person or Persons showing the Amounts respectively due by them, and a Certificate by the Collector that he had given to each such Person a Notice requiring him to make Payment of the Amount due by him within Seven Days thereafter that the said Period had expired, and that the said Amount was still truly due; and in virtue of such Warrant the Collector may cause any Officer of Court to enter into the Premises of any Person so in arrear, and point, seize, remove, or secure any Goods and Effects therein belonging to or in the lawful Possession of such Person, or so much thereof as will fully satisfy the Arrears due by him, with the Addition of Ten *per Centum* thereon in lieu of Costs, and after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, may cause any Officer of Court or licensed Auctioneer to sell and dispose of the said Goods and Effects by public Auction on Three Days Notice, and apply the Price in Payment of the said Arrears and Ten *per Centum* thereon due by such Person, and shall pay the Balance to such Person, and shall for a Period of Three Months after the Date of every Sale preserve Evidence of the Amount of such Proceeds and the Disposal thereof.

Appeal
against
oppressive
Proceedings
of Collector.

57. The Owner of any Goods and Effects which have been either pointed or sold in pursuance of the Provisions herein-before contained, and who feels aggrieved by any Proceeding under such Warrant, may present a Petition to the Sheriff or to the Magistrates of *Glasgow* who [] granted

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granted the Warrant; and the Sheriff or Magistrates shall thereupon summarily call before him or them the Party complained of and such Petitioner, and, without written Pleadings, shall inquire into and decide any Dispute, Question, or Claim of Damage raised by such Petition, and may award Expenses to either Party; but, except to the Effect and in the Manner herein-before provided, it shall not be competent for any Person to make, nor for any Court of Law to entertain, any Complaint with respect to any Warrant granted by the Sheriff or the Magistrates of *Glasgow* in pursuance of the Provisions herein-before contained either on account of any Mistake, Informality, or Misnomer, or on any Account or Pretence whatever, or with respect to any Proceeding of the Collector or of any Officer or licensed Auctioneer in the Execution of such Warrant; and the Decision of the Sheriff or of the Magistrates of *Glasgow* on any such Dispute, Question, or Claim shall be final, and not subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution.

58. The Proceeds of the Statute Labour Assessment shall be exclusively appropriated by the Board to the Purpose of carrying into execution the Provisions of this Act, classed under the Head of "Streets, Courts, &c.—their Formation, Improvement, and Maintenance," with the Exception of the Provisions relating to widening, enlarging, extending, and improving Streets and Courts, and carrying into execution the Provisions of this Act, classed under the Head of "Sewers—their Construction and Repair," and to the following Objects; *videlicet*,

How Statute Labour Assessment to be appropriated.

The Payment of Interest on all Sums borrowed or which may be borrowed under the Powers of this Act on the Credit of the Statute Labour Assessment:

The Formation of a Sinking Fund for the Redemption of the said Debt:

The Payment of a suitable Proportion, to be annually fixed by the Board, of the Expenses of Management.

59. The Police Assessment shall be applied in carrying into execution the other Objects and Purposes of this Act in so far as not defrayed out of a special Assessment.

How Police Assessment to be appropriated.

60. The Proceeds of any special Assessment shall be exclusively applied in carrying into execution the Objects and Purposes for which such Assessment is by this Act authorized to be made.

How special Assessments to be appropriated.

The Glasgow Police Act, 1866.

IV.

BORROWING POWERS.

Power to
borrow on
Mortgage of
Rates.

61. The Board may from Time to Time borrow or continue on Loan any Sums not exceeding the Sums herein-after specified, and grant Mortgages and Assignations of the several Assessments by this Act authorized in Security of the Payment of the said Sums and the Interest thereon; that is to say,

On the Security of the Statute Labour Assessment and for the Objects and Purposes thereof, the Sum of One hundred and forty thousand Pounds:

On the Security of the Police Assessment and for the Objects and Purposes thereof, the Sum of Sixty thousand Pounds:

Provided that all Sums borrowed under the Authority of the recited Act, and unpaid at the Date of this Act coming into operation, shall be included in and form Part of the Sums hereby authorized to be borrowed.

Cash Credit
Account may
be opened.

62. The Board may accept and 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 the Board, according to the Usage of Bankers in *Scotland*, to the Extent of the several Sums which the Board are authorized to borrow as aforesaid, or any Part thereof, and to make and grant Mortgages and Assignations of the several Assessments by this Act authorized in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Account, and the Interest thereon: Provided that the whole Sums due and owing by the Board on such Cash Account or Mortgages as aforesaid shall never exceed the total Sums authorized to be borrowed on the Security of the several Assessments.

Power to
grant An-
nuities in
lieu of
borrowing.

63. The Board from Time to Time, in lieu of borrowing or continuing on Mortgage the Sums by this Act authorized to be borrowed, may raise the same by granting to such Persons as shall advance Money for the Purposes of this Act terminable Annuities for Life or during such Period not exceeding Thirty-five Years, and under such Conditions and at such Rates as the Board shall decide, and by assigning the said Assessments in Security of the Payment of such Annuities according to the Form in the Schedule to this Act annexed, or to the like Effect; and the Person entitled to any such Annuity may transfer his Right and Interest therein in the same Way and as nearly as may be according to the same Form as is provided in "The Commissioners Clauses Act, 1847," with respect to Transfers of Mortgages.

64. The

The Glasgow Police Act, 1866.

64. The Board shall annually, after the Expiration of Six Years from the passing of this Act, set apart out of the Statute Labour Assessment and the Police Assessment a Sum or Sums equal to not less than Two Pounds Ten Shillings *per Centum* on the Amounts respectively borrowed on the Security of such Assessments; and the Board shall from Time to Time apply the Sum or Sums so set apart as a Sinking Fund in paying off the Principal Sums so borrowed.

Sinking Fund.

V.

SPECIAL OFFICERS.

65. The Sheriff shall from Time to Time appoint and may at pleasure revoke the Appointment of an Auditor, who shall not be the Lord Provost or One of the Magistrates or Council of the City of *Glasgow*, nor hold Office under them or the Board.

Sheriff to appoint Auditor.

66. In addition to the Officers appointed under "The Commissioners Clauses Act, 1847," the Board shall from Time to Time appoint and may at pleasure revoke the Appointment of the following special Officers; namely, a Master of Works, One or more Medical Officers for the whole City or for Districts of the City, One or more Surveyors, an Inspector of Fires, One or more Inspectors of Nuisances for the whole City or for Districts of the City, One or more Inspectors of Common Lodging Houses for the whole City or for Districts of the City, One or more Surgeons for the whole City or for Districts of the City in connexion with the Police Establishment, an Inspector of Sewers, an Inspector of Cleansing, and an Inspector of Lighting, or they may unite any of the said Offices, or may intrust the Duties herein-after imposed on the Inspector of Nuisances, or on the Inspector of Common Lodging Houses, wholly or partly to the Chief Constable, or to any One or more of the Superintendents or Lieutenants appointed by him, or wholly or partly to the Master of Works, and may so intrust the Duties herein-after imposed on the Three last-mentioned special Officers, or any of them, wholly or partly to the Master of Works; and in every such Case the Chief Constable, Superintendent, Lieutenant, or Master of Works, so far as intrusted with such Duties, shall be entitled to exercise the Powers herein-after conferred on Inspectors with reference thereto: Provided that no Appointment of a Medical Officer shall take effect until his Appointment is confirmed by One of Her Majesty's Principal Secretaries of State.

Board to appoint certain special Officers.

67. The Town Council of *Glasgow* may annually, at the Time and in the Manner prescribed in relation to the Election of Magistrates and Office Bearers in the Council, appoint, and may at such

Town Council of Glasgow to appoint

[*Local.*]

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annual

The Glasgow Police Act, 1866.

certain
special
Officers.

annual Period cease to re-elect, or may at any other Time, on the Ground of Misconduct or Inefficiency, whether arising from the State of his Health or otherwise, revoke the Appointment of each of the following special Officers, namely, One or more Assessors to the Magistrate, or the Bailie of the River and Firth of *Clyde*, who may, if so appointed, also act as Clerks of Court, One or more Clerks of Court to the Magistrate, a Procurator Fiscal who may, if appointed by the Board, act as their Clerk; and the Town Council may at any Time, by provisional Appointments, to endure until the said annual Period of Election, add to the Number or fill up Vacancies which occur by the Death, Resignation, or Removal of such special Officers.

Providing
Compensa-
tion to Town
Clerks.

68. Whereas *Angus Turner* Esquire and *Alexander Monro* Esquire, who at present claim to hold the Office of Town Clerk of the City of *Glasgow*, claim also Right to act as Assessors and Clerks in the Police Courts of the City, and allege that their Interests will in these and other respects be affected by the Provisions of this Act, and it is expedient that such Claims should be settled, and that they and their Successors in Office as Town Clerks should cease to act in the said Capacities: It shall be lawful for the Board and they are hereby required to pay to each of the said *Angus Turner* and *Alexander Monro* so long as he holds the said Office of Town Clerk, after the First Election of Magistrates and other Office Bearers in the Council subsequent to the passing of this Act, an Annuity at the Rate of Fifty-seven Pounds Ten Shillings *per Annum*, payable half-yearly at the Terms of *Martinmas* and *Whit Sunday* in each Year; and the said *Angus Turner* and *Alexander Monro* shall then cease to be Assessors or Clerks in any of the Police Courts of the City or Court of the Bailie of the River and Firth of *Clyde*, and to receive the Salary or Allowance of One hundred and fifteen Pounds *per Annum* presently payable to them, and shall accept the said Annuity in full Satisfaction of their said Claims, and discharge all Arrears of Fees due to them at the said Date as Assessors and Clerks aforesaid, or for Prosecutions under the Acts relating to Publicans or to Weights and Measures herein-after mentioned.

Saving
Rights of
Town Clerks.

69. Except with reference to any Matters or Things specially authorized or directed to be done by this Act, nothing herein contained shall be held to affect, diminish, or prejudice any Rights or Privileges belonging to or claimed by the said *Angus Turner* and *Alexander Monro* as the existing Town Clerks of *Glasgow*, or as Assessors or Clerks in the Burgh Courts of the City, or in the ordinary Civil Court of the Bailie of the River and Firth of *Clyde*, nor, except as herein specially provided, any Rights or Privileges claimed by them as Town Clerks of the City, or as Clerks to the Magistrates, under any public Statute or otherwise; and, on the other hand, nothing in this Act contained

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contained shall recognize, extend, or increase such Claims: Provided that no future Town Clerk shall have any Right or Claim to act as Assessor or Clerk in the Police Courts of the City.

70. The Magistrates Committee shall from Time to Time appoint and may at pleasure revoke the Appointment of the following special Officers; namely, a Keeper of the Registers appointed to be kept by this Act, herein-after called "the Registrar," and One or more Inspectors of Weights and Measures for the whole City or for any District or Part of the City.

Magistrates Committee to appoint certain special Officers.

71. The Magistrates Committee and the Sheriff of *Lanarkshire*, excluding the Sheriff Substitutes, shall from Time to Time appoint a Chief Constable, and may, jointly with the Sheriff of *Lanarkshire*, excluding the Sheriff Substitutes, inquire into his Conduct and Efficiency, and, if they see Cause, either on the Ground of Misconduct or of Inefficiency, whether arising from the State of his Health or otherwise, may suspend or dismiss him: Provided that any Difference of Opinion which may arise between the Magistrates Committee and such Sheriff relating to the Suspension or Dismissal of the Chief Constable shall be referred to and settled by the Lord Advocate of *Scotland* for the Time being.

Magistrates Committee to appoint Chief Constable.

72. The Chief Constable, with Consent of the Magistrates Committee, may from Time to Time appoint One of the Superintendents or Lieutenants of Police to be Chief Constable in his Stead during any temporary Absence from the City or any Illness, with Power to act in case of his Death until the Nomination of his Successor, but the Magistrates Committee may, if they think right, supersede such Appointment, and in lieu thereof appoint some other Person.

Chief Constable may appoint a temporary Substitute for himself.

73. The Chief Constable, with Consent of the Magistrates Committee, may from Time to Time appoint One or more Inspectors for enforcing the Provisions of this Act, classed under the Head of "Special Provisions—Stage and Hackney Carriages," if it is found expedient to enforce such Provisions by means of special Officers instead of the ordinary Officers of Police.

Chief Constable may appoint One or more Inspectors of Stage and Hackney Carriages.

74. The Chief Constable shall from Time to Time appoint every Superintendent, Lieutenant, and other Person employed as a Constable in the Execution of this Act, but, except with the special Approval of the Magistrates Committee, every such Person shall, when first admitted into the Establishment as a Constable, be under Forty Years of Age, and the Number and Description of each Class of such Persons shall be fixed by the Board.

Chief Constable to appoint Superintendents, Lieutenants, and Constables.

75. The

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Chief Constable to appoint a Custodier.

75. The Chief Constable shall from Time to Time appoint a Custodier for the Purposes of this Act, who, before entering upon his Office, shall find sufficient Security to the Board for the faithful Execution of the Duties thereof, and shall be sworn in as a Constable, and have the Rank of a Lieutenant.

Master of Works and Inspectors to appoint Subordinates.

76. The Master of Works and each Inspector appointed by the Board or by the Magistrates Committee shall from Time to Time in his Department appoint the several Officers and Persons employed therein, but the Number and Description of such Officers and Persons shall be fixed by the Board.

Provision for securing Efficiency and enforcing Discipline.

77. For the Purpose of securing Efficiency and enforcing Discipline and good Conduct among the Officers and other Persons so appointed the following Powers may be exercised :

The Chief Constable shall have an absolute Power of suspending or dismissing any Inspector of Police or other Constable under the Rank of a Lieutenant :

The Master of Works shall in his Department have an absolute Power of suspending or dismissing any Person under the Rank of an Inspector :

Every Inspector, except an Inspector of Police, shall have an absolute Power of suspending or dismissing any Person employed under him :

The Chief Constable and the Master of Works shall each in his Department have the Power of suspending any Inspector, not an Inspector of Police, now acting or who may be appointed by the Board or by the Magistrates Committee :

The Chief Constable shall have the Power of suspending any Superintendent or Lieutenant, or the Inspector of Stage and Hackney Carriages, the Custodier, or the Registrar :

Every Superintendent shall have the Power of suspending any Constable under the Rank of a Lieutenant, but such Suspension shall be reported to and may be recalled by the Chief Constable :

Every Superintendent shall have the Power of imposing a Fine, not exceeding Ten Shillings, on any Constable under the Rank of a Lieutenant, whether suspended or not, but such Fine shall be reported to the Chief Constable, who may cancel or modify the same :

The Chief Constable shall have the Power of imposing a Fine, not exceeding Twenty Shillings, on any Constable under the Rank of a Lieutenant whom he does not consider it necessary to dismiss.

Magistrates Committee after Inquiry to exercise

78. The Magistrates Committee may inquire into the Conduct and Efficiency of any Inspector, not an Inspector of Police, who has been suspended by the Chief Constable or Master of Works, or of any Superin-

The Glasgow Police Act, 1866.

Superintendent or Lieutenant, or of the Custodier, who has been suspended by the Chief Constable, and, if they see Cause, may dismiss such Inspector, Superintendent, Lieutenant, or Custodier, or may recal such Suspension; and every such Inquiry shall be made at a Meeting to be convened and held, subject to the following Rules;

Power of dismissing superior Officers.

viz.,

The Clerk shall call the Meeting on receiving Instructions to that Effect from the Lord Provost or the acting Chief Magistrate, or from any Two of the Magistrates, or on the Application of any Officer who has been suspended, or of the Officer who has suspended him :

The Meeting shall be called by Notice sent in the same Way as Notices of Meetings of the Board :

Six shall be a Quorum of the Meeting; and if or so often as there are fewer than Six, the Members present shall adjourn it to such Time as they think fit :

The Lord Provost, or in his Absence the Senior Magistrate present, shall be Chairman of the Meeting, and in case of an Equality of Votes shall have a Casting Vote in addition to his deliberative Vote :

The Proceedings of the Meeting and of every Adjournment thereof shall be entered in a Minute Book by the Clerk; and any such Entry, duly authenticated, shall be received as Evidence in the same Way as Minutes of Meetings of the Board.

79. The Salaries of all the said special Officers, and of the Procurator Fiscal or Joint Procurator Fiscal of the Bailie of the River and Firth of *Clyde*, shall from Time to Time be fixed and shall be paid by the Board.

Salaries of special Officers to be fixed by Board.

80. For the Purpose of aiding the Constables appointed by the Chief Constable on Occasions of Emergency, and suppressing or preventing any Tumult or Riot that may take place or be reasonably apprehended, the Magistrates Committee may from Time to Time appoint any of the Proprietors or Occupiers of Lands or Heritages, or other Persons residing within the City, to act as Special Constables, and may recal such Appointment at pleasure; and the Special Constables so appointed shall, when sworn before any One Member of such Committee, have the same Powers and Privileges as Constables appointed by the Chief Constable; and if any Person so appointed shall refuse or fail to attend and be sworn, or to act when required, without a reasonable Excuse, he shall be liable to a Penalty not exceeding Five Pounds.

Magistrates Committee may appoint Special Constables.

81. A Roll of the Names and Addresses of all Special Constables shall be kept by the Chief Constable, and the Expenses of providing

[*Local.*]

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them

Roll to be kept of Special Constables.

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them with Batons or otherwise equipping and employing them shall be paid by the Board.

Special Constables on Duty to be under Chief Constable.

82. Every Special Constable when on Duty shall be under the Direction of the Chief Constable, but the Magistrates Committee may make such Regulations for their Organization and Training as they think proper.

VI.

CONSTABLES—THEIR POWERS AND DUTIES.

Powers and Duties of Chief Constable and Constables.

83. It shall be the Duty of the Chief Constable, and of the Superintendents, Lieutenants, and Constables acting under or appointed by him, efficiently to execute the Powers which are, by this Act, or by any Public Act or by Common Law, conferred upon them for the Prevention, Detection, and Punishment of Penal and Police Offences, or for the Preservation of Peace and good Order within the City, and otherwise to carry into effect the Objects and Purposes of this Act so far as incumbent on them or required by the Board or the Magistrates Committee.

Chief Constable to be responsible to Board and Magistrates Committee.

84. The Chief Constable shall be responsible to the Board and shall be under their Regulation with reference to such of the Provisions of this Act as he is or shall be empowered to carry into effect, classed under the following Heads of "Special Provisions—Fireworks and Gunpowder;" "Sanitary Objects—Nuisances, Diseases, Lodging Houses, Food," and he shall be responsible to the Magistrates Committee and be under their Regulation with reference to all his other Duties.

Constables to have Powers appertaining to them by the Law of Scotland.

85. The Chief Constable, and the Superintendents, Lieutenants, and Constables acting under or appointed by him, shall, when sworn by the Magistrate, have the Powers and Privileges appertaining for the Time being to any Constable by the Law of Scotland as well as those conferred by this Act.

Magistrates Committee and Chief Constable may make Byelaws for regulating Constables.

86. The Magistrates Committee may from Time to Time make Byelaws for the Guidance of the Chief Constable, and the Chief Constable may from Time to Time, with the Concurrence of the Magistrates Committee, make Byelaws for regulating the Conduct and Duties of the Superintendents, Lieutenants, Constables, and other Persons employed in any Department which by this Act is placed under their Regulation and Control.

87. The

The Glasgow Police Act, 1866.

87. The Superintendents, Lieutenants, and Constables acting under or appointed by the Chief Constable shall obey his Orders and Directions, and shall give Attendance at the Police Courts, and, when required, at any Meeting of the Board or of the Magistrates Committee, or of the ordinary Committees, and shall afford Aid and Assistance to them and to the Officers of the Board in carrying into execution any of the Provisions of this Act.

Constables to obey Orders of Chief Constable.

88. It shall be lawful for the Chief Constable, or for any Superintendent, Lieutenant, or Constable acting under or appointed by him, to execute any Warrant of the Magistrate not only within the City but within the Counties of *Lanark* and *Renfrew* and the Burghs situate therein, without the Necessity of such Warrant being backed or endorsed by any other Judge or Magistrate, and also to execute such Warrant, if backed or endorsed by the Sheriff, within *Scotland*, and also without any other Authority than this Act to do any of the following Acts within but not beyond the City; *viz.*,

Powers and Duties of the Chief Constable and of the Constables appointed by him.

They may cite to appear before the Magistrate at any Police Court, at some Time and Place to be specified in the Citation, any Person accused of having committed a Penal or Police Offence, and any Person required to give Evidence in relation to such Charge; and every Citation, whether made in pursuance of a Warrant by the Magistrate or under the Authority of this Act, shall be reported to the Officer on Duty at the Police Office of the District in which such Court is situated, and shall be deemed legal and sufficient if delivered personally or left at the Dwelling House of the Person cited, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Person employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith:

They may search for, take into Custody, and convey to the Police Office any Person who is either accused or reasonably suspected of having committed either within the City, or at any Place where-soever beyond the City, a Penal Offence or any Police Offence not herein specially directed to be made the Subject of a Complaint, in respect of which Imprisonment may be awarded without the Alternative of a Money Penalty, or any Police Offence where the Name and Residence of such Person are unknown to the Constable, and cannot be readily ascertained by him, or any Person actually committing any riotous or disorderly Conduct or Act, or impeding any public Thoroughfare:

They may take into Custody and convey to the Police Office any Beggar, Vagrant, or Rogue and Vagabond as herein-after particularly

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particularly defined, or any Prostitute Nightwalker loitering in any Street or Court, or importuning Passengers for the Purpose of Prostitution :

They may search for, seize, impound, and convey to the Police Office any Article known or reasonably suspected to have been stolen or fraudulently obtained :

They may stop for the Purpose of searching, but not necessarily of taking into Custody or of conveying to the Police Office, any Person reasonably suspected of having any Article stolen or fraudulently obtained, or any Vessel, Boat, Waggon, Cart, or Carriage in which such Article is suspected to be :

They may at any Time enter any Building or Part of a Building or other Place of the following Description on hearing any disorderly Noise therein, or having reason to believe or suspect that Persons accused or reasonably suspected of having committed any Penal Offence or any Police Offence in respect of which Imprisonment may be awarded, or any Article known or suspected to have been stolen or fraudulently obtained, are to be found therein ; *viz.*,

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any public Show or Exhibition :

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or other such Place :

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, whether licensed or not :

Any common Brothel or House for the Reception of Prostitutes, or any House usually frequented by Thieves or loose and disorderly Persons :

Any Lodging House or Building or Part of a Building which is kept or used for a Purpose in respect of which a Licence is required by the Provisions of this Act :

Any Ship or other Vessel not being employed in Her Majesty's Service :

They may seize, impound, and convey to the Police Office any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetable which appears to be in an unsound or unwholesome Condition, or to be unfit for human Food :

They may seize, impound, and convey to the Police Office any Animal, and any Waggon, Cart, or Carriage, which is found in any Turnpike Road, or in any public or private Street within the City, unattended or in charge of any Person who has been taken into Custody, and any Goods, or any Parcel, Bank Note, Money, or other Article, which is found in the Possession of such Person, the Owner of which is unknown :

They

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They may destroy any Dog or other Animal which appears or is suspected to be in a rabid State, or which has been bitten by any other Dog or Animal suspected to be in a rabid State, or which is at large unmuzzled and without a Collar having the Name and Address of the Owner legibly engraved thereon, contrary to a Proclamation of the Lord Provost and Magistrates of *Glasgow*, and any Animal which requires for public Safety to be killed on the Spot:

Provided that nothing herein-before contained shall limit or affect the Right and Duty of every Person who has seen or sees any Crime or serious Offence committed to seize and detain the Person who has committed or is committing such Offence until he can deliver him into the Custody of a Constable.

89. The Chief Constable or any Superintendent or Lieutenant may, in Absence of the Procurator Fiscal, act in his Stead and Name either at the first or at any adjourned Diet, but the Procurator Fiscal shall not be responsible for his Acts.

Chief Constable and certain Officers to act as Fiscal.

90. The Chief Constable may, on the Requisition of the Sheriff of any County in *Scotland*, and shall, if so directed by the Magistrates Committee, or, in case of Urgency, by the Lord Provost or acting Chief Magistrate, detach temporarily a limited Number of Officers and Constables to act under the immediate Direction of such Sheriff for the Preservation of the Peace within his County; but such Sheriff shall in each Case pay to the Board a Sum sufficient to relieve them from all Outlay and Expense, and otherwise remunerate them for such Service; and the Amount thereof shall, in case of Dispute, be fixed by an Arbiter to be named by the Lord Advocate of *Scotland*.

Chief Constable may detach Constables to act in other Counties.

91. Every Constable who is dismissed from or ceases to hold and exercise his Office shall deliver over to the Chief Constable, or to such Person and at such Time as the Chief Constable directs, and not later than the Day after such Dismissal, or after he has so ceased to hold Office, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty under pain of Imprisonment for a Period not exceeding Thirty Days, and the Magistrate may grant Warrant to search for and seize for the Use of the Board all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over.

Constables dismissed to deliver up Accoutrements.

92. Every Person who, not being at the Time a Constable appointed under the recited Act or this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account

Penalty for unlawful Possession of Accoutrements, or for

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assuming
the Dress of
Constables.

for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days.

Penalty for
Neglect of
Duty.

93. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before any Two or more Magistrates sitting in the Police Court, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days, and shall also forfeit his Claim to any Arrears of Salary or Wages due to him.

Constables
not to re-
sign without
Leave or
Notice.

94. No Constable appointed under the recited Acts or this Act shall resign his Office or withdraw himself from the Duties thereof unless expressly allowed so to do in Writing by the Chief Constable, or until after the Expiry of One Month's Notice; and every Constable who resigns or withdraws himself without such Leave or Notice shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days, and shall also forfeit his Claim to any Arrears of Salary or Wages due to him.

Register to
be kept of
Crimes and
serious
Police
Offences.

95. Whereas a Register has been kept in pursuance of the recited Act of the Name, Age, Sex, Nativity, Description, Crime, Sentence, and every other Particular of Persons charged with and convicted of Crime within the City, whether such Conviction shall have taken place before the Magistrate or before the Sheriffs or the Justices of Peace for the Counties of *Lanark* or *Renfrew*: The Registrar shall continue to keep the said Register, and shall enter therein the Particulars herein-before mentioned, or such other Particulars as he may from Time to Time be directed to enter by the Magistrates Committee, of all Persons convicted of Crimes or of Penal or serious Police Offences which are punishable by Imprisonment, and shall also cause a complete Index to such Register to be kept so as to make the same at all Times available; and the Entries in such Register, or any Extracts therefrom certified by the Registrar, shall be received as *primâ facie* Evidence of the Particulars of any previous Conviction, and, unless the same is disputed, it shall not be necessary to produce the Complaint, or the Sentence thereon or an Extract thereof.

Returns to be
made for such
Register.

96. For the Purpose of making up such Register the Procurators Fiscal of the Sheriff and Justice of Peace Courts of the Counties of *Lanark*

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Lanark and *Renfrew* shall, at such Times or within such Period as shall be fixed by the Magistrates Committee, make a Return to the Registrar of the Particulars herein-before directed to be entered therein of every Conviction in such Courts respectively; and if any of them shall fail to make such Return he shall be liable to a Penalty not exceeding Forty Shillings.

VII:

POLICE COURTS—POWERS AND DUTIES OF THE OFFICERS ON DUTY ATTENDING THEM, DISPOSAL OF PENALTIES, &c.

97. The Board may either continue the present Division of the City into Five Districts, and maintain the present or erect and maintain additional Police Courts, Police Offices, and other Places necessary for the Purposes of this Act within the same, or may divide the City into new Districts, or increase or diminish the Number of Districts, or alter the Boundaries thereof, and may by Agreement purchase or rent any Buildings or Lands, and convert such Buildings into or build on such Lands other Police Courts, Police Offices, Houses for Constables, Firemen, and Officers whose Services may be suddenly required, and other Places necessary for the Purposes of this Act, and furnish and fit up the same, and employ proper Persons to take care thereof.

Present Police Districts and Courts may be continued or altered.

98. There shall be in attendance at each Police Office a Lieutenant or Inspector of Police, in this Act called "the Officer on Duty."

Officer on Duty.

99. The Lieutenant or Inspector being the Officer on Duty shall enter in a Book or Books to be provided by the Chief Constable, to be called the Police Book or Books of the District,—

Officer on Duty to keep a Police Book.

The Name and Address, so far as known, of every Person who is brought to the Police Office in Custody of a Constable, and the Hour when brought, and the Name and Address of every Person who is reported to him as having been cited to appear as a Party before the Magistrate :

The Penal Offence or Police Offence with which such Person is charged, and if he has been taken into Custody under a Warrant of the Magistrate the Entry shall state that Fact :

The Particulars of any Bail Bond or Bond of Caution executed, or Deposit made in lieu of Bail, by or on behalf of such Person :

The Particulars of any Goods, Parcel, Bank Note, Money, or other Article, and of any Animal, and of any Waggon, Cart, or other Carriage, brought to him by any Constable or other Person :

Any

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Any Act of his or of the Procurator Fiscal with reference to the Liberation of the Person so brought to him in Custody, or the Recovery of the Amount secured by any such Bail Bond or Bond of Caution, or the Receipt of any such Penalty, or the Disposal of any such Deposit, Article, Animal, or Carriage :

Such further Particulars as may be required by the Chief Constable.

Powers of the Officer on Duty with respect to Persons in Custody.

100. The Officer on Duty may deal with every Person brought to the Police Office in Custody of a Constable as follows :

If he has been taken into Custody charged with having committed any Penal Offence within the City he shall cause him to be detained until he can be brought before the Magistrate :

If he has been taken into Custody either in pursuance of or without a Warrant in consequence of being accused or suspected of having committed any Police Offence, or in consequence of his having failed to attend before the Magistrate when duly cited in pursuance of the Provisions of this Act, the Officer on Duty shall inquire into the Circumstances, and may either cause him to be detained until he can be brought before the Magistrate, or may accept Bail or Security, or a Deposit by way of Security, that he shall appear before the Magistrate at some Time or Place to be then appointed, and at all Times and Places to which the Case may be adjourned by the Magistrate, and liberate him ; or if the Officer on Duty thinks that the Charge is unfounded, or is not supported by sufficiently strong Evidence to justify his being detained in Custody, he may liberate him.

Powers of Officer on Duty with respect to Articles impounded.

101. The Officer on Duty may deal with any Goods, or any Parcel, Bank Note, Money, or other Article, or any Animal, or any Waggon, Cart, or other Carriage, brought to the Police Office by any Constable or other Person, as follows :

He may, in case of disputed or doubtful Ownership, apply to the Magistrate, who shall summarily, upon *vivâ voce* Evidence, order the same to be delivered to such Person as he may direct, subject to all legal Claims against such Person in regard to the same, and where the same is lawfully in the Possession of any Person he may order Compensation to be paid by the Person to whom it is delivered to the Holder thereof as a Condition of such Delivery :

He may, with Consent of the Chief Constable or Superintendent, cause to be buried, or may otherwise dispose of in such Manner as to prevent its being offered for Sale or used as Food, any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetable which after Inspection Two respectable Dealers in such Article certify ought to be buried or so disposed of :

He

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He may, with such Consent, cause to be destroyed any other Article, Animal, or Carriage which is unclaimed and worthless, or not of sufficient Value to pay the Expense of keeping, or in a State to spread Infection, or to be a Nuisance if kept, provided it is not required for the Ends of public Justice :

He shall deliver every other such Article, Animal, or Carriage to the Custodier.

102. The Officer on Duty shall be subject to the Superintendence of the Chief Constable and the Superintendent, who may at any Time supersede him and act in his Stead.

Officer on
Duty may be
superseded
by Chief
Constable,
&c.

103. The Custodier shall be responsible to the Board for the Custody of but may deal with any Animal, Article, or Thing in his Possession as follows :

Duties of
Custodier.

He may retain and deal with or transmit to any Officer of any Criminal Court for the Purpose of public Justice any such Animal, Article, or Thing believed to be stolen or embezzled :

If the Owner thereof is unknown he may, with the Concurrence of the Chief Constable, give public Notice that it is in his Possession :

If the Owner thereof is known or becomes known he may deliver it on Payment of the Expenses attending its Detention and Keep and the giving of public Notice as aforesaid, and on Security being found for the Payment of any Penalty which may have been incurred in respect thereof or in relation thereto :

He may from Time to Time sell every Article, Animal, or Carriage in his Possession which the Magistrate declares forfeited, or the Expense of keeping which is likely to exceed its Value, or which has been in his Possession for more than Twelve Months ; but, except where the Article, Animal, or Carriage is declared forfeited, every such Sale shall take place only by virtue of and as directed by a Warrant of the Magistrate to be obtained on an Application by the Procurator Fiscal or the Chief Constable as Fiscal.

104. Where any Article, Animal, or Carriage is sold in pursuance of a Warrant by the Magistrate in manner herein-before provided, and where the same has not been declared forfeited by the Magistrate, it shall be lawful for the Owner thereof at any Time within Three Months after such Sale to claim from the Board, and the Board shall pay to such Owner, the Surplus of the Sum realized in respect thereof, after deducting all Expenses incurred in keeping, advertising, and selling the same.

Owner of
Goods sold
but not for-
feited may
make a Claim
upon Board
within Three
Months after
Date of Sale.

105. The Procurator Fiscal, the Chief Constable, the Officer on Duty, the Registrar, the Custodier, and every other Person appointed

Sums realized
from Sales of
Articles im-

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or

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pounded, and from Penalties, Forfeitures, and Fees to be paid to Treasurer.

or acting under the Provisions of this Act who takes, receives, or comes into possession of any Bail Bond or Bond of Caution declared forfeited by the Magistrate or by the Dean of Guild, or of any Deposit in lieu of Bail, or Article, Animal, or Carriage declared forfeited by the Magistrate, or of any Penalties or Decrees for Penalties in respect of Police Offences or of Guild Offences, or of any Fines, or of any Goods, Parcels, Bank Notes, or other Articles, Animals, or Carriages brought to the Police Office and sold by Warrant of the Magistrate, or of any Fees or other Sums herein-after authorized to be charged (except Sums recovered as Expenses of judicial Proceedings) shall forthwith account to the Treasurer for the same, and shall pay to him the Monies received or realized in respect thereof; and the Treasurer shall be responsible to the Board that all such Monies are duly and regularly accounted for and paid to him, or that a Report is made by him of the Failure of any Person so to account or pay in order that the Board may enforce the Liability of such Person in the Manner provided by "The Commissioners Clauses Act, 1847," with respect to the Appointment and Accountability of the Officers of the Commissioners.

Application of Money so received by Treasurer.

106. All Monies received by the Treasurer in pursuance of the preceding Provision shall, except in so far as specially appropriated by or under the Powers of this Act, be applied in aid of the Police Assessment.

VIII.

JURISDICTION OF AND PROCEDURE BEFORE THE MAGISTRATE, AND ENFORCEMENT AND REVIEW OF HIS SENTENCES.

Power to Magistrate to entertain, but not to try, certain Cases called "Penal Offences."

107. The Magistrate shall not have Jurisdiction to try or pronounce Sentence in, but shall, to the Extent and in the Manner herein-after mentioned, be entitled to take cognizance of, the Case of any Person found within the City who is brought before him accused or suspected of having committed at any Place beyond the City, or at any Period, any Crime or Offence which is punishable by Public General Statute or by Common Law, or of any Person who is brought before him accused or suspected of having committed within the City—

Murder, culpable Homicide, Robbery, Rape, wilful Fire-raising, or Attempt at wilful Fire-raising :

Stouthrief, Theft by Housebreaking, or Housebreaking with Intent to steal :

Theft or Reset of Theft to an Amount exceeding Ten Pounds :

Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, committed by other Persons than Chain Droppers, Thimblers, Loaded-dice Players, and Offenders of that Description :

Breach

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Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds :

Assault whereby any Limb has been fractured, or Assault with Intent to ravish :

Forgery or uttering forged Bank or Bankers Notes or Gold or other Coin :

Which Crimes and Offences are in other Provisions of this Act denoted by the Expression " Penal Offences."

108. The Magistrate shall have Jurisdiction to try and pronounce Sentence in the Case of any Person brought before him accused or suspected of having committed any Crime or Offence which under the Provisions of this Act or of " The Commissioners Clauses Act, 1847," or of any Byelaws authorized by this Act, is punishable by Imprisonment, or by the Imposition of any Penalty except a Penalty for a Guild Offence, or any other Crime or Offence which is punishable by Public General Statute or Common Law, and is triable by the Magistrates of any Royal Burgh, which Crimes and Offences are in other Provisions of this Act denoted by the Expression " Police Offences."

Power to Magistrate to try certain other Cases called " Police Offences."

109. The Magistrate may, on a Complaint by the Fiscal, grant Warrant to search for, take into Custody, and convey to the Police Office, in order to be brought before him or some other Magistrate, any Person accused or suspected of having committed any Penal Offence or Police Offence ; and such Warrant shall entitle the Constable executing it to enter any Building or Part of a Building or other Place whatsoever in which he has reason to believe or may reasonably suspect that such Person is to be found.

Power to Magistrate to grant Warrant to cite or to take into Custody.

110. The Magistrate may, on a Complaint by the Fiscal, grant Warrant to search for, seize, impound, and convey to the Police Office any Article mentioned in such Complaint as having been stolen or fraudulently obtained ; and such Warrant shall entitle the Constable executing it to enter any Building or Part of a Building or other Place whatsoever in which he has reason to believe or suspect that such Article is to be found.

Power to Magistrate to grant Warrant to search.

111. The Magistrate may carry into effect every other Provision of this Act with reference to Penal Offences and Police Offences, or with reference to anything which by this Act he is directed or enabled to do, and for that Purpose issue all necessary Orders and Warrants, and he shall have with reference to such Objects and Purposes, in addition to the Powers by this Act conferred on him, all such and the like Jurisdiction as the Magistrates of any Royal Burgh have by the Law of *Scotland* within such Burgh.

Power to Magistrates to grant other Warrants.

112. Every

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refer-
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ore him.

112. Every Person who, in pursuance of the Provisions herein-before contained, has been detained in Custody by the Officer on Duty in respect of any alleged Penal Offence or Police Offence, shall be brought before the Magistrate sitting in the Police Court of the District, or before the Magistrate sitting in the Police Court of some other District of the City, not later than in the course of the first lawful Day thereafter, not being a Sacramental Fast Day or a Day set apart for a General Fast, and the Magistrate may deal with him as follows :

If he has been detained in Custody in consequence of being charged with a Penal Offence, whether alleged to have been committed within or beyond the City, the Magistrate may, on the Motion of the Fiscal, without Cause shown, grant Warrant to detain him in Custody, or to commit him to Prison for any Period not exceeding Forty-eight Hours, or for such further reasonable Time as may be necessary to obtain the requisite Information :

If he has been detained in Custody or been committed to Prison in consequence of being charged with a Penal Offence, whether alleged to have been committed within or beyond the City, or in respect of a Police Offence which in the Opinion of the Fiscal ought to be tried before a higher Court, the Magistrate shall forthwith either remit him to the competent Authority or commit him to Prison for Examination, or until disposed of according to Law, and in such Case the Fiscal shall give immediate Notice to the Procurator Fiscal of the County, City, Burgh, or other Jurisdiction in *Scotland*, or to some proper Officer or to a Magistrate of the County, City, or other Jurisdiction in *England* or *Ireland*, where the Offence was committed or is punishable, or, in the event of its being committed on the High Seas or out of the United Kingdom, to the Lord Advocate of *Scotland*, in order that such Person may be proceeded against according to Law :

If he has been detained in Custody in respect of a Police Offence which is punishable by Imprisonment for any Period exceeding Fourteen Days, the Magistrate may, on the Motion of the Fiscal, and on Cause shown, grant Warrant to detain him in Custody, or to commit him to Prison in order to afford Time to the Fiscal to inquire into the Case, with a view to Trial before the Magistrate, for any Period not exceeding Forty-eight Hours, or, pending such Inquiries, may admit him to Bail or liberate him without requiring him to find Bail.

Offences
charged as
Police
Offences, and
not objected
to, may be
tried by the
Magistrate.

113. Every Charge or Complaint of Theft, Reset of Theft, Falsehood, Fraud, wilful Imposition, Breach of Trust, or Embezzlement which the Magistrate proceeds to try as a Police Offence shall (except in the Case of Chain Droppers, Thimblers, Loaded-dice Players, and Offenders of that Description) bear that the Sum of Money or the

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the Value of the Articles stolen, resetted, obtained by Falsehood, Fraud, or wilful Imposition, or embezzled, does not exceed Ten Pounds, and it shall not be competent thereafter to the Person charged to prove (except where an Offer shall be made at the Time) that the Money or Articles stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds.

114. No Charge or Complaint inferring merely the Payment of a pecuniary Penalty or the finding of Caution, or both, shall be tried by the Magistrate, unless made within Six Months after the Commission of the Offence. Limiting Period for bringing certain Cases.

115. Every Proceeding or Trial before the Magistrate shall be conducted in the official Name and at the Instance of the Procurator Fiscal, who shall have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal of a Royal Burgh in reference to such Royal Burgh. Cases to be tried at Instance of Procurator Fiscal.

116. Every Proceeding or Trial before the Magistrate in pursuance of the Acts relating to Publicans and Retailers of Ale, Beer, Spirits, Wine, and other exciseable Liquors, herein-after enumerated under the Head of "Offences against the Acts relating to Public Houses," and in pursuance of the Acts relating to Weights and Measures, herein-after enumerated under the Head of "Special Provisions—Weights and Measures, Sale of Coal," shall be conducted according to the Provisions of the said Acts, and every Order or Sentence of the Magistrate therein may be enforced, and shall only be subject to Review to the Extent provided by the said Acts respectively; and all Penalties awarded or Forfeitures made in pursuance of the said Acts shall be disposed of and applied in the Way thereby required, or, in so far as not thereby required, in the same Way as Penalties awarded and Forfeitures made in pursuance of this Act. Procedure in Cases under Acts relating to Publicans and Weights and Measures.

117. Every other Trial before the Magistrate shall be subject to the following Rules and Regulations: Procedure in other Cases.

It shall be conducted summarily *vivâ voce*, and without written Pleadings:

If any Person who has been duly cited as a Party, or who has been liberated on Bail, fails to appear personally at the Time and Place for that Purpose appointed, or if any Person having appeared fails to attend personally at any after Diet of Court, the Magistrate may, on the Motion of the Fiscal, grant Warrant to take such Person into Custody and bring him before the Magistrate in order that the Trial may be proceeded with; or if the Trial relates to a Police Offence inferring merely the Payment of a pecuniary Penalty or the finding of Caution, or both, or if

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the Fiscal by Minute restricts his Conclusion to the Payment of a pecuniary Penalty or the finding of Caution, or both, the Magistrate may proceed to try the Case and pronounce Sentence as if the Person charged were personally present: Provided that Proof on Oath shall be made that any Person alleged to have been cited has been duly cited in pursuance of the Provisions of this Act at least Twenty-four Hours before the Diet of Court, and that it shall be competent to the Magistrate, if he sees fit, to reponne any Person on whom Sentence has been pronounced in his Absence:

In every other Case the Trial shall proceed only in Presence of the Person accused:

The Magistrate may adjourn the Trial from Time to Time either before or after the Proof is completed, and either before or after Conviction, and may remit it to be entered on and completed at any other of the Police Courts, but the whole of the Proof in every Trial shall take place before the Magistrate who pronounces Sentence in it:

Where the Trial is adjourned the Magistrate may, at the Request of the Person accused, take the Evidence of the Witnesses for the Defence, if then in attendance, before the Proof for the Prosecution has been led or concluded, but the Person charged shall in all such Cases be entitled to lead additional Evidence after the Case for the Prosecution has been concluded:

It shall not be necessary to keep any Record of the Proceedings at the Trial, except of the Charge or Complaint and of the Sentence thereon:

Such Sentence may be written either on the Complaint or in a Book to be kept for each Police Court, and to be called "the Court Book," in which the Names of the several Persons tried by the Magistrate, the Offences charged against them, and their Sentences shall be entered.

In case of
Adjournment
of Trial the
accused Per-
son may be
detained or
liberated on
Bail.

118. Where any such Trial is adjourned the Magistrate may cause the Person accused to be detained in Custody, or may commit him to Prison, or may admit him to Bail, or, if he has already granted a Bail Bond or made or makes a Deposit in lieu of Bail, may liberate him on the Security thereof, or may liberate him without requiring him to find Bail.

Power to
Magistrate
to commit for
Trial in
higher Court.

119. If in the course of any such Trial it appears to the Magistrate that the Offence charged is more of the Nature of and ought to have been inquired into as a Penal Offence, or that it merits a higher or greater Punishment than he can award, he may stop the Trial with a view to the Case being investigated and brought before another Tribunal, and may commit the Person charged therewith to Prison for Examination

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Examination or until disposed of according to Law, and in such Case the Fiscal shall give Notice to the Procurator Fiscal of the County, City, Burgh, or other Jurisdiction in *Scotland*, or to some proper Officer or to a Magistrate of the County, City, or other Jurisdiction in *England* or *Ireland*, where the Offence was committed or is punishable, or, in the event of its being committed on the High Seas or out of the United Kingdom, to the Lord Advocate of *Scotland*, in order that such Person may be dealt with according to Law.

120. If any Person who has been duly cited as a Witness to appear before the Magistrate either on the Part of the Prosecutor or the Person charged with any Penal Offence or Police Offence fails to appear at the Time and Place for that Purpose appointed without reasonable Cause, the Magistrate may grant Warrant to take such Person into and detain him in Custody or to commit him to Prison until he finds Security to appear and give Evidence, and may also sentence such Person to a Penalty not exceeding Five Pounds; and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Magistrate may sentence such Person to be imprisoned for a Period not exceeding Thirty Days: Provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

Penalty in Case of Witnesses failing to appear.

121. If any Person refuses to be precognosced, or to give Information or Evidence touching or concerning the Subject Matter of any Penal Offence or Police Offence, or at any Trial before the Magistrate refuses to be sworn or examined upon Oath, or in case of a Quaker or other Person privileged by Law to be examined upon solemn Affirmation, the Magistrate may grant Warrant to commit such Person to Prison for a Period not exceeding Thirty Days.

Penalty in case of Persons refusing to give Evidence.

122. If any Witness when under Examination before the Magistrate prevaricates or wilfully conceals the Truth, the Magistrate may in open Court and in a summary Manner commit him to Prison for a Period not exceeding Thirty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Witness when under Examination on Oath or solemn Affirmation wilfully or corruptly gives false Evidence touching any Matter or Thing relating to the Case, or wilfully or corruptly swears or affirms any Matter or Thing which is false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and the Magistrate may transmit such Person for Trial to a higher Criminal Tribunal, and for that Purpose may grant Warrant for his Imprisonment until disposed of according to Law.

Witnesses prevaricating may be punished summarily.

123. The

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In default of
paying Fines
Parties to be
imprisoned.

123. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days, or such shorter Period as is herein-after provided as an alternative Punishment or in default of Payment of such Penalty.

Power to
order
Offenders to
find Caution
in lieu of
Imprison-
ment or Fine;

124. In lieu of any Punishment by Imprisonment in respect of a Police Offence which by the Provisions of this Act is in the Discretion of the Magistrate punishable either by Imprisonment or by a Penalty, or in lieu of any Penalty, the Magistrate may ordain any Offender to find Caution for good Behaviour or to keep the Peace for a Period not exceeding Twelve Months under a Penalty not exceeding Twenty Pounds, and may commit such Offender to Prison till such Caution be found, but in no Case shall the Period of Imprisonment for not finding such Caution exceed Thirty Days.

or to find
Caution in
addition to
Imprison-
ment or Fine;

125. Where any Person has been sentenced to Imprisonment in respect of a Police Offence which by the Provisions of this Act is in the Discretion of the Magistrate punishable either by Imprisonment or by a Penalty, or where any Person has been sentenced to pay a Penalty, the Magistrate may, in addition to such Sentence, ordain the Offender to find Caution as aforesaid from and after the Expiry of his Term of Imprisonment, or from and after the Payment of the Penalty specified in his Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof, and may direct him to be detained in Prison till such Caution be found, but in no Case shall the Period of Imprisonment for not finding such Caution exceed Thirty Days.

or to miti-
gate
Sentence.

126. The Magistrate who has tried the Case of any Person accused of a Police Offence, and pronounced Sentence against him, may, if he sees fit, inquire into any Circumstances which were not known, or were not brought forward, or were not duly considered at the Trial, and, with the Concurrence of some other Magistrate presiding at the Time in One of the Police Courts, may modify or mitigate such Sentence.

Providing
for Forfeiture
and Enforce-
ment of Bail
Bonds and
Bonds of
Caution.

127. Where any Person has been liberated on finding Bail for his Appearance and fails to appear, or where any Person who has found Caution for good Behaviour or for keeping the Peace as aforesaid commits a new Offence inferring Forfeiture of such Caution, the Magistrate may declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and order the Cautioner to make Payment thereof to the Treasurer within Six Days after the Intimation of such Order to him, and after the Lapse of such Period, and on Proof on Oath of such Intimation, may grant Warrant for taking into Custody and imprisoning the Cautioner till the said Sum be paid, but which
Period

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Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person fails to appear, the Magistrate may declare such Deposit to be forfeited.

128. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or declares he is unable to subscribe his Name, shall be valid and effectual if such Cautioner adhibit to such Bond his Mark in Presence of Two Witnesses who subscribe such Bond in testimony thereof.

Execution of Bonds of Caution by Persons unable to write.

129. In Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of Law when in attendance on the Police Court, the Magistrate may of his own Motion summarily punish the Offender by a written Sentence specifying the Offence, and imposing a Fine not exceeding Ten Pounds, or Imprisonment for a Period not exceeding Sixty Days, or he may direct the Offender to be detained in Custody, and to be prosecuted by the Fiscal, in which Case the same Procedure shall be observed as in the Case of other Police Offences, and the Punishment above mentioned shall attach thereto.

Offenders may be punished summarily for Contempt of Court.

130. A short Extract of the Charge or of the Complaint, and of the Order or Sentence thereon, certified by the Assessor or Clerk of Court, shall be received in all Courts as Evidence thereof, and in Cases where Imprisonment takes place under the Powers of this Act shall be a sufficient Warrant of Commitment.

Extract of Charge and Sentence sufficient for all Purposes.

131. No Warrant granted by the Magistrate, or Citation made in pursuance of the Provisions of this Act, and no Charge or Complaint and no Proceeding or Trial before the Magistrate, and no Order or Sentence of the Magistrate thereon, or the Extract thereof, shall be quashed or vacated for any Misnomer or Informality, or be subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution, unless in manner and on some One or more of the Grounds herein-after mentioned.

Proceedings before Magistrate to be final unless appealed from.

132. Any Person who feels aggrieved by any Order or Sentence of the Magistrate may, within Fourteen Days after its Date, appeal to the Court of Justiciary at the next Circuit Court to be held at *Glasgow* in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, "for taking away and abolishing Heritable Jurisdictions in *Scotland*," on the Ground of Corruption, Malice, or Oppression on the Part of

Grounds of Appeal.

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Magistrate, wilful Deviations in point of Form from the Statutory Enactments, Incompetency, or Defect of Jurisdiction, but on no other Ground.

Effect of Appeal.

133. Such Appeal shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty unless on Consignment thereof in the Hands of the Treasurer, nor of any Order or Sentence of the Magistrate awarding Imprisonment unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing at such Time and Place as he shall direct, and that without Prejudice in either Case to the Caution or Security required by the said Act for taking away and abolishing Heritable Jurisdictions in *Scotland*.

Board may pay Costs of Actions brought against its Officers.

134. Where any Order or Sentence of the Magistrate or Dean of Guild following on an Application by the Procurator Fiscal is brought under Review, or where any Action is brought against the Fiscal or against any Officer or Constable in consequence of anything done in pursuance of this Act, or of the Order or Sentence of the Magistrate or Dean of Guild, the Procurator Fiscal shall immediately make a Report of the Facts and Circumstances to the Magistrates Committee, and such Committee shall thereupon resolve either that such Order or Sentence so brought under Review, or such Action, shall be defended at the Expense of the Board, or that it shall not be so defended; and if they resolve that it shall be so defended, the Magistrates Committee shall thenceforth take the Superintendence and Control of the Case, and the Board shall relieve the Fiscal or other Defender from Liability for all or any of the Conclusions thereof; and if the Magistrates Committee resolve that it shall not be so defended, they may, if they see Cause, agree that the Board shall relieve the Fiscal or other Defender from the Consequence of not defending the same, and the Board shall in such Case relieve them accordingly.

IX.

OFFENCES AGAINST THE RULES OF GOOD CONDUCT.

Defining certain Offences against the Rules of good Conduct and their Punishment.

135. Every Person who is guilty of any of the following Acts or Omissions within the City shall in respect thereof be liable to a Penalty not exceeding the respective Amounts, or to Imprisonment for a Period not exceeding the respective Periods, herein-after mentioned; *videlicet*,

To Imprisonment for Sixty Days:

(1.) Every Person who commits or attempts to commit Theft, or Reset of Theft, Falsehood, Fraud, wilful Imposition, Breach of Trust, or Embezzlement in any Case which by the Provisions of this Act the Magistrate is empowered to try:

(2.) Every

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- (2.) Every Person who unlawfully appropriates to his own Use, sells, pawns, pledges, exchanges, or otherwise unlawfully disposes of, or offers to sell, pawn, pledge, exchange, or otherwise dispose of, or who purchases or receives, any Article or Thing knowing the same to have been purloined or embezzled or received from Persons fraudulently disposing thereof:
- (3.) Every Chain Dropper, Thimble, Loaded Dice Player, or other Swindler of that or any similar Description who in any Place within the Limits of this Act is found in possession of Implements or Articles for practising Games of Hazard, and who exhibits such Implements or Articles in order to induce or entice or who induces or entices any Person to play at any Game of Hazard, or who by any fraudulent Act or Design cozens and cheats or attempts to cozen and cheat any other Person; and such Person so acting may be convicted on the Testimony of One credible Witness, and may at the same Time be required to repay any Money or restore any Property which he or others with whom he was at the Time associated obtained by means of any such Offence, and, failing such Payment or Restoration, may be sentenced to Imprisonment for a further Period not exceeding Sixty Days.

To a Penalty of Ten Pounds, or alternatively, without Penalty, to Imprisonment for Sixty Days :

- (4.) Every Person who does or omits to do any Act the doing or Omission of which is an Offence which may be legally tried by the Magistrate, and is punishable by Public General Statute or by Common Law, and to which by such Public General Statute or Common Law, or by the Provisions of this Act, a less Punishment is not attached :
- (5.) Every Person who is riotous, disorderly, or indecent in his Behaviour :
- (6.) Every Person who commits an Assault upon any Male Child whose Age does not in the Opinion of the Magistrate exceed Fourteen Years, or upon any Female, or upon any Constable on Duty, or who commits an Assault to the Effusion of Blood or causing serious Injury upon any Male Person exceeding the Age of Fourteen Years, or who aids or incites any other Person to commit such Assault :
- (7.) Every Person who occupies a Building or Part of a Building, and suffers any Breach of the Peace or riotous or disorderly Conduct within the same, or who occupies a Building or Part of a Building or other Place of public Resort for the Sale or Consumption of Provisions or Refreshments of any kind,

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kind, and knowingly harbours Prostitutes, or suffers Persons of notoriously bad Fame, or dissolute Boys or Girls, to assemble therein.

To a Penalty of Five Pounds, or alternatively, without Penalty, to Imprisonment for Thirty Days :

- (8.) Every Person who alters or defaces the Name or Address or the distinctive Mark or Inscription on any Barrel, Box, Bag, Plank, or other Article which does not belong to him without the Authority of the Owner :
- (9.) Every Person who commits an Assault without the Effusion of Blood or serious Injury on any Male Person exceeding the Age of Fourteen Years :
- (10.) Every Person who compels or knowingly allows any Person under the Age of Twenty-one Years to ascend or descend a Chimney or enter a Flue for the Purpose of sweeping, cleaning, or coring the same, or for extinguishing Fire therein :
- (11.) Every Person who cruelly beats or who ill-treats, overdrives, abuses, or tortures, or causes or procures to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal :
- (12.) Every Person who wilfully prevents, obstructs, or delays any Constable or other Person appointed in pursuance of this Act in the Performance of his Duty, or who aids or incites any other Person to do so :
- (13.) Every Person who wilfully sets or causes to be set on fire any Chimney of any Building: Provided always, that nothing herein contained shall exempt such Person from Liability to be indicted or prosecuted therefor before any Criminal Court.

To a Penalty of Five Pounds, or, in default of Payment, to Imprisonment for Thirty Days :

- (14.) Every Person who finds any Goods, or any Parcel, Bank Note, Money, or other Article of Value, and does not either return the same to the Owner or deliver it to the Officer on Duty at the Police Office within Forty-eight Hours thereafter :
- (15.) Every Person who impounds or confines, or causes to be impounded or confined, any Animal, and refuses or neglects to provide and supply such Animal with fit and wholesome Food and Water, or who keeps any Dog or other Animal which has been found by the Magistrate to be an Annoyance to the Neighbourhood, and has been ordered to be removed :
- (16.) Every Person who occupies a Building or Part of a Building or other Place of public Resort for the Sale or Consumption of Provisions or Refreshments of any kind who knowingly suffers to remain in his Premises any Constable on Duty, unless

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unless for the Purpose of quelling any Disturbance or restoring Order, or who directly or indirectly supplies such Constable with Liquor.

To a Penalty of Forty Shillings, or alternatively, without Penalty, to Imprisonment for Fourteen Days :

(17.) Every Person who uses any Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

(18.) Every Person who offers for Sale or Distribution, or who sells, distributes, or publicly exhibits, any profane, indecent, or obscene Book, Paper, Print, Photograph, Drawing, Painting, or Representation.

To a Penalty of Twenty Shillings, or, in default of Payment, to Imprisonment for Seven Days :

(19.) Every Person who occupies a Building or Part of a Building or other Place of public Resort for the Sale or Consumption of Provisions or Refreshments of any kind, and who opens his Premises for Business before Five o'Clock in the Morning, or keeps them open or does Business therein after Midnight, unless specially allowed by the Chief Constable :

(20.) Every Person who suffers any Chimney in any Building of which he is Occupier to catch or to take Fire, unless he prove to the Satisfaction of the Magistrate that such Fire was not owing to any Omission, Neglect, or Carelessness on the Part of himself or his Servant :

(21.) Every Person who bathes in the River *Clyde* above *Hutchisontown Bridge*, or in the River *Kelvin*, except at such Times and Places and subject to such Regulations as may from Time to Time be fixed by the Lord Provost and Magistrates of the City, or who bathes in the River *Clyde* below *Hutchisontown Bridge*, or who bathes in any Canal at or near any Harbour, Bridge or Street.

136. The Magistrate may, on a Complaint by the Procurator Fiscal, grant Warrant to enter into and search from Time to Time, during any Period not exceeding Thirty Days from the Date of such Warrant, any Building or Part of a Building or other Place which upon personally examining the Chief Constable, or a Superintendent or Lieutenant, and at least One other Person not holding any Office or Situation under this Act, the Magistrate is satisfied there is reasonable Ground for believing to be kept or managed, or to be ordinarily used or suffered to be used, for any of the Purposes hereinafter mentioned ; and it shall be lawful for any Constable to take into Custody and convey to the Police Office in order to be brought before the Magistrate all Persons found in such Building or Part of a Building or Place, and to seize, impound, and convey to the Police

Warrant may be granted by Magistrate in certain Cases to search unlicensed or improper Places of Resort.

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Office any Article or Thing therein calculated to prove that the said Building or Part of a Building or other Place has been ordinarily, or was at or shortly before the Date of such Entry, used for any of such Purposes; namely,

For the Purpose of Stage Plays or Dramatic Entertainments, into which Admission may ordinarily be obtained for the Payment of Money, and which is not a licensed Theatre or a Place authorized in Terms of Law to be used for that Purpose:

For the Purpose of fighting, baiting, or worrying any Animal:

For the Purpose of playing at any unlawful Game:

For the Purpose of retailing or selling or of keeping for Sale Wines, Spirits, Beer, Cider, or other fermented or distilled Liquors without a Licence.

Punishment
for keeping
or using such
Places.

137. Every Occupier or Proprietor who keeps, manages, uses, or knowingly suffers to be used any Building or Part of a Building or other Place for any of the said Purposes, and every Person who aids or assists or takes any Part in the Management thereof or in the Business conducted therein, shall in respect of each Offence be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days.

Punishment
for being
found in such
Places with-
out lawful
Excuse.

138. Every other Person who is found in any Building or Part of a Building or other Place which is entered by a Constable under a Warrant of the Magistrate, and is proved to the Satisfaction of the Magistrate to have been kept or managed, or to have been ordinarily or at or shortly before the Time of such Entry used or suffered to be used, for any of the said Purposes, shall in respect thereof be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, unless such Person was not in such Building or Part of a Building or other Place for or in relation to any such Purpose, or in consequence of its being kept, managed, used, or suffered to be used for such Purpose.

Persons
found therein
may be ad-
mitted
Queen's
Evidence.

139. The Magistrate may admit any One or more of the Persons so found in any Building or Part of a Building or other Place, and charged with the Offence last herein-before mentioned, as a Witness, and on his making a true and faithful Discovery and giving Evidence relative to the Complaint may grant a Certificate thereof which shall relieve such Person or Persons from all further or future Prosecution on account of such Offence.

Punishment
for re-letting
Premises to
convicted
Persons, or

140. If any Occupier or Proprietor is convicted of keeping, managing, using, or knowingly suffering to be used for any of the said Purposes any Building or Part of a Building or other Place, it shall be lawful for the Procurator Fiscal, when such Conviction applies

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applies to the Occupier not being the Proprietor, to give Notice of the Conviction in manner herein-after mentioned to the Proprietor thereof; and if such Proprietor within Twelve Months after such Conviction or Notice grants a new Lease of the said Building or Part of a Building or other Place to the Person so convicted, or suffers such Person after the Expiry of the current Lease to occupy the same, or knowingly suffers any other Person to use the said Building or Part of a Building for the like Purpose, he shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Thirty Days, and shall also forfeit his Claim to Rent in respect thereof.

knowingly suffering same to be used after Notice.

141. If any Person is twice convicted of keeping, managing, using, or suffering to be used for any of the said Purposes any Building or Part of a Building or other Place, it shall be lawful for the Procurator Fiscal, or for the Proprietor thereof, or for any Two Proprietors or Occupiers of Lands and Heritages in the Neighbourhood, to apply summarily to the Sheriff or to the Magistrates of *Glasgow* for a Warrant to close, shut up, and secure the said Building or Part of a Building or other Place during the Period for which such Person has Right thereto, and to eject all Persons therefrom; and the Sheriff or the Magistrates of *Glasgow* shall, on Proof of the said Convictions, grant Warrant to do so, but may subsequently, if he or they see Cause, on the Motion or Application of the Proprietor, grant Warrant to him to let the said Building or Part of a Building or other Place to some other Person on satisfactory Security that it shall not be used for any of the said Purposes, and may award Expenses to or against either of the Parties; but neither of the said Warrants shall prejudice or affect the Claim of the Proprietor for Rent against the Person so ejected, or his Right of Hypothec.

Power to Sheriff or Magistrates to close such Places after Second Conviction.

142. The Provisions herein-before contained with respect to entering unlicensed or improper Places of Resort under a Warrant of the Magistrates shall apply to any Building or Part of a Building ordinarily or shortly before the Date of Entry under such Warrant used for the Purpose of harbouring Prostitutes for the Purpose of Prostitution; and by virtue of such Warrant it shall be lawful for any Constable to take into Custody and convey to the Police Office in order to be brought before the Magistrate the Occupier of such Building or Part of a Building, or any Person found therein who either temporarily or permanently manages or assists in the Management of the Business conducted therein; and the Proprietor and Occupier of such Building or Part of a Building, and every Person found therein who manages or assists in the Management of such Business, shall be subject to the same Penalties and Provisions as are herein-before enacted with respect to the Proprietor and Occupier of

Provisions to apply, with certain Exceptions, to Brothels.

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of or to any Person who manages or assists in the Management of the Business conducted in any other unlicensed or improper Place of Resort.

Power to regulate Shows, &c.

143. The Magistrates Committee may restrain, regulate, or prohibit any public Show, Exhibition, or Representation, or noisy Game, carried on to the Annoyance of the Neighbourhood, and may also restrain and regulate the Use of Apartments in common Tenements or in any Booths for Dancing on any Occasion or at any Time which shall appear necessary for preserving Order and Decorum, and may make and establish Regulations and Prohibitions to that effect; and every Person who contravenes any such Regulation or Prohibition shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Defining Beggars, Vagrants, and Rogues and Vagabonds.

144. Every Person who in any Turnpike Road, Street, Court, or Common Stair either asks Alms or exposes Wounds or Deformity, or places himself or acts so as to induce or for the Purpose of inducing the giving of Alms, shall be deemed a Beggar; any Person who within the City is found wandering abroad, or lodging in any Barn or Outhouse, or in any deserted or unoccupied Building, or in the open Air, or under a Tent, or in any Cart or Waggon, shall be deemed a Vagrant unless he proves to the Satisfaction of the Magistrate that he has a fixed Place of Residence and some lawful Means of gaining a Livelihood within the City; and every Person who, after having been convicted of Vagrancy or of Housebreaking or Theft, is found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, and every Person who is found in any Building or Part of a Building or other inclosed Space for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, is found in any Turnpike Road, Street, Court, or Common Stair with Intent to commit any Penal Offence or Police Offence, or in possession of any Article without being able to give a satisfactory Account of his Possession thereof, shall be deemed a Rogue and Vagabond.

Powers of the Magistrate with respect to Beggars, Vagrants, &c.

145. The Magistrate may deal with any Person brought before him charged with being a Beggar or Vagrant as follows; namely,

If such Person is apparently a fit Subject for Parochial Relief the Magistrate may direct him to be handed over to the Inspector of the Poor or other Official of the Parish within which he was found in order that his Claim for Relief may be investigated and disposed of according to Law, or may cause him to be detained in Custody, or permit him to reside in some Place of Reception provided for the Purpose, until such Claim is investigated and disposed of;

If

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If such Person is not apparently a fit subject for Parochial Relief the Magistrate may convict him of begging or of Vagrancy, and may for the First Offence sentence him to Imprisonment for a Period not exceeding Fourteen Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Thirty Days, and may declare forfeited any Money or Article found on his Person ;

The Magistrate may at any Time during the Pendency of the Case before him cause such Person and his Clothes to be washed and cleaned ;

And he may sentence any Rogue and Vagabond for the First Offence to Imprisonment for a Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days, and may declare forfeited any Money or Article found on his Person.

146. Every Parent and every Person who has the Control of any young Person apparently under the Age of Fourteen Years, or with whom such young Person resides, and who sends him out to beg or suffers him to act as a Beggar or Vagrant, shall be liable to Imprisonment for a Period not exceeding Thirty Days. Punishment of Persons sending out Children to beg.

147. When the Right of Occupancy of any Land or Heritage expires on a *Sunday*, the Occupier shall not be obliged to remove till the following Day ; and any Person who enforces the Removal of such Occupier, or who removes his Effects on a *Sunday*, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days. Punishment for removing on Expiry of Right of Occupancy, if a Sunday.

148. Any Constable may stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the City employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the City. Removal of Furniture.

X.

OFFENCES IN TURNPIKE ROADS, STREETS, COURTS, AND COMMON STAIRS.

149. Every Person who is guilty of any of the following disorderly Acts or Omissions on any Turnpike Road, or in any public or private Street or Court, or on the Outside of any Building adjoining the same, or in any Common Stair, shall in respect thereof be liable to a Penalty not exceeding the respective Amounts, or to Imprisonment Defining certain Offences in Streets and public Places and their Punishment.

[Local.] 44 D for

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for a Period not exceeding the respective Periods, herein-after mentioned; namely,

To a Penalty of Five Pounds, or alternatively, without Penalty, to Imprisonment for Thirty Days :

- (1.) Every Person who wantonly injures any Lamp or Lamp Post :
- (2.) Every Person who recklessly or furiously rides or drives any Horse or other Animal :
- (3.) Every Person who wilfully and indecently exposes his Person.

To a Penalty of Five Pounds, or, in default of Payment, to Imprisonment for Thirty Days :

- (4.) Every Person who allows any ferocious, rabid, or vicious Dog to be at large, or who, after Proclamation by the Magistrates directing Dogs to be confined on account of Suspicion of Canine Madness, does not conform to the Requirements of such Proclamation, or who, having the Care of a Waggon, Cart, or Carriage, with a Dog fastened thereto, does not fasten such Dog so as to prevent him from reaching beyond any Part thereof :
- (5.) Every Person who fails to protect by means of a sufficient Iron Grating or other Covering any Opening in the Foot Pavement which he is authorized to make or use, or who fails to protect by means of a sufficient Fence any Area, Pit, or Sewer of which he has Charge, or who leaves such Area, Pit, or Sewer without a sufficient Light after Sunset :
- (6.) Every Person who without Authority encroaches on any Road, Street, or Court.

To a Penalty of Forty Shillings, or, in default of Payment, to Imprisonment for Fourteen Days :

- (7.) Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or writes or draws any indecent or obscene Word, Figure, or Representation on any Wall, Fence, or Building, or sings or recites any profane or obscene Song or Ballad, and every Person who uses any profane, indecent, or obscene Language to the Annoyance of any other Person :
- (8.) Every Person who disregards or wilfully or negligently commits a Breach of any Proclamation of the Lord Provost and Magistrates of Glasgow for regulating the Route to be observed by Waggon, Carts, or Carriages, Horses, and Persons, or for preserving Order in Times of Public Processions, Rejoicings, Illuminations, or other large Meetings or Assemblages, or a Breach of any Orders of the Board or Directions of the Chief Constable for regulating such Route and preserving Order in approaching or leaving Places of public Resort, or a Breach of any Orders of the Board or Directions

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Directions of the Master of Works for regulating such Route and preserving Order during the Repair of any Road, Street, or Court, or any Regulations issued by the Board (which they are hereby authorized to make and publish) for regulating the Traffic in any Part of the City requiring special Regulation :

- (9.) Every Person having the Care of any Waggon, Cart, or Carriage drawn by One or more Horses or other Animals who does not provide or use Bridles or Reins, with proper Bits, sufficient to enable him to regulate the Speed thereof :
- (10.) Every such Person who, not using Reins, does not walk on the Causeway close to the Side of the Shaft or Wheel Horse or Animal drawing the said Waggon, Cart, or Carriage, if there be only One, or the Side of the Shaft or Wheel Horse or Animal drawing the foremost Waggon, Cart, or Carriage, if there be more than One :
- (11.) Every such Person who, having double Reins, quits hold thereof, or who drives from any other Place than the fore Part of the said Waggon, Cart, or Carriage, if there be only One, or from the fore Part of the foremost of the said Waggons, Carts, or Carriages, if there be more than One, or who in driving sits or stands in such a Position thereon as not readily to see before and on either Side of him, or rides on the Shafts of any Waggon, Cart, or Carriage :
- (12.) Every such Person who at One Time leads or drives Two Waggons, Carts, or Carriages, any One of which is drawn by more than One Horse or other Animal, or who leads or drives more than Two Waggons, Carts, or Carriages drawn by One Horse or other Animal respectively, or who has not the Halter of the Horse or other Animal drawing the hindmost securely fastened to the Back of the foremost Waggon, Cart, or Carriage, or who has such Halter of a greater Length from such Fastening to the Head of such Horse or other Animal than Four Feet :
- (13.) Every such Person who in meeting any other Waggon, Cart, or Carriage does not keep to the Left or Near Side, or who in passing any other Waggon, Cart, or Carriage does not keep to the Right or Off Side of the Road or Street, or who wilfully or negligently prevents any other Waggon, Cart, or Carriage from passing, or causes Obstruction to the Traffic by driving in the Centre of the Road or Street in a crowded Thoroughfare :
- (14.) Every such Person who, by entering a Road or Street where there is not sufficient Room for Two Waggons, Carts, or Carriages to pass, wilfully and unreasonably prevents the Exit from or the Passage along the same of another Waggon, Cart, or Carriage previously therein, or who, by
unreasonably

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- unreasonably delaying to leave such Road or Street, wilfully prevents the Entrance into or the Passage along the same of another Waggon, Cart, or Carriage :
- (15.) Every such Person who falls asleep, or who leads or drives any Waggon, Cart, or Carriage under his own Charge abreast of another or not in Line, or who, when required by any Constable, refuses to allow a free Space between every Two of such Waggons, Carts, or Carriages for the Purpose of crossing, or who does not give his Name and Address when required by any Person reasonably apprehending Danger :
- (16.) Every such Person who suffers any Waggon, Cart, or Carriage, and every Person having Care of any Sledge, Truck, or Barrow, who suffers the same to stand longer than is necessary for loading or unloading Goods, or for taking up or for setting down Passengers (except Hackney Carriages standing for Hire in any Place appointed for that Purpose under the Provisions of this Act) :
- (17.) Every Person who in conveying or causing to be conveyed any Fulzie, Dung, Refuse, or other offensive Matter or Thing in any Waggon or Cart causes or allows any Matter, solid or liquid, to run out thereof :
- (18.) Every Person who conveys or causes to be conveyed any long, large, or heavy Article otherwise than upon or suspended to a wheeled Carriage or wheeled Carriages properly constructed for the Purpose, so that no Part of such Article projects more than One Foot laterally beyond such Wheels or beyond the Shafts of such Carriage or Carriages, and so that no Part of such Article is more than Twelve Feet before or behind the Axle of such Carriage or Carriages, unless it is guided by some qualified Person in addition to the Person having Care of such Carriage, if only One Carriage is used, or by Two or more Persons, if more than One is used, or who does not sufficiently secure such Article by Chains or Ropes, and provide and use Means for protecting the Public against the Risk of Injury :
- (19.) Every Person who, by means of any Waggon, Cart, Carriage, Sledge, Truck, or Barrow, wilfully interrupts a public Crossing of any Road or Street :
- (20.) Every Person who in raising or lowering or causing to be raised or lowered any Article to or from any Building by means of a Chain or Rope does not sufficiently secure such Article, and provide and use Means for protecting the Public against the Risk of Injury :
- (21.) Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Bar of Iron, Metal, Pipe, or Tube, or any sharp-edged or pointed

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pointed Tool or Instrument, or any Carriage, Carriage Wheel, Sedan Chair, Bier, or Barrow, or other Article calculated to cause Danger or Annoyance to Passengers, upon the Foot Pavement of any Road or Street or in any Court, except for the Purpose of directly crossing such Footway or Foot Pavement, or of traversing such Court, or who rolls any Barrel along any Road, Street, or Court for any greater Distance than Thirty Yards :

- (22.) Every Person who suffers to be at large and unattended any Horse or other Animal of Burden or Draught, or who shoes, bleeds, or farries (except in Cases of Accident), or cleans, dresses, trains, or breaks, any such Horse or Animal, or who suffers to be at large and unattended any domestic Four-footed Animal used for the Food of Man, or who exposes for Show, Hire, or Sale, except in a Market, or Market Place or Fair, lawfully appointed for that Purpose, any such Animal, whether used for Burden or Draught or for Food :
- (23.) Every Person who conveys or causes to be conveyed from any One of the Slaughter-houses any Carcase or Part of a Carcase, unless in a covered Cart or so covered with a clean Cloth as to be wholly concealed :
- (24.) Every Person who in any Road, Street, or Court kills any Animal, except in Cases specially provided for in this Act, or scalds, singes, dresses, or cuts up any Animal or any Part thereof :
- (25.) Every Person who leaves unattended on any Road, Street, or Court, or does not immediately remove therefrom, any Furniture, Goods, Wares, or Merchandise, or any Barrow or Truck, or any Cask, Tub, Basket, Pail, Bucket, or other Article, or who places or uses on the Foot Pavement of any Road, Street, or Court any Standing Place, Stool, Bench, Stall, or Showboard, or who places over or along any such Foot Pavement any Blind, Shade, Covering, Awning, Lamp, Lamp Reflector, or other Projection, unless such Blind, Shade, Covering, Awning, Lamp, Lamp Reflector, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground :
- (26.) Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever so that the same projects into or over the Foot Pavement of any Road, Street, or Court, or beyond the Line of any House, Shop, or Building at which the same are so exposed :
- (27.) Every Person who affixes or causes to be affixed to any Building any Sign or Signboard without the Consent of the Proprietor and Occupier, or who affixes or causes to be

[*Local.*]44 *E*

affixed

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- affixed or suffers to remain such Sign or Signboard otherwise than flat against the Wall of such Building :
- (28.) Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint, or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or, without the Consent of the Proprietor and Occupier, to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing :
- (29.) Every Person who places any Line, Cord, or Pole across or over any Road, Street, or Court which is a Thoroughfare, or hangs or places any Clothes thereon :
- (30.) Every Prostitute or Nightwalker loitering in any Road, Street, Court, or Common Stair, or importuning Passengers for the Purpose of Prostitution :
- (31.) Every Person who is drunk and incapable of taking care of himself or of any Animal or Article in his Charge :
- (32.) Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or sets off any Fire Balloon, or throws or sets fire to any Firework, on any Road, Street, or Court, or from any Building adjoining the same, or who suffers any Building or Place to be used for that Purpose, or who makes any Bonfire on any Road, Street, or Court :
- (33.) Every Person who pulls or rings any Door Bell, or knocks at any Door for the Purpose of begging, or on the Pretence of buying or selling old Clothes, or of hawking or collecting any Article, or who in any other similar Manner disturbs any Inhabitant without reasonable Excuse, or who without Authority extinguishes the Light of any Lamp :
- (34.) Every Person who throws any Snowball, Stone, or other Missile, or flies any Kite, or makes or uses any Slide, or throws upon the Foot Pavement any Orange Skin or other Thing causing Danger to Passengers :
- (35.) Every Person who makes any Hole or Opening, or who throws or lays down or causes to be thrown or laid down any Building Materials, or who slacks, sifts, or screens, or causes to be slacked, sifted, or screened, any Lime, in any Road, Street, or Court, except under the Powers of any Local Act of Parliament, or by the Authority of the Dean of Guild, or with the written Consent of the Master of Works, or in compliance with a Notice given by him in manner herein-after provided, or who does not hoard or fence and light such Hole or Materials in the same Way as the
the

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the Portion of a Street used by the Authority of the Deacons of Guild during the Erection or Alteration of any Building is directed by this Act to be hoarded, fenced, and lighted, or who suffers such Hole or Materials to remain a longer Period than is necessary :

- (36.) Every Person who throws or lays down, or causes to be thrown or laid down, on any Road, Street, or Court any Articles (other than Building Materials), except for the Purpose of housing or removing the same, or who suffers such Articles to be or to remain for a longer Period than is necessary :
- (37.) Every Person who throws or lays down, or causes to be thrown or laid down, on any Road, Street, or Court, except necessarily for the Purpose of Removal, the Cleanings of any common or private Sewer, or any Horse, Cow, or Swine Dung, or the Refuse of public Slaughter-houses, or of Breweries, Tan Works, and Chemical Works, or other offensive Refuse, or who suffers the same to remain after Nine o'Clock in the Morning, or who causes or suffers any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill into any Road, Street, or Court : Provided that it shall not be deemed an Offence to lay Sand or other Materials in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases :
- (38.) Every Person who uses or causes to be used any strong Fire in any Forge, Foundry, Smithy, Cooperage, or other Place, and who does not so far as practicable effectually prevent the Light of such Fire from glancing or shining across or along any Road, Street, or Court :
- (39.) Every Person who on any Turnpike Road, Street, or Court cleans, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone :
- (40.) Every Person who beats or shakes any Carpet, Rug, or Mat, except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning :
- (41.) Every Person who fixes or places any Flower Pot or Box or other heavy Article on any upper Window without sufficiently guarding the same against being blown or thrown down :
- (42.) Every Person who unnecessarily, or without taking due Precaution to prevent Accidents, throws or causes to be thrown from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, Dung, Ashes, Water, or other Thing :

(43.) Every

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(43.) Every Occupier of any Building or Part of a Building who causes or suffers any Female to stand on the Sill of any Window in order to clean, paint, or perform any Operation upon the Outside of such Window, or upon any other Building, unless such Window be in the Sunk or Basement Storey :

(44.) Every Person who injures or who locks or unlocks or otherwise interferes with any Iron Gate erected by the Board in pursuance of the Provisions of this Act.

To a Penalty of Twenty Shillings, or to Imprisonment for Seven Days :

(45.) Every Person who wilfully or wantonly continues by loud Calls or Noises, whether by the Voice, or by Horns, Bells, or other Instruments, and whether for the Purpose of proclaiming Sales, or of hawking or collecting Articles or otherwise, to cause Annoyance or Disturbance to the Proprietor or Occupier of any Building or Part of a Building, after having been requested by him personally or through his Servant or a Constable to cease :

(46.) Every Person who wilfully or wantonly continues to play any Organ or other Instrument of Music, or to sing opposite or near any Building, to the Annoyance or Disturbance of the Proprietor or Occupier of any Part of such Building, after having been requested by him personally or through his Servant or a Constable to depart :

(47.) Every Person who occasions any kind of Obstruction, Nuisance, or Annoyance in any Road, Street, Court, or Common Stair, or obstructs or incommodes, hinders, or prevents the free Passage along or through the same, or prejudices or annoys in any Manner whatsoever any other Person using the same.

XI.

OFFENCES AGAINST CERTAIN GENERAL ACTS.

Offences
against the
Acts relating
to Public
Houses to be
tried as
Police
Offences.

150. All Offences committed within the City against the Acts relating to Publicans and Retailers of Ale, Beer, Spirits, Wine, and other exciseable Liquors passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, Chapter Fifty-eight, and in the Eleventh and Twelfth Year of the Reign of Her present Majesty, Chapter Forty nine, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-seven, and the Act passed in the Twenty-fifth and Twenty-sixth Year of the Reign of Her present Majesty, Chapter Thirty-five, may be tried by the Magistrate as Police Offences.

151. All

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151. All Offences against the Provisions of "The Locomotives Act, 1861," or of "The Locomotives Act, 1865," may be tried by the Magistrate as Police Offences, and the Penalties may be recovered and applied in the same Way as Penalties for Police Offences under this Act. Offences under Locomotives Acts.

152. All Offences committed within the City against the Provisions of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Eighty-four, intituled *An Act for preventing the Adulteration of Articles of Food or Drink*, may be tried by the Magistrate as Police Offences, and the Penalties may be recovered and applied in the same Way as Penalties for Police Offences under this Act. Offences under Adulteration of Food Act.

153. The Provisions of "The Cattle Sheds in Burghs (*Scotland*) Act, 1866," may be carried into effect and enforced in the City by the Magistrates Committee, and Offences against the same may be tried by the Magistrate as Police Offences, and the Penalties may be recovered and applied in the same Way as Penalties for Police Offences under this Act. Offences under Cattle Sheds in Burghs Act.

XII.

POLICE OF THE RIVER AND FIRTH OF CLYDE.

154. Whereas the Bailie of the River and Firth of *Clyde* and his Depute, elected annually by the Magistrates and Town Council of *Glasgow* under Royal Charter, have under the said Charter a Jurisdiction extending from *Glasgow Bridge* to the *Cloch Lighthouse*, and under Act of Parliament have a Jurisdiction extending from the Eastern Termination of the Harbour of *Glasgow* to the Southernmost Point of the Island of *Little Cumbrae* in the said Firth of *Clyde*, and Offences against "The *Clyde* Navigation Consolidation Act, 1858," and the Byelaws enacted in virtue of the said Act by the Trustees of the *Clyde* Navigation, and also by the Pilot Board of the River and Firth of *Clyde*, and Crimes and Offences within the said Jurisdiction from *Glasgow Bridge* to the *Cloch Lighthouse*, and Offences against the said Act and the said Byelaws of the said Trustees and Pilot Board respectively between the Easternmost Point of the Harbour of *Glasgow* and the Southernmost Point of the Island of *Little Cumbrae*, fall to be tried by the said Bailie of the River or his Depute, or before the Sheriff of the County, or before the Bailies of *Greenock*, *Port Glasgow*, *Dumbarton*, or *Rothesay*, and it is expedient that the Police acting within the said Jurisdictions should be disconnected from the said Trustees of the *Clyde* Navigation: From and after the Date of this Act coming into operation the Provisions of "The *Clyde* Navigation Consolidation Act, 1858," authorizing the Establishment and Maintenance of a separate Police Force, and that

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Portion of Section Sixth thereof which excepts the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Police of the Harbour, Dock, or Pier, from being incorporated with the said "*Clyde Navigation Consolidation Act, 1858*," shall be and are hereby repealed, and the Preservation of the Peace and the Detection of Crimes and Offences within the Broomielaw and Harbour of *Glasgow* as defined by the said Act, and within the said Jurisdictions, and on board the Shipping therein (but without Prejudice to the Powers and Jurisdiction now belonging to or exercised by the said Sheriff, or by the Bailies of *Greenock, Port Glasgow, Dumbarton, or Rothesay*, under the Byelaws and Regulations passed or to be passed by the Pilot Board of the River and Firth of *Clyde*), shall pertain and belong to the Police Force constituted by this Act; and the Chief Constable shall provide a Division of the Police of the City specially qualified for this particular Duty, to be designated "the Marine Division," and the Officers and Constables appointed under this Act shall be and have the Powers of Officers of the Court of the Bailie of the River and Firth of *Clyde*.

As to Enforcement of Byelaws made by Clyde Trustees.

155. The Magistrates Committee and the Trustees acting under the said *Clyde Navigation Consolidation Act* shall from Time to Time fix and determine what Part or Portion of the Byelaws enacted in virtue of the said *Clyde Navigation Consolidation Act*, or the Acts therein referred to by the said Trustees, shall be enforced by the Police constituted by this Act, and in the event of their differing in Opinion such Difference shall be determined by the Sheriff of the County of *Lanark* for the Time being: Provided always, that it shall not be competent to alter or interfere with the Byelaws and Regulations passed or to be passed by the Pilot Board for the River and Firth of *Clyde*, or with the Statutory Powers now enjoyed by the said Board to pass such Byelaws and Regulations in Terms of the said Act, nor shall any Arrangement between the said Magistrates Committee and the said Trustees prejudice or affect the Enforcement of the Byelaws and Regulations of the said Board.

Offences against Byelaws relating to Navigation may be tried as Police Offences.

156. All Offences against the Provisions of "*The Clyde Navigation Consolidation Act, 1858*," or of any Act incorporated therewith, or against any Byelaw made in virtue of the said Acts, may be tried in the same Way and Manner and subject to the same Procedure as Police Offences, and the Fines imposed in respect thereof shall, with the Exception of the Fines or Penalties imposed or to be imposed by or under the Byelaws and Regulations passed or to be passed by the Pilot Board for the River and Firth of *Clyde*, belong to the Board, and be accounted for to them in the same Way and subject to the same Regulations as Penalties for Police Offences under this Act.

157. The

The Glasgow Police Act, 1866.

157. The Board shall pay to the Magistrates and Town Council of *Glasgow* the Monies expended by them since the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and to be expended by them up to the Date of this Act coming into operation, for or in connexion with the Court of the Bailie of the River and Firth of *Clyde* as the same may be certified by the Chamberlain of the City.

Board to repay Expense of River Bailie Court. . .

XIII.

PREVENTION AND SUPPRESSION OF FIRES.

158. The Board shall provide and maintain such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, as they consider necessary, and may purchase, keep, or hire Horses for drawing the said Engines, and by Agreement with the Owners, Lessees, and Occupiers purchase or hire Places for keeping the said Horses, Engines, Appurtenances, Fire Escapes, and Implements.

Fire Engines and other Implements to be provided by the Board.

159. The Inspector of Fires shall be responsible to the Board for the Maintenance of the said Establishment in a complete State of Efficiency, and for the good Conduct of the Firemen appointed by him, and he shall make Provision for securing a speedy Attendance of Firemen with Engines and their Appurtenances, and with Fire Escapes and other Implements, on every Alarm of Fire within the City, and he may send such of the Engines under his Charge with their Appurtenances and such of the Firemen appointed by him as he can spare beyond the City for the Purpose of extinguishing Fire.

Duties of Inspectors of Fires.

160. The Board may enforce against the Commissioners acting under "The *Glasgow* Corporation Waterworks Act, 1855," the Provisions of "The Waterworks Clauses Act, 1847," with respect to the providing, affixing, maintaining, and giving public Notice of Fireplugs, and to a proper Supply of Water for the Extinction of Fires; and the Expression "Town Commissioners" in that Act shall mean the Board.

Power to Board to enforce Provisions of Waterworks Clauses Act.

161. The said Inspector shall report in Writing to the Board every Defect in the Number, Position, Construction, or Maintenance of the Fireplugs, or in the Supply of Water for the Extinction of Fires, in order that they may get the same remedied.

Inspectors to report as to Fireplugs and Supply of Water.

162. The said Inspector and Firemen shall be sworn in as Special Constables, and shall be entitled to act along with or in the Absence of the Constables appointed by the Chief Constable on all Occasions of

Inspector and Firemen to be sworn in as Special Constables.

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of Fire, and the said Inspector shall on such Occasions have the Rank and Power of a Superintendent.

Powers of
Inspector
and Firemen.

163. The said Inspector and the Firemen appointed by him may take any Measures which appear expedient for extinguishing or preventing the Extension of or diminishing the Loss caused or likely to be caused by any Fire, and protecting the Lives and Property of the Inhabitants; and any Damage occasioned by the said Inspector or Firemen in the due Execution of their Duty shall be deemed to be Damage by Fire.

Power to
Inspector to
employ addi-
tional Fire-
men on
Emergency.

164. The said Inspector may employ any additional Number of Persons he thinks proper on the Occasion of any Fire, although not regularly appointed as Firemen or sworn in as Special Constables, but he shall, as soon as may be, report the Names of such Persons to the Board.

Estimate of
Expense
attending
each Fire to
be made by
Inspector.

165. The said Inspector shall make up and deliver to the Board a Statement of the whole Expense attending each Fire, which shall include the Wages payable to the Firemen and other Persons employed at it, the Rewards or Premiums which he recommends to be given to such Firemen and other Persons, the Outlay incurred in taking them and the Engines to the Spot where such Fire occurred, and in obtaining a Supply of Water and other the like Expense, and such Statement, in so far as approved of or as altered by the Board, shall be *primâ facie* Evidence of the Amount of Expenses attending the said Fire.

Providing
for Payment
of Costs of
extinguish-
ing Fires
within the
City.

166. The Proprietor and Occupier of every Land or Heritage within the City in which a Fire breaks out shall be jointly and severally liable to pay to the Treasurer as a Contribution towards such Expenses the Sum of Fifteen Pounds Sterling, or whatever less Sum is equal to One Half of the said Expenses.

Providing
for Payment
of Costs of
extinguish-
ing Fires
beyond the
City.

167. The Proprietor and Occupier of every Land or Heritage beyond the City in which a Fire breaks out, and to which any Engine and Firemen are sent, shall be jointly and severally liable to pay to the Treasurer the whole Expenses attending the Fire, with the Addition of such a Sum, not exceeding Twenty-five *per Centum* on the Amount of the said Expenses, as shall in the first instance be fixed by the Board as a reasonable Contribution in respect of the Tear and Wear of the Engines with their Appurtenances, and of the ordinary Expense of supporting the Establishment.

In case of
Dispute,
Claim for

168. The Treasurer shall give Notice in manner herein-after provided to any Proprietor or Occupier of a Land or Heritage, either
within

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within or beyond the City, whom he intends to hold liable in Payment of the said Expenses, stating the Particulars and Amount thereof, and requiring immediate Payment; and if any such Proprietor or Occupier considers the Amount claimed to be excessive, or disputes the Propriety of sending Engines and Firemen to his Land or Heritage beyond the City, he may, within Ten Days after such Notice, appeal to the Sheriff, and the Sheriff shall thereupon decide such Appeal, and may grant Warrant for Recovery of any Amount awarded by him, with Expenses, in the same Way as if the said Amount were due and in arrear as an Assessment, or may allow Expenses to the Appellant, and grant Warrant against the Board for Recovery thereof; but if such Appeal is not made, the Amount specified in the said Notice shall be deemed to be due, and shall be recoverable as Damages.

such Costs to be settled by the Sheriff.

XIV.

GENERAL PROVISIONS AS TO CERTIFICATES AND LICENCES.

169. The Provisions contained under this Head shall, after the Date of this Act coming into operation, apply to every Person who keeps, uses, or lets for Hire within the City any Stage Carriage or any Hackney Carriage without a Licence for the same granted by the Board of Inland Revenue or by the Magistrates of *Glasgow*, and to every Person who retails within the City Gunpowder without a Licence for the Building or Part of a Building in which such Gunpowder is stored or retailed, and to every Person who carries on within the City any of the Trades herein-after mentioned.

Application of Provision under this Head.

170. Every Person desirous of keeping, using, or letting for Hire any Stage Carriage or any Hackney Carriage as more particularly defined in the special Provisions relating thereto, and of having the same licensed, shall make an Application in Writing to the Magistrates Committee for a Certificate in the Case of a Stage Carriage, and for a Licence in the Case of a Hackney Carriage, and shall sign such Application, and deliver it to the Clerk.

Persons desirous of keeping a Stage or Hackney Carriage to obtain a Certificate or Licence.

171. Every Person desirous of retailing Gunpowder, as more particularly defined in the special Provisions relating thereto, shall make an Application in Writing to the Magistrates Committee for a Licence of the Building or Part of a Building in which such Gunpowder is to be stored or retailed, and deliver it to the Clerk.

Persons desirous of retailing Gunpowder to obtain a Licence for the Premises.

172. Every Person desirous of carrying on within the City any of the following Trades, as more particularly defined in the special Provisions relating thereto, shall make an Application in Writing to

Persons desirous of carrying on certain

[*Local.*]

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the

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Trades to be licensed.

the Magistrates Committee for a Licence, and shall sign such Application, and deliver it to the Clerk ; namely, the Trades of a Broker, a Retailer of Fireworks, a Driver of a Stage or Hackney Carriage, and a Porter or public Carter standing for Hire in any public or private Street or Court, or a Chimney Sweep.

Form and Contents of Application for Licence.

173. Every Application for a Certificate or for a Licence shall be in such Form and shall state such Particulars as the Magistrates Committee may from Time to Time direct, and they shall exercise a discretionary Power in granting or refusing such Application ; and in the Case of Drivers of Stage or Hackney Carriages, and Porters or public Carters, or Chimney Sweeps, the Magistrates Committee may authorize the Licences to be granted or refused by the Chief Constable or other Officer to be appointed by them, subject to such Regulations as they may deem expedient.

Particulars to be given in Certificate.

174. The Magistrates Committee shall specify in every Certificate issued by them the Person to whom a Licence may be granted, and the Persons (if any) who are to carry on Business along with him, and the maximum Number of Persons to be carried in or upon such Carriage.

Upon Production of Certificate a Licence to be granted by Inland Revenue.

175. Upon Production of the said Certificate at the Office of the Board of Inland Revenue a Licence shall be granted in conformity therewith, but it shall not be lawful for the Board of Inland Revenue to grant or issue any Licence unless the Person applying for the same produces such Certificate.

In certain Cases a Bond of Caution to be given.

176. The Magistrates Committee may, as a Condition of granting a Licence to any Porter, public Carter, or Chimney Sweep, require a Bond of Caution for the Honesty and good Conduct of the Applicant ; and if such Applicant having been licensed is found guilty of Dishonesty, or if he is twice convicted of any Police Offence, it shall be lawful for the Magistrate to declare the Sum contained in such Bond forfeited, and to order the Cautioner to make Payment thereof to the Treasurer within Six Days after Intimation of such Order to him, and after the Lapse of such Period to enforce Payment thereof in the same Way as of Bonds of Caution granted for the Appearance of Persons accused of Police Offences.

Conditions of Licence to be specified therein.

177. The Magistrates Committee shall specify in every Licence issued by them the Particulars required to be stated in the Application for the same, or such of the said Particulars as have been found to be correct and approved of, which shall be deemed Conditions on which such Licence shall be accepted and used ; and every such Licence which relates to a Carriage shall specify the Number to be affixed thereto.

178. Any

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178. Any Person to whom a Certificate or Licence for carrying on any of the aforesaid Trades is issued in pursuance of the Provisions of this Act who changes his Place of Abode shall, within Seven Days next after such Change, give Notice thereof in Writing to the Registrar, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence at the Office of the Registrar, who shall endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any such Person who changes his Place of Abode, and omits to give Notice of such Change or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Five Pounds.

Notice of
Change of
Abode.

179. Before any Person holding a Licence for a Building or Part of a Building in which Gunpowder is to be stored or retailed, or any Person licensed as a Broker or a Retailer of Fireworks, makes or suffers to be made any Alteration on the Premises occupied by him, he shall apply in Writing to the Magistrates Committee for their Approval, and shall specify in such Application the Nature of the proposed Alteration, and the Magistrates Committee may approve of such Alteration, and direct the Registrar to endorse their Approval on the Licence; and every such Person who makes or suffers to be made any Alteration on his Premises without applying to the Magistrates Committee, or before their Approval is obtained, shall be liable to a Penalty not exceeding Forty Shillings, or, except in the Case of a Retailer of Gunpowder, to Imprisonment for a Period not exceeding Fourteen Days.

Alteration on
Premises to
be first
approved of
by Magis-
trates Com-
mittee.

180. The Magistrate may suspend for any Period he may deem proper any Licence for carrying on any of the aforesaid Trades, or any Certificate granted by the Magistrates Committee, if in his Opinion, after affording to the Person to whom such Certificate or Licence has been granted an Opportunity of being heard, his Conduct as appearing from the Proceedings in any Case tried before such Magistrate merits Suspension; but if the Period of such Suspension exceeds Fourteen Days, the Magistrates Committee may, on the Expiry of that Period, recall such Suspension, on considering an Application by such Person, and hearing the Procurator Fiscal thereon.

Licence may
be suspended
by the
Magistrate.

181. The Magistrates Committee, on a Representation by the Chief Constable that any Person holding a Licence granted in pursuance of this Act has altered the Premises occupied by him without their Approval, or that he carries on any Part of his Trade in Premises not described in his Licence, or that he is not in some other respect acting in conformity with the Conditions specified therein, or in any Certificate granted

Licence may
be suspended
or revoked
by the
Magistrates
Committee.

The Glasgow Police Act, 1866.

granted to him, or the Provisions of this Act, or of any Byelaws made in pursuance thereof, may cause the Clerk to give Notice in manner herein-after provided to such Person requiring that such Ground of Complaint be removed within Seven Days; and if the Person to whom such Notice is given do not within such Period apply to the Magistrates Committee to be heard thereon, and do not satisfy the Magistrates Committee that the Ground of Complaint is unfounded, or remove the same, they may on the Expiry thereof cause the Clerk to give, in manner herein-after provided, another Notice to such Person suspending for such Time as they deem proper or revoking the Licence held by him: Provided that the Clerk shall give Notice, in manner herein-after provided, to the Board of Inland Revenue in every Case of the Suspension or Revocation of any Certificate or Licence granted by the Magistrates Committee, and of the Time for which it is suspended.

By whom
Certificates
and Licences
to be made
out.

182. Every Certificate and every Licence shall be made out by the Registrar, and shall be either sealed with the Corporate Seal or signed by the Registrar; and a Fee shall be payable for each Certificate or Licence, the Amount of which may from Time to Time be fixed by the Magistrates Committee, and be varied according to the Trade to which it relates, but shall in no Case exceed Two Shillings and Sixpence.

Duration of
Certificates
and Licences.

183. Every Certificate and Licence, unless suspended or revoked in manner herein mentioned, shall continue in force for One Year from its Date, or, in the Option of the Magistrates Committee, until the next General Licensing Meeting.

Penalty for
trading
without a
Licence.

184. Every Person who keeps, uses, or lets for Hire within the City any Stage or Hackney Carriage, or who carries on any of the Trades herein-before mentioned, without a Certificate or Licence, or during the Time that such Certificate or Licence is suspended, or after it has been revoked, or who in his Application to the Magistrates Committee untruly or incorrectly states any Particular which he is by the Magistrates Committee required to state therein, shall be liable to a Penalty not exceeding Five Pounds for the First Offence, and to a Penalty not exceeding Ten Pounds for each subsequent Offence.

Penalty for
retailing
Gunpowder
without a
Licence.

185. Every Person who retails Gunpowder without a Licence, or during the Time that such Licence is suspended, or after it has been revoked, or who in his Application to the Magistrates Committee untruly or incorrectly states any Particular which he is by this Act or by the Magistrates Committee required to state therein, shall for each such Offence be liable to a Penalty not exceeding Twenty Pounds.

186. It

The Glasgow Police Act, 1866.

186. It shall be the Duty of the Registrar to keep separate Registers of every Class of Certificates and Licences granted by the Magistrates Committee in pursuance of this Act, and to enter therein, in Columns provided for the Purpose, the Particulars of each such Certificate or Licence, and of any Police Offence committed by the Holder thereof or by any Person named therein, and any Suspension or Revocation of such Certificate or Licence, and such Registers shall at all reasonable Hours be accessible to every Person for Inspection without Fee or Reward.

Separate Registers of every Class of Certificates and Licences to be kept.

XV.

SPECIAL PROVISIONS—WEIGHTS AND MEASURES, SALE OF COALS.

187. The Inspector or Inspectors of Weights and Measures appointed by the Magistrates Committee shall be entitled to act, to the Exclusion of all others, as Inspector or Inspectors for the Purpose of carrying into effect within the City the Provisions of the Public General Acts relative to Weights and Measures passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, Chapter Seventy-four, the Sixth Year of the said Reign, Chapter Twelve, the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-three, the Sixteenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, Chapter Seventy-two, and the Twenty-second and Twenty-third Year of the Reign of Her present Majesty, Chapter Fifty-six, and shall also carry into effect the Provisions of this Act with reference to Weights and Measures, and any Byelaws relating thereto made in pursuance of this Act, and shall be responsible to the Chief Constable that the said several Acts and Byelaws are duly enforced and executed.

Inspectors appointed by Magistrates Committee to be alone entitled to act within the City.

188. All Offences against the said Acts within the City shall be deemed Police Offences, and shall be exclusively tried by the Magistrate: Provided that it shall not be lawful for any Constable to take into Custody any Person accused or suspected of having committed an Offence against the said Acts, except in pursuance of a Warrant granted by the Magistrate.

Offences against the Public Acts relating to Weights and Measures to be tried as Police Offences.

189. Every Inspector of Weights and Measures may at all reasonable Hours enter any Building or Part of a Building or other Place in which any Article is sold or is made up or kept or exposed for Sale by Weight or Measure, or in which Articles are sold or are set apart or kept or exposed for Sale in Numbers, or in which any Article is weighed or measured, or any Articles are numbered, with a view to their being bought or sold, and require such Article or Articles to

Penalty for deficient Weight, Measure, or Number.

[*Local.*]

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The Glasgow Police Act, 1866.

be weighed, measured, or numbered in his Presence; and if the Weight, Measure, or Number thereof, when so ascertained, does not correspond with the Weight, Measure, or Number thereof which has been represented by the Person who has sold or made up, or kept or exposed the same for Sale, or who weighed, measured, or numbered the same with a view to Purchase or Sale, such Inspector may seize, impound, and convey such Article or Articles to the Police Office, and the Magistrate may sentence the Person who has sold or made up or kept or exposed the same for Sale, or who has incorrectly weighed, measured, or numbered the same with a view to Purchase or Sale, to a Penalty not exceeding Five Pounds, or to Imprisonment for any Period not exceeding Thirty Days, and to declare such Article or Articles, in so far as belonging to such Person, to be forfeited, unless such Person shall prove to his Satisfaction that the Deficiency in Weight, Measure, or Number has arisen without any fraudulent Intent.

Public
Weighing
Machines to
be provided
by Board.

190. The Board shall for the Purposes herein-after mentioned erect and maintain upon or adjacent to any of the public Streets or at any other convenient Place within the City, not being upon the Quays of the Harbour of *Glasgow*, nor upon the Quays or Wharves belonging to the Company of Proprietors of the *Forth and Clyde* Navigation, nor upon any Turnpike Road, except with the Consent of the Trustees of such Road, or on private Property, such and so many stationary Steelyards, Scales, or other Weighing Machines and Houses for the Accommodation of the Persons in charge thereof as they think necessary, and may also cause to be made and may maintain such and so many portable Steelyards, Scales, or other Weighing Machines as they think necessary, and they shall appoint a proper Person to be Keeper of each of the said public Weighing Machines, with a suitable Allowance for his Trouble.

Duty of
Keepers of
Weighing
Machines.

191. It shall be the Duty of the Keeper of every public Weighing Machine, during such Hours as shall be fixed by the Board, to weigh every Waggon, Cart, or Carriage presented to him for that Purpose, and to enter in a Book, and also to give to the Driver, a Certificate of the Contents or Load of such Waggon, Cart, or Carriage, its gross Weight, its Number, or such other Particulars as shall identify it, the Tare Weight, if marked thereon, and the exact Time of weighing; for which Certificate he may and shall, if so directed by the Board, exact and on their Behalf receive from the Driver any Sums not exceeding the following; *viz.*,

If the nett Weight does not exceed Twelve Hundredweight, One Penny :

If the nett Weight exceeds Twelve but does not exceed Eighteen Hundredweight, Three Halfpence :

If

The Glasgow Police Act, 1866.

If the nett Weight exceeds Eighteen but does not exceed Twenty-four Hundredweight, Twopence:

If the nett Weight exceeds Twenty-four Hundredweight, Threepence:

But which Sums shall be repaid to the Driver by the Person receiving Delivery of the Contents or Load of the said Waggon, Cart, or Carriage.

192. Every Keeper of a public Weighing Machine who either through Fraud or culpable Negligence gives a Certificate specifying untruly or incorrectly any of the Particulars herein-before mentioned shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on Keepers of Weighing Machines for giving false Certificates.

193. Every Person who designedly does or omits to do anything with Intent that the true Weight or Measurement of any Article weighed at any of the public Weighing Machines shall not be ascertained, or who places or causes to be placed or knowingly suffers any Article to be in or about any Waggon, Cart, or Carriage weighed thereat other than the proper Load therein, or who alters the Tare or Weight or the Certificate denoting the Weight of such Waggon, Cart, or Carriage, or its Load, or who makes use or is privy to the making or using of any false or fraudulent Certificate respecting the Weight of any such Waggon, Cart, or Carriage, or its Load, or who aids or assists in or is privy to the Abstraction of any Part of such Load after weighing, or who uses or is privy to the using of any false or fraudulent Contrivance touching the Weight of any such Waggon, Cart, or Carriage, or its Load, or who knowingly assists in or connives at any Fraud in or concerning the Weight of any such Waggon, Cart, or Carriage, or its Load, or who knowingly aids or assists in the committing any Fraud respecting the Weight of any such Waggon, Cart, or Carriage, or its Load, weighed or stated or represented to be weighed at any such Machine as aforesaid, shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on every Party guilty of fraudulent weighing.

194. Every Person who employs a Waggon, Cart, or Carriage to deliver an entire Load of any Article or Articles within the City, or who receives such a Load, may require that the same be weighed at such One of the said public Weighing Machines as is nearest and most convenient to the Driver; and if the Driver does not immediately get the same weighed on the Expense of the Certificate of weighing being tendered to him he shall be liable to a Penalty not exceeding Forty Shillings.

The Sender or Receiver of any Article in bulk may require it to be weighed.

195. Any Constable who suspects that Part of the Load of any Waggon, Cart, or Carriage has been fraudulently removed after weighing may require the Driver to deliver to him the Certificate of weighing,

Re-weighing may be required if Fraud suspected.

The Glasgow Police Act, 1866.

weighing, and may cause the said Waggon, Cart, or Carriage, and its Load, to be re-weighed at the public Expense; and any Driver who does not deliver such Certificate, or does not allow the said Waggon, Cart, or Carriage to be re-weighed at the nearest and most convenient public Weighing Machine, shall be liable to a Penalty not exceeding Forty Shillings.

Regulating Sale and Delivery of Coal.

196. It shall not be lawful to sell Coal within the City except by Weight, or to deliver Coal within the City exceeding Five Hundredweight except in a Waggon, Cart, or Carriage which either belongs to the Purchaser or has been numbered and weighed at One of the public Weighing Machines appointed for that Purpose by the Board, and has the true Number and Weight as so ascertained and the Name and Address of the Owner conspicuously marked thereon, and recorded in a Book kept by the Registrar; and any Person who sells Coal for Delivery within the City otherwise than by Weight, or who delivers Coal within the City exceeding Five Hundredweight except in a Waggon, Cart, or Carriage which either belongs to such Purchaser or is so marked, shall be liable to a Penalty not exceeding Five Pounds.

Coal exceeding Five Hundredweight to be weighed before Delivery.

197. It shall not be lawful to deliver Coal within the City exceeding Five Hundredweight for domestic Consumption unless it has been weighed at One of the public Weighing Machines, and unless a Certificate of weighing is delivered therewith; and any Person who delivers or tenders for Delivery Coal exceeding Five Hundredweight for domestic Consumption without its having been so weighed, or does not deliver a Certificate of weighing along therewith, shall be liable to a Penalty not exceeding Forty Shillings.

Retailers of Coal in less Quantities than Five Hundredweight to keep Scales and Weights.

198. Every Person who sells Coals within the City in Quantities of less than Five Hundredweight shall have and keep Scales and Weights of the legal Standard, and shall weigh such Coal before Delivery, and where such Coal is sold or delivered from a Waggon, Cart, or Carriage, such Scales and Weights shall be attached thereto; and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previously to Delivery, shall be liable in respect of a First Offence to a Penalty not exceeding Forty Shillings, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds.

Board may make Byelaws for carrying into effect generally Provisions as to Weights and Measures.

199. The Board may from Time to Time (subject to the Restrictions of this Act) make Byelaws for regulating the Charges to be made for the Cartage and Delivery of Coal at Places within the City, and generally for carrying into effect the Objects and Purposes of the Provisions relating to Weights and Measures contained in the said Public General Acts and in this Act.

The Glasgow Police Act, 1866.

XVI.

SPECIAL PROVISIONS—PAWNBROKERS AND BROKERS.

200. In construing the general Provisions relating to Certificates and Licences, and the Provisions classed under this Head, the following Words shall have the Meanings herein-after attached to them, unless there be something in the Subject or Context repugnant to such Construction:

Interpre-
tation of
Terms as to
Licences, &c.

The Word "Pawnbroker" shall mean any Person who occupies and uses a Building or Part of a Building or other Place for the Purchase or Sale of any Article, or for taking in any Article by way of Security for Money advanced thereon, and who purchases or receives or takes in any Article, and pays or advances or lends thereon any Sum of Money not exceeding Ten Pounds, with or under any Agreement or Understanding, express or implied, or which from the Nature or Character of the Dealing may reasonably be inferred that such Article may be afterwards redeemed or re-purchased on any Terms whatever:

The Word "Broker" shall mean any Person who occupies and uses any Building or Part of a Building or other Place, including a Stall in a public Market, as a Dealer in Second-hand Goods or Articles, or in old Metals, Bones, or Rags.

201. Every Pawnbroker who is guilty of any of the following Acts or Omissions within the City shall in respect thereof be liable to a Penalty not exceeding Five Pounds:

Penalty on
Pawn-
brokers for
Offences
herein set
forth.

- (1.) If he acts as a Broker, except in the Sale of Articles *bonâ fide* forfeited in accordance with the Provisions of the Pawnbrokers Acts:
- (2.) If he carries on his Trade in Premises communicating with those of a Broker:
- (3.) If at any Time during his Hours of Business or at any other Time, without reasonable Excuse, he does not on Demand produce to any Constable and suffer to be examined his Books in which Articles purchased or taken in by him are entered, and produce to any Constable every or any Article which he has purchased or taken in, and which is in his Possession, regarding which Information has been given tending to show or to render it probable that the same has been stolen, embezzled, or fraudulently obtained, or does not, when required by any Constable, deliver every or any such Article for the Ends of public Justice to the Officer on Duty at the Police Office, who shall grant a Receipt therefor.

The Glasgow Police Act, 1866.

Penalty on
Pawn-
brokers and
Brokers for
Offences
herein set
forth.

202. Every Pawnbroker or Broker who is guilty of any of the following Acts or Omissions shall in respect thereof be liable to a Penalty not exceeding Five Pounds:

- (1.) If he carries on Business as a Publican or Retailer of exciseable Liquors:
- (2.) If by himself, or his Servant or any other Person in his Premises for whom in such Case he shall be responsible, he purchases, receives, or takes any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued as aforesaid, and legibly marked as or known by him to be so issued:
- (3.) If by himself, or his Servant or any such Person on his Premises for whom in such Case he shall be responsible, he purchases, receives, or takes in any Goods of any Manufacture, or of any Part or Branch of any Manufacture, either mixed or separate, or any Materials whatsoever, plainly intended or fitted for the composing or manufacturing of any Goods, after such Goods or Materials respectively are put into a State or Course of Manufacture, or into a State for any Process or Operation to be thereupon or therewith performed, and before such Goods or Materials are completed or finished for the Purpose of Wear or Consumption, or any Silk, Cotton, Linen, or Woollen Yarn, Leather, Metals, Marine Stores, or other such Article, unless he shall prove that such Goods, Materials, or other Article belonged to the Person from whom he so purchased, received, or took them in:
- (4.) If, after Notice given to him in manner herein-after provided by any Constable that certain Articles have been stolen, embezzled, or fraudulently obtained, he omits or fails to give Information at the Police Office of the District, without unnecessary Delay, that Articles of a like Description were offered to him, or were or are in his Possession, and to state the Name and Address given by the Person by and from whom the same were purchased, received, or taken in: Provided that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Penalty shall be exigible in respect of not reporting such Articles, unless it appears to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker:
- (5.) If he keeps or suffers to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals.

Pawn-
broker or

203. Every Pawnbroker or Broker who purchases, receives, or takes in any Article knowing that the same was stolen, embezzled, or fraudulently

The Glasgow Police Act, 1866.

fraudulently obtained, or that the Person from whom he so purchased, received, or took it in was fraudulently or unlawfully disposing thereof, or was not entitled so to dispose thereof, shall and may be proceeded against as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly.

Broker to be punishable as a Receiver of stolen Goods in certain Cases.

204. If any Pawnbroker or Broker, after Notice given to him in manner herein-after provided by any Constable of the Theft or of the embezzling or fraudulent Disposal of any Article, melts, alters, defaces, secretes, or puts away the same, or causes the same to be melted, altered, defaced, secreted, or put away, without having previously received the Permission of the Magistrate or the Chief Constable, and if it is found that such Article was stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same or by any other Person, it shall be held that such Pawnbroker or Broker knew that such Article was stolen, embezzled, or fraudulently disposed of, and such Pawnbroker or Broker shall and may be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly, and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, secreting, or putting away after receiving Information as aforesaid.

As to Proof of guilty Knowledge on part of Pawnbroker or Broker.

205. It shall be lawful for every Pawnbroker or Broker and he is hereby required to seize and detain any Person who offers to pawn, sell, or deliver to him any Article regarding which Notice has been given to him in manner herein-after provided tending to show or to render it probable that the same has been stolen, embezzled, or fraudulently obtained, or which he has reasonable Ground for suspecting was stolen, embezzled, or fraudulently obtained, and to deliver such Person to a Constable to be taken to the Police Office, and every Pawnbroker or Broker so acting shall be freed from Responsibility unless Malice be averred and proved.

Power to Pawnbroker or Broker to detain suspected Persons.

206. Every Broker who is guilty of any of the following Acts or Omissions shall in respect thereof be liable to a Penalty not exceeding Five Pounds, such Penalty to be in addition to any other Penalty to which he may be subject or liable under the Laws relating to the Inland Revenue :

Penalty on Brokers for Offences herein set forth.

If it be proved by the Oath of One or more credible Witnesses that he has acted as a Pawnbroker, or has received or taken any Article in Pledge :

If he carries on his Trade in Premises communicating with those of a Pawnbroker :

If he has not the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises in large Characters, either Black upon a White Ground or White upon a Black Ground :

If

The Glasgow Police Act, 1866.

- If he contravenes any of the Conditions specified in his Licence :
- If it be proved by the Oath of One or more credible Witness or Witnesses that by himself, or his Servant or other Person on his Premises for whom in such Case he shall be responsible, he carries on his Trade between Eleven o'Clock on *Saturday* Night and Eight o'Clock on the following *Monday* Morning, or between Ten o'Clock on any other Night and Eight o'Clock on the following Morning :
- If by himself or his Servant or any such Person he purchases any Article from any Person who is apparently under Fourteen Years of Age :
- If by himself or his Servant or any such Person he purchases, receives, or takes the Note or Ticket of any Pawnbroker for any Article which has been pawned, or contracts and negotiates in any Manner with the Holder of such Note or Ticket, or any Person on his Behalf, for the Purchase of any Article specified therein :
- If he omits to keep regular Books or to enter therein a proper and distinctive Description of any Article purchased or received by him or his Servant or any such Person, or in the Case of the Purchase or Receipt of a Lot of Books from any One Person a distinctive but general Description of such Lot immediately after such Purchase or Receipt, the Name and Place of Abode of the Person from whom he purchased or received the same, the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Article or Lot of Books :
- If at any Time during his Hours of Business or at any other Time, without reasonable Excuse, he does not on Demand produce the Books kept by him to the Chief Constable, or to any Constable acting under or appointed by him, and permit such Constable to subscribe his Name immediately after the last Entry therein :
- If he omits to enter in his Books a proper and distinctive Description of any Book or Lot of Books sold or suffered by him to be removed from his Premises within Seven Days after his Purchase or Receipt thereof, with the Name and Place of Abode of the Person to whom he has sold or delivered the same, and the Price paid or agreed to be paid for the same, or to make such Entry immediately after such Sale or Removal :
- If he omits to keep in his Premises any other Article purchased or received by him for the full Period of Seven Days after the Purchase or Receipt and the Entry thereof respectively, or if he sells or disposes of or allows such Article to be removed before the Expiry of that Period :
- If at any Time during his Hours of Business or at any other Time, without reasonable Excuse, he does not on Demand produce to the Chief Constable, or to any Constable acting under or appointed by

by

The Glasgow Police Act, 1866.

by him, every or any Article which he has purchased or taken in, and which is in his Possession, regarding which Information has been given tending to show or to render it probable that the same has been stolen, embezzled, or fraudulently obtained, or does not, when required by such Constable, deliver every or any such Article for the Ends of public Justice to the Officer on Duty at the Police Office, who shall grant a Receipt therefor.

XVII.

SPECIAL PROVISIONS—FIREWORKS AND GUNPOWDER.

207. The Provisions of the Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and of an Act amending the said Act passed in the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty, Chapter One hundred and thirty, in so far as they confer on the Justices of the Peace for each County and on the Council of any Borough the Power to license Places for the making of loaded Percussion Caps, and for the making and keeping respectively of Ammunition, Fireworks, Fulminating Mercury, and other explosive Preparations or Compositions, and to determine the Quantities of such Articles respectively to be kept in any Place so licensed, and to grant Licences to Persons selling Fireworks, shall within Three Miles of the General Post Office of the City be exercised by the Magistrates Committee; and any Licence granted by them under the Provisions of this Act shall, as respects the Objects of such Licence, supersede the Necessity of any other Licence being granted under the Provisions of the said Acts.

Provisions of 23 & 24 Vict. c. 139. and 24 & 25 Vict. c. 130. as to licensing Persons to sell Fireworks to be exercised by Magistrates Committee.

208. All Offences against the said Acts within the City shall be deemed Police Offences, and shall be exclusively tried by the Magistrate at the Instance of the Procurator Fiscal, for which Purpose the Provisions of this Act with reference to the Jurisdiction of and the Procedure before the Magistrate, and the Enforcement and Review of his Orders and Sentences, shall apply to Offences against the said Acts; and all Penalties awarded and all Forfeitures made by the Magistrate in pursuance of the said Acts shall be disposed of and applied in the same Way as Penalties awarded and Forfeitures made in pursuance of this Act.

Offences against the said Acts to be tried as Police Offences.

209. In interpreting the general Provisions of this Act relating to Certificates and Licences, and the Provisions classed under this

Interpretation as to Fireworks, &c.

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Head,

The Glasgow Police Act, 1866.

Head, the Expression "Fireworks" shall include Rockets, Squibs, Crackers, Cartridges, and other Fireworks constructed or partly constructed of Gunpowder, or of Detonating Powder, Fulminating Mercury, Phosphorus, or other inflammable or explosive Substance; the Expression "Gunpowder" shall include every Species of Powder used or capable of being used for the Discharge of Fire-arms or for Blasting, and the Word "Magazine" shall mean One of the Gunpowder Magazines authorized to be maintained by the Board.

Penalty for keeping more than a limited Quantity of Fireworks or Gunpowder.

210. It shall not be lawful for any Person to have or to suffer to be in any Building or Part of a Building or other Place occupied by him within the City any greater Quantity of Fireworks or of Gunpowder than is herein-after mentioned; *videlicet*,

If he is licensed as a Retailer, Twenty-six Pounds;

If he is not so licensed, Thirteen Pounds;

And if a Quantity exceeding the said respective Weights is found in any Building or Part of a Building or other Place within the City, it shall be lawful for any Constable to seize, impound, and convey the whole of it to some Place of Safety, and for the Magistrate to declare it forfeited; and the Occupier of such Building or Part of a Building or other Place shall be liable to a Penalty not exceeding Ten Pounds.

How Fireworks or Gunpowder to be kept.

211. All Fireworks or Gunpowder within the City shall be kept in Stone Jugs, or in Copper, Zinc, or Tin Cases or Canisters, properly covered, having the Word "Fireworks" or "Gunpowder" respectively legibly inscribed thereon or on a Label attached thereto; and such Fireworks and Gunpowder shall be kept separate from every other Article, and shall be secured by Lock and Key; and if any Fireworks or Gunpowder are kept otherwise than is herein-before directed, it shall be lawful for any Constable to seize, impound, and convey them to some Place of Safety, and for the Magistrate to declare them forfeited; and the Occupier of the Building or Part of a Building or other Place in which they are found shall be liable to a Penalty not exceeding Twenty Pounds.

One or more Gunpowder Magazines to be maintained by Board.

212. Whereas a Gunpowder Magazine and a House for the Accommodation of the Keeper were erected some Years ago on Land leased by the Board of Police of *Glasgow* and Statute Labour Committee at *Carntyne* near *Glasgow*: It shall be lawful for the Board to maintain the said Magazine and House, or to provide and maintain other and additional or more convenient Premises, and for that Purpose by Agreement with the Owners, Lessees, and Occupiers to purchase or rent any Lands and Heritages, or build on such Lands other Magazines and Houses, and to employ a Storekeeper for every such Magazine; but no Magazine shall hereafter be built on any Site other than the existing Site, except in pursuance of a Licence granted under the Provisions of the said recited Public Acts.

213. All

The Glasgow Police Act, 1866.

213. All Gunpowder conveyed to and from the Magazine or stored therein, or conveyed to or from Places within the City, shall be so conveyed or stored subject to such Byelaws as may from Time to Time be made by the Board, and which they are hereby authorized to make, and to the following Regulations:

Regulations
as to Con-
veyance and
Storage of
Gunpowder.

It shall not be conveyed to or from the Magazine along with any other Article:

If the Quantity exceeds Fifty Pounds in Weight it shall be conveyed to and from the Magazine in a Cart or Carriage constructed according to a Plan to be approved of by the Chief Constable, and every such Carriage shall have a complete Covering of Wood, Painted Cloth, Tarpaulings, or Wadmil Tilts over all the Gunpowder conveyed therein:

If the Quantity exceeds Fifty Pounds in Weight it shall be conveyed to and from the Magazine, or to or from Places within the City, or stored in tight Barrels close joined and hooped, or in Copper, Zinc, or Tin Cases or Canisters enclosed in Wooden Boxes or Barrels, without any Iron about such Boxes or Barrels, and so secured that no Part of the Gunpowder be scattered in the Passage:

Every such Barrel or Canister shall be labelled or marked so as sufficiently to distinguish its Contents:

And if any Gunpowder is conveyed otherwise than as herein-before or by the said Byelaws directed, it shall be lawful for any Constable to seize, impound, and deposit it in the Magazine, and for the Magistrate to declare it forfeited, and the Owner of such Gunpowder, and the Person who caused it to be so conveyed, shall each be liable to a Penalty not exceeding Twenty Pounds.

214. It shall be lawful for the Board to charge for entering and receiving or delivering Gunpowder at the Magazine, and for storing it therein, any Sums not exceeding the following:

Rates may be
charged for
Use of Maga-
zine.

For entering and receiving, or for entering and delivering,—

Any ordinary One hundred Pound Barrel or Half Barrel, One Penny;

Any Quarter or Eighth such Barrel, One Halfpenny;

Any Quantity of Gunpowder in Canisters, in respect of each Twelve and One Half Canisters or any lesser Number, One Halfpenny:

For storing (every Month or Fraction of a Month),—

Any ordinary One hundred Pound Barrel or Half Barrel, One Penny Halfpenny;

Any Quarter or Eighth such Barrel, One Penny;

Any Quantity of Gunpowder in Canisters, in respect of each Twelve and One Half Canisters or any lesser Number, One Penny:

For

The Glasgow Police Act, 1866.

For entering and receiving or delivering or for storing Gunpowder otherwise made up, any Sum to be fixed by the Board :

Or the Board may agree with Parties storing for a fixed Rent for a specific Portion or Portions of the Magazine :

Which Sums shall be payable to the Treasurer by the Owner or Depositor of such Gunpowder on Demand, or, in the Option of the Board, before Delivery thereof, and shall form a Charge on and may be recovered by the Sale of any other Gunpowder belonging to or deposited by such Owner or Depositor.

Not to apply to Gunpowder, &c. belonging to Her Majesty.

215. The Provisions herein-before contained shall not apply to Gunpowder belonging to Her Majesty, and in the Custody of any Officer of Her Majesty's Naval or Military Forces, or of any Militia, Yeomanry, or Volunteer Corps.

Penalty for certain Offences by Retailers of Fireworks or Gunpowder.

216. Every Person licensed to retail Fireworks or Gunpowder within the City shall, in respect of any of the following Acts or Omissions, be liable to a Penalty not exceeding Twenty Pounds :

- (1.) If he keeps Fireworks or Gunpowder elsewhere than in the Portion of the Building or Part of a Building appropriated thereto and described in the Licence :
- (2.) If he sells Fireworks to any Person apparently under the Age of Sixteen Years, or allows Fireworks or Gunpowder to be removed by Gas or Candle or other artificial Light :
- (3.) If he omits to keep or to enter regularly in a Stock Book the Quantities of Fireworks received by him, the Date on which and the Name of the Person from whom received, the Quantities sold and delivered, the Date on which and the Name of the Person to whom delivered :
- (4.) If at any Time during his Hours of Business he does not on Demand produce to the Chief Constable, or to any Constable, and suffer to be examined, his said Stock Book, or permit such Constable to inspect his Stock, and to ascertain or check the Accuracy of the Entries in the said Book.

Warrant may be granted by Magistrate to search for Fireworks or Gunpowder illegally kept.

217. It shall be lawful for the Magistrate, on a Complaint by the Fiscal, to grant Warrant to enter any Building or Part of a Building or other Place mentioned in such Complaint in which there is reasonable Ground for suspecting that Fireworks or Gunpowder are kept for the Purpose of being sold without a Licence, or kept in larger Quantities or otherwise than is in conformity with the Provisions of this Act, and to search for, impound, and deposit in the Magazine such Fireworks or Gunpowder.

The Glasgow Police Act, 1866.

XVIII.

SPECIAL PROVISIONS—STAGE AND HACKNEY CARRIAGES.

218. In construing the general Provisions relating to Certificates and Licences, and the Provisions classed under this Head, the following Expressions shall have the respective Meanings herein-after attached to them, unless there be something in the Subject or Context repugnant to such Construction :

Interpreta-
tion of
Terms as to
Certificates
and Licences.

The Expression "Stage Carriage" shall mean every wheeled Carriage, whatever be its Form or Construction, used for the Purpose of conveying Passengers between any Place within the City and any Place within or beyond the same not situated at a greater Distance than Five Miles, measuring in a straight Line from the General Post Office thereof, which when passing along any Turnpike or other Road travels at the Rate of Four Miles or more an Hour, provided any One of such Passengers pays or is charged a separate Fare for Conveyance; and the Expression "Stage Coach" shall mean any Carriage of the like Description conveying Passengers from any Place within the City for a greater Distance :

The Expression "Hackney Carriage" shall mean every other wheeled Carriage, whatever be its Form or Construction, which shall stand on Hire or ply for a Passenger for Hire within the City, except a Carriage let out to Hire as a Job Carriage by the Day, Month, or other longer Period, or a Carriage kept by the Proprietor within his own Premises, unyoked, for the Purpose of being let out to Hire as a Job Carriage for any shorter Period :

The Expression "Job Carriage" shall not include any Carriage licensed in pursuance of this Act :

The Word "Proprietor," when used with reference to a Stage or Hackney Carriage, shall mean any of the Persons licensed to keep, use, or let for Hire such Carriage :

The Word "Driver," when used with reference to a Stage or Hackney Carriage, shall mean every Person in charge of such Carriage, whether a Driver or Guard or Conductor, or other such Person.

219. Nothing in this Act contained shall prevent any Carriage Proprietor from having One or more Job Carriages, not being licensed Carriages, at any Railway Station within the City.

Act not to
prevent Job
Carriages at
Railway
Stations.

220. At the Trial of any Person alleged to have contravened the Provisions classed under this Head the Person aggrieved by such Contravention shall be a competent Witness in any Dispute concerning the Amount of Fare paid or demanded by either Party, or in any

Proof of
Offences.

[Local.]

44 L

Dispute

The Glasgow Police Act, 1866.

Dispute between the Proprietor and Driver of any Stage or Hackney Carriage concerning the Wages of such Driver, or in any Dispute with respect to personal Injury done by such Driver, provided he has no Claim for Compensation in respect of such Contravention, or waives or discharges such Claim in Presence of the Magistrate, or is not the only Witness in the Case.

Duties of Inspector.

221. The Inspector of Stage and Hackney Carriages, if One is appointed in pursuance of the Provision herein-before contained, shall be responsible to the Chief Constable that all the Provisions of this Act relating to Stage and Hackney Carriages, to the Drivers thereof, and to Persons using the same, are duly enforced and executed.

Chief Constable may classify Hackney Carriages and Drivers.

222. It shall be lawful for the Chief Constable from Time to Time to rank every Hackney Carriage licensed in pursuance of this Act either as a First-class Carriage or as a Second-class Carriage, according to its Construction, and to rank every Driver licensed in pursuance of this Act either as a First-class Driver or as a Second-class Driver, as he shall think fit; and if any such Proprietor or Driver feels aggrieved he may lodge with the Clerk written Objections signed by him, and the Magistrates Committee shall consider such Objections, and dispose thereof as they think just.

Penalty on Second-class Driver taking charge of First-class Carriage. Watermen at Stands for Hackney Carriages.

223. It shall be lawful for a First-class Driver to take charge of a Second-class Carriage, but any Second-class Driver who takes charge of a First-class Carriage shall be liable to a Penalty not exceeding Forty Shillings.

224. The Chief Constable may, with Consent of the Magistrates Committee, from Time to Time appoint One or more Watermen, who shall be sworn in as Constables, and shall be entitled to maintain Order and to prevent all Disputes at the Stands appropriated to Hackney Carriages.

Stands for Hackney Carriages to be appointed by Board.

225. It shall be lawful for the Board to appropriate any Portion of a Turnpike Road, with the Consent of the Trustees of such Road, or any Portion of a public Street, which they think expedient, as a Stand for Hackney Carriages, and to decide whether such Stand shall be exclusively used by First-class Carriages, or whether it shall be used by both First and Second Class Carriages, and to make Provision for a Supply of Water at such Stand.

Certain Particulars to be openly displayed on licensed Carriages.

226. No Stage or Hackney Carriage shall be kept, used, or let for Hire, or shall stand or ply for Hire, within the City or within Five Miles of the General Post Office thereof, unless there is conspicuously painted or marked on the Outside of such Carriage its Number and
the

The Glasgow Police Act, 1866.

the Name of the Proprietor as specified in the Licence for the same, and unless there is conspicuously painted or marked either on the Inside or Outside, or on both the Inside and Outside thereof, the Number of Inside and Outside Passengers or Persons to be carried thereby, and in the Case of a Stage Carriage the Amount of Fare which is demandable from each such Person, and in the Case of a Hackney Carriage the Amount of Fare, according to Distance and Time, which is demandable for the Hire thereof, and unless such Carriage is under the Charge of a Driver who is duly licensed in pursuance of this Act; and the Driver of every Hackney Carriage shall have with him at all Times when plying for Hire a Book or Table of the said Fares in such Form as the Magistrates Committee may from Time to Time direct, and shall produce the same when required for the Information of any Person hiring or intending to hire such Carriage.

227. The Proprietor of any Stage or Hackney Carriage which is used or let for Hire, and which is not under the Charge of a Driver licensed in pursuance of this Act, and the Proprietor or Driver of any such Carriage so used or let for Hire without having the said Particulars conspicuously painted or marked thereon in the Position and Manner directed by the Magistrates Committee, and every Driver of such Carriage who refuses to carry in or by the same (being a Stage Carriage) on or during any ordinary Journey the Number of Persons painted or marked thereon or any less Number without a sufficient Reason, or who demands or receives a higher Fare than the Fare stated thereon, or who carries in or by the same any greater Number, or who refuses to carry in or by the same (being a Hackney Carriage on any Stand and not already hired) the Number of Persons painted or marked thereon or any less Number during such Time not exceeding One Hour, or to such Place not beyond Five Miles from the General Post Office of the City as he shall be required, at the Amount of Fare, according to Distance or Time, which is legally demandable, or who refuses to produce the said Book or Table of Fares when required as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for the First Offence, and to a Penalty not exceeding Five Pounds for every subsequent Offence.

Penalty for not complying with preceding Regulations, or refusing to carry at regular Fares.

228. If any Stage or Hackney Carriage is allowed to fall into disrepair so as to be unsafe or to become unsuitable for convenient Use, or if any such Carriage is not kept clean or is not supplied with suitable Furnishings, or if any Horse employed to draw it has not sufficient and suitable Harness in a good State of Repair, the Proprietor shall be liable to a Penalty not exceeding Five Pounds for each such Offence; and it shall be lawful for the Magistrate, in lieu of imposing any Penalty, to suspend the Licence of such Carriage for any Period he deems proper, or to revoke the same: Provided that the Clerk shall

Penalty for Default in not keeping Carriage, &c. in good Order.

The Glasgow Police Act, 1866.

shall give Notice in manner herein-before provided to the Board of Inland Revenue in every Case of the Suspension or Revocation of any Licence granted by them, and of the Time for which it is suspended.

Proprietor to retain Licence of Driver while in his Employment, and to produce it when summoned.

229. The Proprietor of a Stage or Hackney Carriage shall cause to be delivered to him and shall retain the Licence of every Driver whom he employs or allows to act, and in all Cases of Complaint shall produce the Driver, if he is still in his Employ, and his said Licence; and if any Driver is found guilty of any Police Offence, the Magistrate shall make an Endorsement upon his Licence stating the Nature of such Offence and the Amount of the Penalty inflicted; and if the Proprietor neglects to have delivered to him and to retain the Licence of any Driver whom he employs or allows to act, or refuses or neglects to produce the Driver or such Licence when so summoned, he shall be liable to a Penalty not exceeding Forty Shillings.

Proprietor to deliver Licence to Driver when he quits his Service.

230. If any Driver of a Stage or Hackney Carriage leaves the Service of the Proprietor by whom he is employed without having been guilty of Misconduct such Proprietor shall forthwith return his Licence, but if such Driver has been guilty of Misconduct the Proprietor shall not return his Licence, but shall give Notice to the Officer on Duty at One of the Police Courts of the Complaint which he intends to prefer against him, and such Officer shall thereupon cause both the Proprietor and the Driver to be cited to appear before the Magistrate, who shall inquire into and determine the Matter of Complaint, and if upon Inquiry it appears that the Licence of the Driver has been improperly withheld the Magistrate may direct its immediate Delivery, and may find the Proprietor liable in a Penalty not exceeding Five Pounds, and may direct the same, or so much thereof as he thinks proper, to be paid when recovered to such Driver as Compensation.

Penalty for demanding more than Sum agreed on, though less than legal Fare.

231. If the Proprietor or Driver of any Hackney Carriage, or if any Person on behalf of the Proprietor, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, the Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, if he demand or exact for such Job more than the Fare so agreed on.

Penalty for taking more than legal Fare, though agreed on.

232. No Agreement whatever made with the Proprietor or Driver, or with any Person on behalf of the Proprietor or Driver, of any Hackney Carriage for the Payment of more than the Fare demandable by any Byelaw made under this Act, shall be binding on the Person making the same; and any such Person may, notwithstanding such Agreement,

The Glasgow Police Act, 1866.

Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare so demandable; and if any Person actually pay to the Proprietor or Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the said Fare, the Proprietor or Driver shall be liable to a Penalty for such Exaction not exceeding Five Pounds, and the Magistrate may direct the same or so much thereof as he thinks proper to be paid when recovered to such Person as Compensation.

233. If the Proprietor or Driver of any Hackney Carriage, or if any Person on behalf of the Proprietor or Driver, agree with any Person to carry in or by such Hackney Carriage One or more Persons, not exceeding in Number the Number painted on such Carriage as aforesaid, for a Distance to be in the Discretion of the Proprietor or Driver, and for a Sum agreed upon, the Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Person or Persons be under that to which he or they were entitled to be carried for the Sum so agreed upon according to the Fare allowed by any Byelaw made under this Act.

Penalty for carrying less than the Distance corresponding to Fare when so required.

234. The Proprietor or Driver of any Hackney Carriage who demands or exacts as a Fare a greater Sum than is demandable by any Byelaw made under this Act shall be liable to a Penalty not exceeding Five Pounds, and the Magistrate shall direct the Amount of Overcharge to be paid out of the Penalty to such Person, and may also direct any further Portion thereof to be paid to him when recovered as Compensation.

Penalty for Overcharge.

235. The Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Carriage during such Hire without the express Consent of the Person hiring the same shall be liable to a Penalty not exceeding Twenty Shillings.

Penalty for carrying additional Passengers without Consent.

236. No Person authorized by the Proprietor of any Stage or Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver without the Consent of the Proprietor thereof, and no Person shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver without such Consent as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty for acting or allowing to act as Driver without Proprietor's Consent.

237. If the Driver of any Stage or Hackney Carriage be intoxicated while on Duty, or if, by wanton and furious driving, or by any other wilful Misconduct, he injures or endangers any Person in his

Penalty on Driver for Misconduct.

[Local.]

44 M

Life,

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Life, Limbs, or Property, or causes unnecessary Alarm; he shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty for leaving Carriage unattended.

238. If the Driver of any Hackney Carriage leaves it in any public Street or at any Place of public Resort or Entertainment, whether it be hired or not, without placing it under the Charge of some proper Person, he shall be liable to a Penalty not exceeding Twenty Shillings, or to Imprisonment for a Period not exceeding Seven Days.

Penalty on Proprietor for Injury caused by Driver's Misconduct.

239. In every Case in which any Hurt or Damage has been caused to any Person or Property by the Driver of any Stage or Hackney Carriage, the Magistrate may direct the Fiscal to cause the Proprietor to be cited to appear before him, and may find the Proprietor so cited liable to a Penalty not exceeding Five Pounds, and may direct the said Penalty, or so much thereof as he thinks proper, to be paid, when recovered, in compensation of such Hurt or Damage; and if the Payment so directed to be made be accepted by the Person who has suffered such Hurt or Damage, he shall be barred from claiming any further Compensation from either the Proprietor or the Driver of such Carriage, and on Payment of the said Penalty the Proprietor may recover the same from the Driver.

Penalty on Driver for obstructing any Thoroughfare or Carriage.

240. Any Driver of a Stage or Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Stage or Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

Penalty on Hirer for not paying legal Fare.

241. If any Person does not pay on Demand to the Proprietor or Driver of any Hackney Carriage the Fare allowed by any Byelaw made under this Act, it shall be lawful for the Proprietor or Driver to seize and detain such Person, and to deliver him to a Constable to be taken to the Police Office, and such Person shall be liable to a Penalty not exceeding Forty Shillings; and the Magistrate shall direct the Amount of Fare to be paid out of the Penalty to such Proprietor or Driver, and may also direct any further Portion thereof to be paid to him, when recovered, as Compensation.

Penalty on any Person injuring Carriage.

242. Any Person using a Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall

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shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and the Magistrate may direct the said Penalty, or so much thereof as he thinks proper, to be paid, when recovered, in compensation of such Injury; and if the Payment so directed to be made be accepted by the Proprietor or Driver of such Carriage, he shall be barred from claiming any further Compensation from the Person causing such Injury as aforesaid.

243. The Magistrates Committee may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,)

Power to
make Bye-
laws for
regulating
Stage and
Hackney
Carriages.

For securing the punctual Departure of Stage Coaches and Stage Carriages from the Place within the City at which their Journey commences, or from any other Place within the City at which they stately call for the Purpose of taking up Passengers, and for fixing the Places for such Departure so as to prevent unnecessary Obstruction to or Detention in the Streets :

For regulating the Position and Manner in which the Number of the Carriage, the Name of the Proprietor, and the other Particulars required to be conspicuously painted or marked thereon, shall be so painted or marked :

For regulating the Number of Persons to be carried by Stage and Hackney Carriages, and the placing of Bells or Bell-pulls or of Check-strings to such Carriages, and the holding of the latter by the Driver, and how such Carriages are to be furnished, provided, and lighted :

For regulating the Conduct of the Drivers of Stage and Hackney Carriages, and the Uniform or Badge, if any, which shall be worn by them :

For fixing the Fares or Rates to be paid for Hackney Carriages as well for Time as Distance, and the Number of Persons to be carried for such Fares, the Weight or Quantity of Luggage to be conveyed free of Charge, and the Charge to be made for extra Luggage, and for securing the due Publication of such Fares or Rates :

For requiring the Delivery by every Driver of a Hackney Carriage to every Hirer thereof of a Ticket containing Information as to the Number of the Carriage, the Fare demandable, and other such Matters :

For regulating the minimum Speed of Hackney Carriages when hired by Time, and the maximum Number to ply on each of the public Stands :

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and the Remuneration to be made by the Owners of such Property for its Recovery.

The Glasgow Police Act, 1866.

XIX.

SPECIAL PROVISIONS—PORTERS, PUBLIC CARTERS, AND CHIMNEY SWEEPS.

Power to make Byelaws for regulating Porters, public Carters, and Chimney Sweeps.

244. The Magistrates Committee may from Time to Time (subject to the Provisions of this Act) make Byelaws applicable to Porters, public Carters, and Chimney Sweeps licensed in pursuance of this Act for all or any of the Purposes following; (that is to say,)

For regulating the Charges to be made by the Persons so licensed:

For distinguishing them by Badges or otherwise:

For fixing the Places where, being Porters or Carters, they shall stand for Hire:

And generally for securing their Fidelity and Civility, and preventing Extortion or Misconduct.

XX.

SANITARY OBJECTS—NUISANCES, DISEASES, LODGING HOUSES, AND FOOD.

(1.) *Prosecutions under "Nuisances Removal (Scotland) Act, 1856."*

Power to Board to exercise discretionary Power in enforcing Nuisances Removal Act.

245. Whereas the Objects of "The Nuisances Removal (*Scotland*) Act, 1856," may in some Cases be carried out more effectually and with greater Economy and Despatch by the Enforcement of the special Provisions herein-after contained than by taking Proceedings under the said Act: It shall be lawful for the Board to use their Discretion in taking or not taking such Proceedings.

Board and Officers appointed under this Act to enforce the said Act.

246. In all Proceedings under the said Act relating to any Parish or Portion of a Parish within the City the Board shall be "the Local Authority" referred to therein, the Procurator Fiscal shall represent the Board, the Inspector or Inspectors of Nuisances, and the Inspector or Inspectors of Common Lodging Houses appointed by the Board shall be deemed Inspectors of Nuisances and of Common Lodging Houses, the Medical Officer appointed by the Board shall be deemed the Medical Officer of the Parish therein referred to, and the City shall be deemed to be wholly in the County of *Lanark*.

Duties of Inspectors.

247. The Inspector of Nuisances and the Inspector of Common Lodging Houses appointed by the Board shall be subject to the Regulations of the Board, and shall be responsible that the Provisions of "The Nuisances Removal (*Scotland*) Act, 1856," where the Board shall resolve to enforce them, and the Provisions of this Act classed under this Head, and any Byelaws made in pursuance thereof, are duly enforced and executed.

248. The

The Glasgow Police Act, 1866.

248. The Inspector of Nuisances and the Inspector of Common Lodging Houses and the Medical Officer appointed by the Board shall for the Purposes either of "The Nuisances Removal (*Scotland*) Act, 1856," or of this Act, be respectively entitled at all reasonable Hours to enter any Land or Heritage within the City which they shall suspect to be not in conformity with the Provisions of this Act classed under this Head, and to inspect the same, or any Animal or Article of Food therein, and any Person who refuses to permit such Inspection shall be liable to a Penalty not exceeding Five Pounds.

Inspectors and Medical Officer to have Right to enter Lands and Heritages.

(2.) Removal of Nuisances.

249. Every Person who is guilty of any of the following Acts or Omissions within the City shall be liable to a Penalty not exceeding Forty Shillings in respect thereof, and to a further Penalty not exceeding Five Pounds in respect of every Day or Part of a Day during which such Act or Omission continues after the Imposition of the said first-mentioned Penalty, or in respect of every Act or Omission of a like Nature which occurs within One Month after the Imposition:

Defining certain Offences as Nuisances, and their Punishment.

- (1.) Every Person who keeps or stores in a Manner to be either offensive or, in the Opinion of the Medical Officer, injurious to Health any Rags, Bones, Blood, or other Article or Collection of Articles or who so keeps or suffers to be kept any Animal (whether dead or alive); or who so keeps or stores any Horse Dung, Cow Dung, or Swine Dung, or the Refuse of any Slaughter-house, or any Animal or Vegetable Matter, or who on any Land or Heritage occupied by him suffers any waste or stagnant Water so to remain as to be either offensive or, in the Opinion of the Medical Officer, injurious to Health:
- (2.) Every Person who subjects any Rags, Bones, Blood, or other Article or Collection of Articles to any Process which is either offensive or injurious to Health:
- (3.) Every Person who carries on any Trade or Business so as to occasion Annoyance to the Neighbourhood or Inhabitants, unless he proves that he has used the best Means for preventing or counteracting such Annoyance:
- (4.) Every Person who so uses or causes, permits, or suffers to be used any Furnace or Fire therein (except a household Fire) as that Smoke issues therefrom, unless he proves that he has used the best practicable Means for preventing Smoke, and has carefully attended to and managed the said Furnace or Fire so as to prevent as far as possible the Smoke therefrom:
- (5.) Every Person who does not regularly and effectually keep clean and in working Order any Rhone, Pipe, or Jaw-box

[*Local.*]

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attached

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attached to or used in connexion with any Building or Part of a Building occupied by him :

(6.) Every Person who keeps any Cow or Swine, except in a Place licensed by the Magistrates Committee for that Purpose.

Power to Magistrate to declare certain Articles to be forfeited.

tation of

250. It shall be lawful for the Magistrate to declare any Article or Collection of Articles or Thing in respect of which he imposes any Penalty to be forfeited, and the Inspector of Cleansing or Fiscal may thereupon seize the same.

(3.) *Prevention and Mitigation of Diseases.*

“Nuisance.”

251. In interpreting the Provisions classed under this Head the Word “Nuisance” shall have the Meaning attached to it by “The Nuisances Removal (*Scotland*) Act, 1856.”

Proprietors may be required to cleanse Dwelling Houses.

252. The Inspector of Lodging Houses or the Inspector of Nuisances may at any Time give Notice in manner herein-after provided to the Proprietor of any Dwelling House which has been specially reported by him to the Board as in a filthy Condition, requiring such Proprietor to cleanse and limewash the Outside thereof, and the Common Stair, Lobbies, and Staircases ; and on a Report to the Board by the Medical Officer that the Interior of any Dwelling House is in such a filthy and unwholesome Condition as to endanger the Health of the Inmates or the Public, the Inspector of Nuisances shall forthwith give Notice to the Occupier in manner herein-after provided requiring such Occupier to cleanse and whitewash the Interior thereof.

Medical Officer to report from Time to Time on sanitary Condition of City and Districts requiring special sanitary Measures.

253. It shall be the Duty of the Medical Officer from Time to Time to report to the Board on the following Points :

The Existence or Prevalence of epidemic, endemic, contagious, or other Disease rendering it desirable that special sanitary Measures should be employed to mitigate the Severity or prevent the Spread thereof :

The Parts of the City in which such Diseases exist or prevail, and the special sanitary Measures which in his Opinion ought to be carried into effect :

The Existence of any Nuisance which in his Opinion has caused or is likely to cause or to aggravate any such Disease, or to interfere with the Removal thereof, or to injure the Health of the Inhabitants.

Houses in such Districts to be cleansed and disinfected.

254. On a Report by the Medical Officer that in any District, Street, or Court it would be desirable to use special sanitary Measures in order to mitigate the Severity or prevent the Spread of epidemic, endemic, contagious, or other Disease, or that any such Disease prevails or exists and threatens to prevail in such Part of the City, the Magistrates

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Magistrates Committee may approve thereof, and on such Approval it shall be lawful for the Medical Officer to give Notice in manner herein-after provided to the Proprietor or Occupier of any Dwelling House situated in the Part of the City in which the Medical Officer has reported that it appears to him desirable to use special sanitary Measures requiring such Proprietor to cleanse and limewash the Outside thereof, and the Common Stair and Lobbies and Staircases, and requiring such Occupier to cleanse and whitewash the Interior thereof, and to purify, ventilate, and disinfect the said Dwelling House, or any Apartment or Apartments or Bedding or Clothes therein.

255. It shall be lawful for the Board, out of the Monies to be raised under the Provisions of this Act, to defray the Expense of any of the sanitary Operations which under the immediately preceding Provisions a Proprietor or Occupier of a private Dwelling House may be required to perform, if from the Poverty of such Proprietor or Occupier it shall appear expedient to do so.

Board may remit Expenses on the Ground of Poverty.

256. It shall be lawful for the Magistrates Committee to issue, and for the Procurator Fiscal to enforce, subject to the Provisions herein-after contained, against every Proprietor and Occupier of Lands and Heritages in any Part of the City in which the Medical Officer has reported that special sanitary Measures are desirable, such Directions and Regulations as the said Committee may, with the Concurrence of the Medical Officer, from Time to Time think expedient for preventing as far as possible or mitigating such Disease: Provided that all such Directions and Regulations shall be published in at least One Newspaper published in *Glasgow*, and a Copy thereof shall be forwarded by the Clerk to the Lords of Her Majesty's most Honourable Privy Council, who may, if they think proper, disallow, revoke, or modify the same.

Magistrates Committee to take precautionary Measures, reporting to the Privy Council.

257. Such Directions and Regulations may provide—

For House to House Visitation :

For the Removal to the Hospital provided by the Board, or by Agreement with the Managers to any other Hospital (but where the Person is capable of consenting only with the Consent of the Person to be removed), of any Person suffering from any contagious Disease :

For the Abatement or Removal of any Nuisance which is reported by the Medical Officer to have in his Opinion caused or to be likely to cause or to aggravate any epidemic, endemic, or contagious Disease, or to interfere with the Removal thereof, or to injure the Health of the Inhabitants :

For preventing the Spread of any such Disease in the District, Street, or Court, or in Ships or Vessels lying within such District :

For

Defining Measures stated in previous Section.

The Glasgow Police Act, 1866.

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with Disease such Medical Aid and such Accommodation as may be required..

Magistrates Committee may cancel or modify Notice given by Inspector.

258. If any Proprietor or Occupier to whom Notice has been given in pursuance of any of the Provisions herein-before contained considers himself aggrieved thereby, he may, within Two Days thereafter, appeal to the Magistrates Committee by delivering to the Clerk written Objections signed by him, and the said Committee shall inquire into and dispose of the Questions competently raised in such Objections.

Penalty for Noncompliance with Notice unless cancelled.

259. Every Proprietor or Occupier to whom such Notice has been given who does not comply therewith by executing the Work therein specified before the Expiry of the Period therein stated, or before the Expiry of Three Days after the Decision of the Magistrates Committee on his Objections, if such last-mentioned Period be longer than the first, shall be liable to a Penalty not exceeding Ten Shillings for every Day or Part of a Day thereafter during which such Work shall not be executed to the entire Satisfaction of the Medical Officer or Inspector of Nuisances.

Magistrate may grant Warrant to execute Works required by the Inspector.

260. If any Proprietor or Occupier to whom such Notice has been given fails to comply therewith it shall be lawful for the Magistrate, on a Complaint by the Fiscal, to grant Warrant to enter the Land or Heritage, and to execute the Work therein specified, and the Magistrate shall thereafter ascertain the Cost thereof, and may find the said Proprietor or Occupier liable in a Penalty not exceeding the Amount of such Cost; but no such Application shall operate as a Relief to any Proprietor or Occupier from Liability for any Penalties which had been incurred by him previous to the Date thereof.

Penalty for Breach of Regulations made by Magistrates Committee.

261. Every Person who fails to observe or fulfil any Direction or Regulation made and published by the Magistrates Committee under the Powers herein-before conferred on them with respect to the Prevention and Mitigation of Diseases shall be liable to a Penalty not exceeding Five Pounds.

(4.) Regulation of Lodging Houses.

Interpretation of Provisions relating to Certificates and Licences.

262. In this Act the Expression "Lodging House" shall mean any Building or Part of a Building in which any Person is lodged by the Night, or other short Period not exceeding a Fortnight, at a Rate for lodging not exceeding Fourpence *per* Night; the Expression "Lodging House Keeper" shall mean the Occupier of such Lodging House who lodges such Person; and the Word "Lodger" shall mean any Person so lodged.

263. Every

The Glasgow Police Act, 1866.

263. Every Lodging House Keeper within the City shall, in respect of any of the following Acts or Omissions, be liable to a Penalty not exceeding Forty Shillings :

Penalty on
Lodging
House
Keepers for
Offences
hereinstated.

- (1.) If he does not keep at all Times hung up or placed in a conspicuous Part of each Apartment used by his Lodgers a printed Copy of any Byelaws made with respect to Lodging Houses :
- (2.) If he contravenes any Byelaws of the Board applicable to him :
- (3.) If he does not give immediate Notice in manner herein-after provided to the Inspector of Lodging Houses of any Case of Fever or other serious Disease which occurs in his House, or any Illness which causes any Lodger to be confined to his Bed for Twenty-four Hours :
- (4.) If at any Time, without reasonable Excuse, he does not on Demand permit the Medical Officer or the Inspector of Lodging Houses to enter and inspect any Apartment in his House or to visit the Lodgers therein.

264. The Inspector of Lodging Houses shall enter in a Book to be kept by him, and which shall at all reasonable Hours be accessible to the Medical Officer, and shall forthwith report to him, the Particulars of every Notice which he receives of a Case of Fever or other contagious Disease in any Lodging House, and the Medical Officer shall thereupon cause the Person suffering from such Disease to be visited by a qualified Medical Man, and may cause him either to be removed to the Hospital and maintained by the Board, or should his Removal be dangerous the Medical Officer may supply Medical Attendance or such other temporary Relief in Articles of absolute Necessity as the Case shall require, but not in Money; and the Medical Officer may cause the Room occupied by such Person and his Clothes to be cleansed and disinfected.

Providing
for Medical
Relief to
Lodgers in
case of Ill-
ness.

265. It shall be lawful for the Medical Officer on the Occurrence of any Case of epidemic, endemic, or contagious Disease in any Lodging House to require any Lodging House Keeper, by Notice given to him in manner herein-after provided, to comply with and carry into effect any Directions and Regulations for preventing the Occurrence of further Cases, or for mitigating the said Disease, which he considers expedient, and which may be issued to the Proprietor or Occupier of a Dwelling House in any District, Street, or Court in which the Medical Officer has reported that it appears to him desirable to use special sanitary Measures; and every such Notice may be enforced in the same Way and under the same Penalty as are provided with respect to the Enforcement of similar Notices by the Inspector of Nuisances.

Inspector of
Lodging
Houses may
require them
to be
cleansed.

The Glasgow Police Act, 1866.

Board to
maintain
Hospital.

266. The Board shall maintain the present Hospital erected by them in *Parliamentary Road* and the Washing House in *High Street*, and provide the same with such Means and Appliances as may be required, and they may enlarge the same, if necessary, or provide and maintain other Hospitals and Washing Houses, or discontinue the said Hospital and Washing House, and provide other Hospitals and Washing Houses and maintain the same in some other Part of the City.

Power to
make Bye-
laws for
regulating
Lodging
Houses.

267. The Magistrates Committee may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the Purposes following; namely,

For securing that every Lodging House, and the Common Stair, Lobbies, and Staircases thereof, shall be periodically whitewashed and cleaned:

For promoting Ventilation therein:

For separating the Sexes and enforcing Order and good Conduct therein.

(5.) Unwholesome and adulterated Food.

Penalty for
offering un-
wholesome
Meat for
Sale.

268. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale for Human Food, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days:

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fish, or any Fruit or Vegetable, which is unsound or unwholesome or unfit for Human Food:

Any blown, stuffed, or pricked Meat.

Penalty for
Want of
Cleanliness
in Provision
Shops.

269. Every Occupier of any Building or Part of a Building or Place used for the Sale of any Article of Food who does not keep the same clean and in good Condition shall be liable to a Penalty not exceeding Twenty Shillings.

Inspector
may
impound
unwholesome
Meat or
adulterated
Provisions.

270. It shall be lawful for the Inspector of Nuisances, or for any Constable, to seize, impound, and convey to the Police Office any Animal or Part of an Animal, or any Fruit or Vegetable, or any Meat, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained, and if such Penalty is imposed it shall be lawful for the Magistrate to declare such Article forfeited.

271. Every

The Glasgow Police Act, 1866.

271. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal, or any Fruit or Vegetable, or Fish, which is unsound or unwholesome or unfit for Human Food, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days, and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food, to be forfeited.

Penalty on Persons found in possession of Animals which have died of Disease, &c.

272. It shall be lawful for the Magistrate, on a Complaint by the Fiscal, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal, or any Fish, or any Fruit or Vegetable, which is unsound or unwholesome or unfit for Human Food, is kept or concealed with a view to Sale, whether such Building or Part of a Building or other Place is or is not ordinarily used for the Purpose of selling Meat, Fish, Fruit, or Vegetables, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, or any such Fish, or any such Fruit, Vegetable, or Article of Food.

Warrant may be granted by the Magistrate to search suspected Places for such Animals, &c.

XXI.

JURISDICTION OF AND PROCEDURE BEFORE THE DEAN OF GUILD.

273. Nothing in this Act contained shall affect, alter, or limit the Powers or Jurisdiction of the Dean of Guild, or the Forms of Procedure before the Dean of Guild, with respect to Processes of Lining or Questions of Title or Servitude or otherwise at Common Law, or any Right of Review of his Sentences in the Exercise of such Jurisdiction.

Saving Jurisdiction of Dean of Guild.

274. The Master of Works shall continue as heretofore to be called as a Party to every Process of Lining, and no such Process shall be proceeded with until he is called.

Master of Works to be called as a Party to all Linings.

275. It shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to decern for Payment of any Penalty due in respect of a Guild Offence, and to grant Warrant for imprisoning the Party found liable therefor for any Period not exceeding Twenty Days failing Payment within Fourteen Days, and to carry into effect the other Provisions of this Act with reference to the several Matters directed to be brought before him.

Power to Dean of Guild to decern for Penalties in respect of Guild Offences.

276. The

The Glasgow Police Act, 1866.

Procurator
Fiscal to act
as Fiscal and
represent
Board.

276. The Procurator Fiscal shall act as Fiscal in all Cases before the Dean of Guild for the Enforcement of the Provisions of this Act, and shall also in all Proceedings before him where an Agent is required represent the Board and any Officers appointed or acting under the recited Act or this Act.

Procedure in
Cases before
the Dean of
Guild.

277. Every Proceeding before the Dean of Guild in pursuance of this Act shall be subject to the following Rules and Regulations :

It shall commence by an Application in Writing, or partly in Writing and partly in Print :

Except where otherwise specially directed, the subsequent Steps may be in Writing, or *vivâ voce*, as shall be ordered by the Dean of Guild :

Where a Record is not made up the Decision given by the Dean of Guild shall be final, and not subject to Suspension, Advocation, or Appeal, or to any other Form of Review or Stay of Execution :

Where a Record is made up the Decision given by the Dean of Guild with respect to any Matter of Fact, or in the Exercise of any discretionary or administrative Power conferred on him, shall be final, and not subject to Suspension, Advocation, or Appeal, or to any other Form of Review or Stay of Execution.

Warrants
and Decrees
to be enforced
with Concur-
rence.

278. Every Warrant or Decree by the Dean of Guild may be executed within any Part of *Scotland*, with Concurrence of the Judge Ordinary, or a Justice of the Peace of the Jurisdiction within which it is sought to be enforced.

XXII.

MASTER OF WORKS—HIS POWERS AND DUTIES.

Duties of
Master of
Works.

279. It shall be the Duty of the Master of Works to enforce the Provisions of this Act with respect to the Formation, Improvement, and Maintenance of Streets, Courts, Foot Pavements, and other Places, the Construction and Repair of Sewers, the Erection, Alteration, and Use of Buildings, the Erection and Maintenance of public Baths and Washhouses, and generally all Powers at Common Law, and all the Provisions of this Act and of every Public Act, so far as not modified by this Act, relating to the said Matters or to the Structure of the City.

Board may
intrust him
with addi-
tional Duties.

280. The Master of Works shall also perform any other Duties which he may be required to perform by the Board with respect to the Enforcement of the Provisions of this Act or of any Public Act relating to Prosecutions under "The Nuisances Removal (*Scotland*) Act,

The Glasgow Police Act, 1866.

Act, 1856," to the Removal of Nuisances, to the Prevention and Mitigation of Diseases, to the Regulation of Lodging Houses, or to other such Matters.

XXIII.

STREETS AND COURTS—THEIR FORMATION, IMPROVEMENT,
AND MAINTENANCE.(1.) *Formation and Improvement.*

281. "The Register of public Streets" made up under the recited Act, with the Additions and Alterations made thereon from Time to Time, shall be taken and deemed to be the Register of public Streets under this Act, and shall at all reasonable Times be accessible to the Proprietor or Occupier of any Land or Heritage.

Register of
public
Streets.

282. It shall be the Duty of the Registrar from Time to Time to enter in the Register of public Streets, and to describe by a Reference to Numbers or Marks on the Ordnance Map, any Street which is declared by the Dean of Guild or by the Board to be a public Street, and every other Particular which he is directed by the Dean of Guild or the Board to enter therein or to describe thereon in pursuance of the Provisions herein-after contained, and the Entries and Descriptions in the said Register, and the relative Numbers or Marks on the said Map, shall be conclusive Evidence of what are public Streets and of the said other Particulars; and a certified Extract of any such Entry or Description, and a certified Copy or Tracing of the Portion of the said Map on which any Number or Mark is made, shall on Demand be given by the Registrar to the Proprietor or Occupier of any Land or Heritage on Payment of a Fee of Two Shillings and Sixpence, and shall be received as Evidence in all Courts.

Registrar to
make Entries
in Register
from Time to
Time as
directed by
Dean of
Guild or
Board.

283. The Master of Works having laid down on a Copy of the said Ordnance Map of the City the Course of the existing public and Common Sewers, the Course of the existing principal Water and Gas Pipes, the Course of such of the private Sewers and of the Service Water and Gas Pipes as is desirable, and prepared Sections of the said public and Common Sewers with reference to a common Datum Point and to Bench-Marks placed at convenient Distances and Places in the City, he shall from Time to Time make such Corrections on or Additions to the said Map and Sections as are necessary to show the underground Works within the City at the Time; and such Map and Sections, or a Copy thereof, shall be kept in the Office of the Master of Works, and shall at all reasonable Times be accessible to the Proprietor or Occupier of any Land or Heritage within the City.

Plan and
Sections to
be made of
underground
Works.

The Glasgow Police Act, 1866.

Power to Trustees of Turnpike Roads and to Board to contract for Removal of Toll Bars and Cession of Portions within the City.

284. The Board and the Trustees of any Turnpike Road, the whole or any Portion of which is within the City, may contract for the Removal of any Toll Bar on such Road so as to be nearer to or at such a Distance as may be agreed on beyond the Limits of the City, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Board, as a public Street of the whole or some Portion of the said Turnpike Road so far as situated within the City, all on such Terms and Conditions or in consideration of such single or annual Payment by either of the Parties to the other out of the Funds belonging to them or under their Control as may be mutually agreed on; and any Contracts which have been entered into between the Board of Police of *Glasgow* and the Trustees of any such Turnpike Road for or with reference to the Objects and Purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same Manner as if such Contracts had been entered into between the Board and the said Trustees after this Act comes into operation: Provided always, that no such Contract to be hereafter entered into shall be valid and effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter, and that no Person qualified as a Trustee by holding the Office of Lord Provost, Bailie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the City shall be entitled to vote at any such Meeting in relation to any such Contract: Provided also, that where the whole Money borrowed on the Credit of the Tolls of any such Turnpike Road shall not have been discharged, no such Contract shall be valid without the Consent thereto in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such Tolls, and of such Trustees as shall have become personally liable for the same.

Removal of Toll Bars not to affect the Power to levy Tolls.

285. The Trustees of any Turnpike Road, who remove a Toll Bar in pursuance of the Provisions herein-before contained may levy at such Bar, wherever re-erected, and also at the next Bar which occurs in passing along the said Road from the City, the same Tolls as they might have levied if such Bar had not been removed.

Private Streets or Courts may be declared public Streets on Application by Masters of Works and Proprietors.

286. The Master of Works, by Direction of the Board, jointly with the Proprietor of any Land or Heritage adjoining to and having a Right of Access by any private Street or Court of which the Solum does not belong to the Trustees of the *Clyde* Navigation or any Canal Company, may apply at any Time to the Dean of Guild to declare the said Street or Court or any Part thereof to be a public Street; and the Dean of Guild shall thereupon grant Warrant to cite the remaining Proprietor or Proprietors of Lands and Heritages adjoining
to

The Glasgow Police Act, 1866.

to and having a similar Right of Access by such Street or Court, and shall inquire into and decide the Question raised in such Application, and may direct the Registrar to enter such private Street or Court in the Register of public Streets, and may award Expenses to or against any of the Parties; but no private Street shall be declared to be a public Street unless it appears in the course of the said Inquiry and be found by the Dean of Guild that the Proprietor or Proprietors who make the said Application, or who subsequently enter Appearance in the Case, and by a Minute formally approve of the said Application, possess Lands and Heritages which have a greater Frontage to the said Street or Court, and are valued in the last completed Valuation Roll at the Date of the Application at a greater annual Amount, than the Lands and Heritages of any dissenting or non-concurring Proprietor or Proprietors.

287. The Board, and every Proprietor who joins in or approves of the said Application, shall acquiesce in and fulfil any Conditions which the Dean of Guild may impose with reference to the following Matters, in the event of and upon the private Street or Court or the Part thereof mentioned therein being declared to be a public Street; *viz.,*

Dean of Guild may impose Conditions on the Parties to Application in the public Interest.

With reference to the Height and Construction of the several Buildings to be thereafter erected or re-erected adjoining such private Street or Court:

With reference to, either immediately or at some future Period or Periods, obtaining a regular Line of Frontage for such private Street or Court, or widening, enlarging, or otherwise improving it, or throwing into it Part of the Land or Heritage of any Proprietor:

With reference to the Claims for Compensation of the said Proprietors against the Board or against each other in consequence of such last-mentioned Condition:

And for the Purpose of ascertaining and assessing such Claims, and of ascertaining whether or how far they compensate each other, and by which of the Parties or in what Proportions they ought to be paid, it shall be lawful for the Dean of Guild from Time to Time to refer the said Questions judicially to any Person agreed to by the Parties as sole Arbiter, or, failing such Agreement, to any Two Persons selected by himself as joint Arbiters; and whatever the said sole Arbiter or joint Arbiters, or any Oversman named by the latter, may decide, after affording to the Parties an Opportunity of being verbally heard, and after such other Proceedings as they or he may think necessary, shall be binding and conclusive, and the Decision of such sole Arbiter or joint Arbiters or Oversman, and of the Dean of Guild, shall be enforceable and be carried into effect by the Master of Works.

288. If

The Glasgow Police Act, 1866.

Dean of Guild may impose similar Conditions on any Proprietor who afterwards applies to him for a Warrant.

288. If the Proprietor of any Land or Heritage who did not join in or approve of the said Application shall, after the private Street or Court or the Part thereof mentioned in it has been declared to be a public Street, apply for a Warrant to erect or to alter any Building on Land adjoining to and having a Right of Access by such Street or Court or the Part thereof mentioned in the said Application, it shall be lawful for the Dean of Guild to grant such Warrant, subject to any Conditions which might have been imposed on such Proprietor if he had joined in or approved of the said Application, except that such Conditions shall not give rise to a Claim for Compensation at the Instance of such Proprietor against the Board or any of the Proprietors who joined in or approved of the said Application, or to a Claim of Relief at the Instance of the Board or any of the Proprietors who joined in or approved of the said Application against such Proprietor in respect of any Compensation previously paid by or claimable from them; and every such Condition shall be enforceable and be carried into effect by the Master of Works for the Objects and Purposes thereof and of this Act.

Vesting the public Streets in the Board.

289. Every public Street for the Objects and Purposes thereof and of this Act, and the public Sewers for the Drainage thereof, shall vest in the Board, but it shall be lawful for the Proprietors of Lands and Heritages adjoining any such Street to construct Cellars or Vaults under the Foot Pavement opposite such Lands and Heritages where by their Titles they have a Right so to do.

Application to be made to Dean of Guild before any new Street is laid out or built upon.

290. Every Proprietor who intends to lay out or to form any Street shall make Application to the Dean of Guild for a Warrant to do so, and every Proprietor who has already laid out or formed any Street on which no Building has been erected shall make Application to the Dean of Guild for a Warrant to sanction such Street, and in either Case the Proprietor shall state in his Application whether such Street is intended to be a public Street or a private Street, and what is the maximum Height above its Level of the Buildings intended to be erected, and shall produce along with such Application a Plan and longitudinal Section of such Street, and a Plan, with cross Sections at Right Angles to such Street, of the Lands adjoining the same; and the Dean of Guild shall cause the Master of Works and any other Persons whom he considers interested to be cited, and allow them Time to examine the said Plans and Sections, and lodge Answers, or be heard with respect to the Application: Provided that where any Proprietor shall satisfy the Board as to the Level and the Suitability for Drainage of any such Street, it shall be lawful for the Board, if such Street is not less than Forty Feet in Width, to dispense with an Application to the Dean of Guild, and if such Street be intended to be a public Street, and will lead from a Turnpike Road or public Street

The Glasgow Police Act, 1866.

Street to either a Turnpike Road or public Street, to issue a Warrant under their Common Seal, endorsed by such Proprietor as concurring therein, declaring such Street to be a public Street, and directing the Registrar to enter the same in the Register of public Streets, subject to such Conditions, if any, as may be agreed on; but it shall not be lawful for the Proprietor of any Land or Heritage adjoining any Street which is laid out or formed, without an Application to the Dean of Guild, to erect thereon any Dwelling House the Front Walls of which shall exceed in Height the Width of such Street, nor, without the express Authority of the Dean of Guild, to erect thereon any other Building the Front Walls of which shall exceed in Height the Width of such Street by more than One Fourth Part thereof.

291. If the Application to the Dean of Guild relates to an intended public Street and is granted by him, the Board and the Proprietor making such Application shall acquiesce in and fulfil any Conditions which he may impose with reference to the following Matters; namely,

If a public Street, Dean of Guild may impose Conditions on the Applicant and on the Board in the public Interest.

With reference to the Width of the Street relatively to the Height of the Buildings, or the Height of the Buildings relatively to the Width of the Street, so as to secure as far as possible that the maximum Height of the Front Walls of such Buildings on each Side thereof shall not exceed the Space between such Front Walls, except in the Case of public Buildings, the Height of which shall be in the Discretion of the Dean of Guild:

With reference to the Level of the Street, and its Suitability for the Construction of a public Sewer:

With reference to the causewaying of such Street immediately or at some future Period, and its interim Maintenance by the Proprietor:

And every such Condition shall be enforceable and carried into effect by the Master of Works.

292. If such Application relates to a private Street or Court the Dean of Guild before granting it shall inquire into and make Provision in the public Interest with reference to the Level of such Street or Court, and its Suitability for the Construction of a Common Sewer, and every such Provision shall be acquiesced in and fulfilled by the Proprietor, and shall be enforceable and carried into effect by the Master of Works.

If a private Street he may impose Conditions on the Applicant in the public Interest.

293. Any Proprietor who lays out or forms any Street without a Warrant to do so, and any Proprietor who has already laid out or formed any Street on which no Building has been erected, and who erects or suffers to be erected thereon any Building without a Warrant to sanction such Street, and any Proprietor who does not comply with

Penalty for laying out or building on new Street without making Application to Dean of Guild.

The Glasgow Police Act, 1866.

the Conditions of such Warrant, shall be deemed guilty of a Guild Offence, and be liable to a Penalty not exceeding One hundred Pounds, besides being bound, if or in so far as required by the Dean of Guild, to restore the Lands and Heritages in or through which such Street is laid out or formed to the State in which they were previous to the laying out or Formation thereof, or to make the Works thereon conform to the Warrant of the Dean of Guild.

Master of Works may require Alterations to be made on Water or Gas Pipes ;

294. If the Master of Works deems it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks laid in any Turnpike Road within the City, or in any public or private Street or Court, he may from Time to Time, by Notice given in manner herein-after provided, require the Person to whom any such Pipes or Works belong to cause the same to be raised, sunk, or otherwise altered in Position in such Manner as he may direct, provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before ; and the Expenses attending such raising, sinking, or altering, and reasonable Compensation for any Damage done thereby, shall be paid by the Board as well to the Persons to whom such Pipes or Works belong as to all other Persons, and may be recovered as Damages.

and may make the Alterations if his Requisition is not complied with.

295. If the Person to whom any such Pipes or Works belong do not proceed forthwith, or as soon as conveniently may be after the Receipt of such Notice, to cause the same to be raised, sunk, or otherwise altered in such Manner as the Master of Works requires, it shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to grant Warrant to execute the same, provided he is satisfied that the proposed Alteration will not permanently injure the said Works, or prevent the Water or Gas from flowing as freely and conveniently as before.

Power to Board to name Streets and Courts.

296. The Board may from Time to Time fix the Name by which each public or private Street or Court shall be distinguished, and the Master of Works shall cause such Name to be put up or painted on a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of such Street or Court ; and every Person who destroys, pulls down, or defaces any such Name, or puts up any other, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence ; but it shall not be in the Power of the Board to alter the Name of any Street or Court the Name of which is marked on the Ordnance Map.

Power to Board to number

297. The Board may from Time to Time mark on any Building or Part of a Building or other Place adjoining any Turnpike Road within

The Glasgow Police Act, 1866.

within the City, or any public or private Street or Court, such distinguishing Number in such Position and Style as they see fit, and may also mark thereon the Position of any Fireplug in the Vicinity thereof; and any Person who obliterates or defaces such Number, or the Reference to such Fireplug, or who marks or suffers to be marked or to remain thereon any other Number or Reference, shall be liable to a Penalty not exceeding Ten Shillings.

Houses in
Streets and
Courts.

298. The Board may, upon such Terms as they think fit, convey any Portion of a public Street to the Proprietor of any Land or Heritage adjoining it for the Purpose of obtaining a uniform Line of Frontage and of improving such Street.

Power to
Board to
convey Por-
tions of
Streets to
adjoining
Proprietors.

299. The Board may, by Agreement with the Owners, Lessees, and Occupiers, purchase any Land or Heritage, or any Part thereof, for the Purpose of widening, enlarging, extending, or otherwise improving any of the public Streets, and they shall resell any Parts of the Land or Heritage so purchased which shall not be required for the said Purposes; and where such Land or Heritage has been paid for out of Monies borrowed by the Board, the Price of the Part so resold shall be applied in Reduction of the Monies borrowed by the Board on the Security of the Police Assessment.

Power to
Board to
purchase
Lands to
improve
Streets.

300. When Application is made to the Dean of Guild for a Warrant to erect or to alter a Building on any Land or Heritage adjoining to or in the Line of the intended Extension of any public Street, it shall be lawful for him, with Concurrence of the Board expressed through the Master of Works, and on being satisfied that the whole or some Portion of the said Land or Heritage is required for the Purpose of obtaining a regular Line of Frontage, or of widening, enlarging, extending, or otherwise improving the said Street or Court, and that such Improvement is for the Advantage of the Public, and ought to be made wholly at the public Expense, to require the Proprietor applying for such Warrant to sell to the Board, and the Board to buy from such Proprietor, the said Land or Heritage, or any Portion thereof which the Dean of Guild thinks necessary for the Improvement, and which may thereupon be taken by the Board under the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and the Board shall resell any Part thereof which is not required for such Improvement, and the Compensation for the said Land or Heritage shall be fixed under the Provisions of the said Act; and where such Land or Heritage has been paid for out of Monies borrowed by the Board, the Price of the Part so resold shall be applied in Reduction of the Monies borrowed by the Board on the Security of the Police Assessment.

Dean of
Guild may
require any
Proprietor
applying to
him for a
Warrant to
concur in
improving a
public
Street.

301. When

The Glasgow Police Act, 1866.

Dean of Guild may require any Proprietor applying to him for a Warrant to concur in improving a private Street or Court.

301. When Application is made to the Dean of Guild for a Warrant to erect or to alter a Building on any Land or Heritage which adjoins to and has a Right of Access by any private Street or Court, it shall be lawful for the Master of Works, by Direction of the Board, jointly with the Proprietor of any Land or Heritage adjoining to and having a similar Right of Access by the said Street or Court, at any Time before such Warrant is granted, to enter Appearance in the Case, and also to make a separate Application to the Dean of Guild, and in such Compearance and separate Application to crave that, in the event of and upon any Warrant being granted to erect or alter the said Building, the Dean of Guild shall impose on the Proprietor making the Application therefor, and also on the Board or any of the Proprietors making the separate Application, such or so many as he thinks proper of the Conditions which he is by this Act authorized to impose on the Board, and on any Proprietor or Proprietors making or approving of an Application to declare a private Street or Court to be a public Street; and the Dean of Guild shall thereupon inquire into and decide the Question raised in such separate Application along with the Question raised in the original Application, and may award Expenses to any of the Parties; and all the Parties shall acquiesce in and fulfil the Conditions which he imposes, and such Conditions shall be enforceable and be carried into effect by the Master of Works, and the Claims for Compensation of any of such Proprietors against the Board or against each other shall be ascertained, assessed, and disposed of in the same Way as is herein-before directed in the Case of an Application to declare a private Street or Court to be a public Street: Provided that it shall not be lawful for the Dean of Guild to exercise the Power hereby conferred on him unless it appear in the course of the said Inquiry, and be found by him, that the Proprietors making the said respective Applications possess together Lands and Heritages which have a greater Frontage to the said Street or Court, and are valued in the last completed Valuation Roll at the Date of the said Application at a greater annual Amount, than the Lands and Heritages of any dissenting or non-concurring Proprietor or Proprietors.

Master of Works may require Removal of Obstructions and Projections placed on Streets or Courts.

302. The Master of Works may, by Notice given in manner herein-after provided, require any Occupier of a Land or Heritage to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door, or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed after the passing of the recited Act against or in front of such Land or Heritage on or over any Turnpike Road within the City, or any public or private Street or any Court, unless the same has been erected under a Warrant of the Dean of Guild; and if such Occupier does not within Fourteen Days after such Notice remove such Obstruction or Projection, or alter the same

in

The Glasgow Police Act, 1866.

in such Manner as may have been directed by the Master of Works, he shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings for each Day thereafter during which such Obstruction continues: Provided that, except in the Case in which such Obstruction or Projection was made or put up by the Occupier, he shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Proprietor of the said Land or Heritage.

303. If any Obstruction or Projection was erected or placed against or in front of any Land or Heritage in any Turnpike Road within the City, or any public or private Street, or any Court, before the passing of this Act or after the passing of this Act, under a Warrant of the Dean of Guild, it shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to order the same to be removed or altered, and, if such Order is not complied with, to grant Warrant for its Removal or Alteration; but the Dean of Guild shall find the Board liable in reasonable Compensation to every Person who suffers Damage thereby, and he shall either himself assess it or direct it to be assessed in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount of Compensation to be paid for Lands taken under the Provisions thereof, and may award Expenses to or against any of the Parties to the Application.

Dean of Guild may order Removal of Obstructions and Projections previously existing, on Compensation.

304. The Board may erect across any Part of any Court an Iron Gate or Gates for the Purpose of preventing the Public from passing through the same during such Hours as they consider expedient for the Purposes of Police, and may cause such Gate or Gates to be locked and the Keys thereof to be kept during the said Period by the Constable on Duty in the District, or by some other Person residing in the Neighbourhood; but such Gate or Gates shall be so placed or managed that free and uninterrupted Communication shall at all Hours exist between every Land or Heritage in such Court and some public Street in the Neighbourhood.

Gates may be erected by the Board across any Court.

305. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor of a Land or Heritage to which has been attached, after the passing of the recited Act, any Door, Gate, or Bar so hung as to open outwards upon any public or private Street or any Court, and to obstruct the same, to remove or alter the same unless it was so placed by or with the written Consent of the Board; and if such Proprietor shall not, within Eight Days after the Service of the said Notice upon him, remove such Door, Gate, or Bar, or alter the same in such Manner as may have been directed by the Master of Works, he shall be guilty of a Guild

Master of Works may require Gates erected by Proprietors to be hung so as not to obstruct Streets or Courts.

[Local.]

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Offence,

The Glasgow Police Act, 1866.

Offence, and shall be liable to a Penalty not exceeding Forty Shillings for any Day thereafter during which such Door, Gate, or Bar continues or is not so altered.

Dean of Guild may order Gates to be altered so as not to obstruct Streets or Courts.

306. If any such Door, Gate, or Bar was hung so as to open outwards upon any such Street or Court, before the passing of this Act or after the passing of this Act, by or with the written Consent of the Board, it shall be lawful for the Dean of Guild, on the Application of the Master of Works, to order the same to be altered so that no Part thereof when open shall project over the same, and if such Order is not complied with to grant Warrant for its Alteration; but the Dean of Guild shall find the Board liable in the Expense of the Alteration, and he may award Expenses to or against any of the Parties to the Application.

Master of Works may require dangerous Openings in Streets and Courts to be built up.

307. The Master of Works may, by Notice given in manner herein-after provided, require any Occupier of a Land or Heritage to build up or cease to use any Opening in the Foot Pavement or in the Causeway of any Turnpike Road within the City, or any public or private Street or any Court, which has been made or is used for the Purpose of giving Light or Access to some Apartment in a Building adjoining the said Street or Court, or to some Cellar or Vault underneath the said Foot Pavement, if such Opening extends more than Eighteen Inches from the Wall of the said Building, or if it is not provided with a sufficient fluted Iron Grating or other sufficient Covering, or if it is insecure or otherwise dangerous to the Public; and if such Occupier shall not, within Eight Days after the Service of the said Notice upon him, build up or cease to use any such Opening, he shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings for each Day or Part of a Day thereafter during which such Opening shall be used or continue: Provided that, except in the Case in which such Opening was made by the Occupier, he shall be entitled to deduct the Expense of building up the same from the Rent payable to the Proprietor of the said Land or Heritage.

Master of Works may require Rhones and Pipes to be put up to prevent Fall of Water upon Streets or Courts.

308. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor of a Land or Heritage to put up and keep in good Condition a Rhone or Pipe of the whole Length of any Building thereon, and to connect the same either with a similar Rhone or Pipe on the adjoining Building, or with a Pipe to be fixed to the Front or Side of such Building from the Roof to the Ground to carry the Water from the Roof thereof in such Manner that the Water from such Building or any Portico or Projection therefrom shall not fall upon the Persons passing along any Turnpike Road within the City, or any public or private Street or Court,
or

The Glasgow Police Act, 1866.

or flow over the Foot Pavement; and if such Proprietor does not, within the Period specified in such Notice, put up and connect such Rhone or Pipe as aforesaid, he shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings for each Day or Part of a Day thereafter during which such Rhone or Pipe is not so put up and connected.

309. If any Proprietor or Occupier to whom any such Notice has been given by the Master of Works requiring him to remove or alter any Obstruction or Projection, or any Door, Gate, or Bar which interferes with the Passage along any Road, Street, or Court, or to build up or cease to use any insecure or dangerous Opening in such Street or Court, or to put up or keep in good Condition a Rhone or Pipe, or to connect such Rhone or Pipe with a Pipe as aforesaid, fails to comply therewith, it shall be lawful for the Procurator Fiscal to enforce the same at any Time by applying to the Dean of Guild for a Warrant to execute the Work therein specified; and the Dean of Guild may, upon Proof that such Notice has been given, grant a Warrant to execute such Work, and shall thereafter ascertain and fix the Cost thereof, and decern against the Proprietor or Occupier therefor, and may award Expenses to or against any of the Parties to the Application; but no such Application shall operate as a Relief to any Proprietor or Occupier from Liability for any Penalties which had been incurred by him previous to the Date thereof.

Dean of Guild may grant Warrant to execute Works required by Master of Works.

(2.) Maintenance.

310. Subject to the Obligations herein-after imposed on the Proprietors of Lands and Heritages, the Board shall make Provision for maintaining, and so far as thought expedient for causewaying, the public Streets in a suitable Manner, and for altering, repairing, and renewing the said Causeway.

Public Streets to be maintained by Board.

311. In all Cases where either Turnpike Roads or public or private Streets are causewayed the Work shall include suitable and convenient Crossings for Foot Passengers.

Crossing to be made for Foot Passengers.

312. The Board may from Time to Time place Fences and Posts upon the Sides of the Causeway or upon the Foot Pavement for the Protection of Passengers, or they may place Posts in the Causeway to make the Crossing thereof less dangerous for Passengers, and they may from Time to Time repair such Fences or Posts, or remove the same or any Obstructions to such Causeway or Foot Pavement, as they think fit.

Fences or Posts may be placed for Protection of Passengers.

313. The Board may lay or continue in any Portion of a Turnpike Road within the City, with Consent of the Trustees of such Road, and in any of the public Streets, Iron Tramways or Railways for the

Tramways may be laid for facilitating Traffic.

Purpose

The Glasgow Police Act, 1866.

Purpose of facilitating the Passage of Traffic along the same, and may from Time to Time remove, alter, repair, or renew such Tramways or Railways, and make Byelaws for regulating the Use thereof.

Power to Road Trustees and Board to contract for Maintenance of Roads.

314. It shall be lawful for the Board, and for the Trustees of any Turnpike Road, to contract for the Maintenance and Repair by the Board of any Portions of such Turnpike Road within the City on such Terms and Conditions, and during such Period, or terminable in such an Event, as to them shall seem proper; and any Contracts which have been entered into between the Police and Statute Labour Committee and the Trustees of any such Turnpike Road for or with reference to the Objects and Purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same Manner as if such Contracts had been entered into between the Board and the said Trustees after this Act comes into operation: Provided that no such Contract hereafter entered into shall be valid or effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and (if such Contract be for a longer Period than One Year) confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter, and that no Person qualified as a Trustee by holding the Office of Lord Provost, Bailie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the City shall be entitled to vote at any such Meeting in relation to any such Contract.

One Half in Breadth of public Streets to be causewayed by adjoining Proprietors.

315. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor of a Land or Heritage adjoining any public Street to causeway One Half in Breadth thereof opposite such Land or Heritage in a suitable Manner to his entire Satisfaction, unless previous to the passing of this Act such Portion of Street was assumed by the Board of Police of *Glasgow* as in a sufficient State of Repair.

Thereafter Proprietors relieved of Maintenance.

316. On the Completion of the said Causeway, and its Approval by the Master of Works or by the Magistrate or Dean of Guild as herein-after provided, the Registrar shall make an Entry thereof in the Register of public Streets, which shall *ipso facto* relieve the Proprietor from Liability for the future Maintenance or Renewal of the said Causeway; and an Extract of the said Entry shall be given by the Registrar to any Proprietor on Payment of a Fee of Two Shillings and Sixpence, and shall be received in all Courts as Evidence of its Contents.

Foot Pavement of Turnpike

317. The Master of Works may, by Notice given in manner herein-after provided, require the Trustees of any Bridge or of any Turnpike

The Glasgow Police Act, 1866.

Turnpike Road on which there is a Bridge, or any Proprietor of a Land or Heritage adjoining any other Turnpike Road within the City or any public Street, so far as not already done, to form in a suitable Manner, with Openings at convenient Distances for Fireplugs, and from Time to Time to alter, repair, or renew to his entire Satisfaction, Foot Pavements on such Bridge as respects such Trustees, or in such Road or Street opposite to such Land or Heritage as respects such Proprietor, except where the Foot Pavements have been taken over by the Board.

Roads and public Streets to be made and repaired by adjoining Proprietors.

318. The Master of Works may, by Notice given in manner herein-after provided to the Proprietor of every Land or Heritage adjoining to and having a Right of Access by any private Street, require him, so far as not already done, to causeway in a suitable Manner and from Time to Time to alter, repair, and renew the Causeway of such Street, and may require any Proprietor of a Land or Heritage adjoining to and having a Right of Access by any private Street or Court, so far as not already done, to form in a suitable Manner, with Openings at convenient Distances for Fireplugs, and from Time to Time to alter, repair, or renew, Foot Pavements, if not taken over by the Board, opposite to any Building in such Street or Court, and in each Case to his entire Satisfaction.

Proprietors adjoining private Streets and Courts to make and repair Causeway and Foot Pavement.

319. It shall be lawful for the Board, and for any One or more Proprietors who possess Lands and Heritages adjoining to and having a Right of Access by any private Street or Court, whose Lands and Heritages possess a greater Frontage to the said Street or Court, and are valued in the last completed Valuation Roll at a greater annual Amount, than the Lands and Heritages of any dissentient or non-concurring Proprietor or Proprietors, to contract for the causewaying or for the Alteration, Repair, or Renewal by the Board of the Causeway in such private Street or Court on such Terms and Conditions as to the Board shall seem proper; and the Cost of such Work, as fixed by such Contract, shall be apportioned by the Board among the Proprietors of Lands and Heritages adjoining to and having a Right of Access by the said private Street or Court in the Way and on the Principle herein-after provided, and shall be levied by the Board from them in the same Way as and along with the Police Assessment.

Power to Board and such Proprietors to contract for causewaying.

320. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor of a Building or Part of a Building to which Access is obtained by means of a Common Stair to repair the Steps or Railings or the Foot Pavement, if not taken over by the Board, or Window, or the Jaw Boxes and Pipes of the said Common Stair, or the Doors leading therefrom, to his entire Satisfaction.

Common Stairs to be maintained by Parties interested.

[Local.]

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321. The

The Glasgow Police Act, 1866.

Particulars
to be stated
in Notice.

321. The Master of Works shall, in every Notice given by him to any Proprietor of a Land or Heritage in pursuance of the Provisions herein-before contained, describe the Work required to be executed either directly or by a Reference to Plans, Sections, or Specifications, or to a Specimen stated as deposited in the Head Office of the Board for Inspection, and shall specify the Period allowed for the Execution of such Work.

Power to
Proprietor to
lodge Objec-
tions to
Notice and
Procedure.

322. If any Proprietor to whom such Notice has been given considers himself aggrieved by the Requisition therein contained, he may, within Six Days thereafter, deliver to the Clerk written Objections signed by him, and the following Procedure shall take place :

If the Cost of the Work does not, in the Opinion of the Master of Works, exceed a probable Sum of Five Pounds, the Procurator Fiscal shall cause every such Proprietor, or (if he thinks proper) all the Proprietors to whom a Notice has been given, to be cited to appear before the Magistrate, who shall inquire into, try, and decide the Questions competently raised in such Objections with respect to the Necessity or Reasonableness of the Work required to be executed, and the respective Liabilities of the Proprietors for the Cost thereof :

In all other Cases the Procurator Fiscal shall apply to the Dean of Guild for a Warrant to cite the objecting Proprietor or Proprietors, or (if he thinks proper) all the said Proprietors, and the Dean of Guild shall thereupon inquire into, try, and decide the said Questions, and may award Expenses to or against any of the Parties to such Application.

Penalty for
Failure to
comply with
Notice.

323. Every Proprietor to whom such Notice is given shall be bound to comply with the Requisition therein contained in so far as his Objections have not been sustained by the Magistrate or the Dean of Guild ; and if any Proprietor fails to comply therewith before the Expiry of the Period specified in such Notice, or before the Expiry of Ten Days after the Decision of the Magistrate or the Dean of Guild on his Objections (if such last-mentioned Period be longer than the first), he shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Ten Shillings for every Day or Part of a Day thereafter during which the Work specified in the said Notice shall not be executed or shall not be performed as required by the said Notice.

Claim of Re-
lief by Pro-
prietor who
complies
with Notice.

324. If any Proprietor complies with the Requisition contained in such Notice within the Period specified therein to the entire Satisfaction of the Master of Works, or, in case of a Dispute, to the Satisfaction of the Dean of Guild, he shall be entitled to recover from all the Proprietors liable their Proportions of the Cost of the said Work as Damages.

325. If

The Glasgow Police Act, 1866.

325. If the Proprietor or Proprietors to whom Notice has been given fail to comply as aforesaid with the Requisition contained in such Notice, it shall be lawful for the Procurator Fiscal to enforce the same at any Time by applying to the Dean of Guild for a Warrant to execute the Work therein specified in so far as not altered or varied by the Magistrate or Dean of Guild; and the Dean of Guild may grant a Warrant to execute such Work, and shall thereafter ascertain and fix the Cost thereof, and decern against the said Proprietor or Proprietors to whom Notice was given for the Proportions of such Cost due by them, and may award Expenses to or against any of the Parties to such Application; but no such Application shall operate as a Relief to any Proprietor or Proprietors from Liability for any Penalties which had been incurred by him or them previous to the Date thereof.

Procedure on Failure of all the Proprietors to comply with Notice.

326. On a Report by the Master of Works that the Foot Pavement of any Street or of the Streets within any District of the City are in a defective and unsatisfactory State, the Board may, after such Examination or Inquiry as they think fit, direct the Foot Pavement of such Street or of the Streets in such District to be renewed by the Master of Works of such Width and using such Description and Quality of Pavement as they may fix, except in the principal Thoroughfares of the City where they shall be bound to use the best Quality of *Arbroath* or *Caithness* Pavement with Granite Kerbstones, and the Expense thereof as certified by the Master of Works shall be payable by the Parties liable to maintain such Foot Pavements, and be recoverable by the Board as Damages, and thereafter all such Foot Pavements shall be maintained by the Board as Part of the public Streets of the City.

Foot Pavement may after certain Procedure, be assumed by Board.

327. The Board may contract with any Person for the Execution by such Person of all or any of the Works which, by the Provisions classed under this Head, they are authorized or required to execute, on such Terms and during such Period as to them shall seem proper.

Power to Board to contract for Works under this Head.

XXIV.

SEWERS—THEIR CONSTRUCTION AND REPAIR.

328. The Board shall make Provision for draining in a suitable Manner the Portions of the Turnpike Roads within the City and the public Streets, and may, with that Object, construct or continue in or under any of the said Roads or Streets One or more ordinary or special public Sewers, and may from Time to Time alter, renew, or add to such Sewers as to them shall seem proper, and may carry and continue the said Sewers into or through any Lands or Heritages within

Public Sewers to be made and maintained by Board.

The Glasgow Police Act, 1866.

within the City, and may repair, maintain, and cleanse the said Sewers: Provided that they shall make reasonable Compensation to the Proprietors and Occupiers of such Lands and Heritages for any Damage which may be done by reason of the Exercise of the Powers hereby conferred; and such Compensation shall, in the Option of the Board, be assessed either by the Dean of Guild, or in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount of Compensation to be paid for Lands taken under the Provisions thereof.

Cost of
constructing
ordinary
public
Sewers to be
paid by
adjoining
Proprietors.

329. The Proprietor or Proprietors of Lands and Heritages adjoining any Part of a Turnpike Road within the City or public Street in which no ordinary public Sewer previously existed shall severally be bound to relieve the Board from the Expense of constructing an ordinary public Sewer for the Drainage thereof in proportion to the Frontage thereto of their respective Lands and Heritages; and such Amount may be recovered from them as Damages, or may be levied from them by the Board in the same Way as a special Police Assessment, so soon as, but not before, some Building is erected on a Land or Heritage adjoining such Road or Street: Provided that where the interior sectional Area of such Sewer exceeds Seven and a Half Square Feet the Board shall contribute the extra Expense of constructing the same out of the Statute Labour Assessment.

Mode of
ascertaining
such Cost.

330. The Master of Works shall make up and lay before the Board a Statement of the Expense incurred in constructing any such public Sewer, and of the Proportions due by the Proprietor or several Proprietors of Lands and Heritages; and such Statement, in so far as approved of or as altered by the Board, shall be *prima facie* Evidence of the Amount of Expense so incurred, and of the Proportions thereof due by each Proprietor.

Master of
Works to
have Right
to enter any
Land or
Heritage for
the Perform-
ance of his
Duty.

331. It shall be lawful for the Master of Works, or any Person authorized by him, at all reasonable Times to enter any Land or Heritage within the City for the Purpose of inspecting, and to open up and inspect, any Common Sewer or private Sewer, and every Person who wilfully obstructs or delays the Master of Works or any Person authorized by him in so doing shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Proprietors
adjoining
private
Streets and
Courts to
make and
repair Com-
mon Sewers.

332. The Master of Works may, by Notice given in manner herein-after provided to the Proprietor of every Land or Heritage adjoining to and having a Right of Access by any private Street or Court, require such Proprietor, so far as not already done, to construct in a suitable Manner, and from Time to Time to alter, renew, add

The Glasgow Police Act, 1866.

add to, repair, and maintain, a Common Sewer in each Street or Court, and to connect such Common Sewer with a public Sewer to his entire Satisfaction.

333. If any Common Sewer now existing or which may hereafter be constructed in any private Street or Court is not kept effectually cleansed, every Proprietor of a Land or Heritage adjoining to and having a Right of Access by such private Street or Court, and draining into such Common Sewer, shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Ten Shillings in respect of every Day or Part of a Day during which such Common Sewer is not so cleansed after the Imposition of the first-mentioned Penalty.

Penalty on Proprietors for not keeping Common Sewers clean.

334. The Board may, jointly with any One or more Proprietors who possess Lands and Heritages adjoining to and having a Right of Access by any private Street or Court, and whose Lands and Heritages possess a greater Frontage to the said Street or Court, and are valued in the last completed Valuation Roll at a greater annual Amount, than the Lands and Heritages of any dissenting or non-concurring Proprietor or Proprietors, contract for the Construction, Alteration, Renewal, Addition to, or Repair by the Board of any Common Sewer in such private Street or Court, or for the Maintenance or cleansing by the Board of such Common Sewer during such Number of Years as shall be agreed upon, and on such Terms and Conditions as to the Board shall seem proper; and the Cost of such new Work, or the annual Sum payable for maintaining or cleansing such Work as fixed by such Contract, shall be apportioned to and among the Proprietors of Lands and Heritages adjoining to and having a Right of Access by the said private Street or Court in the Way and on the Principle herein-after provided, and shall be levied by the Board from them in the same Way as and along with the Police Assessment.

Power to Board and Proprietors to contract for Construction or Maintenance of Common Sewers.

335. The Master of Works may, by Notice given in manner herein-after provided to the Proprietor of every Land or Heritage adjoining or near to any Turnpike Road within the City, or to any public or private Street or Court, require him, so far as not already done, to construct on such Land or Heritage in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, One or more private Sewers for the Purpose of draining such Land or Heritage, or any Lands and Heritages adjoining or near thereto, and also to construct in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, Rhones or Pipes for conveying into such private Sewers the Roof or Waste Water from any Buildings on the Land or Heritage belonging to him, and may also by such Notice require any Proprietor of a Land or Heritage adjoining any such

Proprietors of Lands and Heritages to construct private Sewers.

[Local.]

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Road,

The Glasgow Police Act, 1866.

Road, Street, or Court to connect such private Sewer or Sewers with the public or Common Sewers, and by these Means, so far as consistent with the Levels, effectually to drain the said Lands and Heritages to the entire Satisfaction of the Master of Works.

To prevent the Contamination of Rivers and Streams.

336. Every Person who directly, or by means of any private Sewer, suffers the Refuse of any Trade or Manufacture or any Sewage or other Matter to flow from any Land or Heritage occupied by him into the River *Clyde* or the River *Kelvin*, or into any Stream at a Point where, in the Opinion of the Board, such Refuse, Sewage, or other Matter will injuriously pollute the Water therein, shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Five Pounds for each Day or Part of a Day during which such Refuse, Sewage, or other Matter so flows; and if in the Opinion of the Board any such Refuse, Sewage, or other Matter cannot be conveniently carried into any public or Common Sewer so as to leave such Stream unpolluted, it shall be lawful for the Master of Works, by Notice given in manner herein-after provided to the Proprietors of such Land or Heritage, to require them to construct in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, One or more private Sewers for the Purpose of carrying such Refuse, Sewage, or other Matter either into the River *Clyde* or the River *Kelvin*, or into such Stream at a Point where, in the Opinion of the Board, it will not be injurious, or into any public or Common Sewer; and it shall be in the Power of the Board, if they think fit, to contribute to the Expense of constructing or of maintaining any such private Sewer such Sum as they think fit, and by Agreement with the Proprietors of the Lands and Heritages through which such private Sewer is constructed, or of such of them as possess the major Part of the Frontage thereto, to obtain as a Condition of such Contribution a Right to use it as a public Sewer.

Particulars to be stated in any Notice given by Master of Works and Mode of its Enforcement.

337. The Provisions herein-before contained under the Head of "Streets and Courts—their Formation, Improvement, and Maintenance" with reference to the Particulars to be stated in any Notice given to a Proprietor by the Master of Works, the Review of such Notice by the Magistrate or Dean of Guild, the Execution of the Work specified therein by the Proprietor or under a Warrant of the Dean of Guild, and the Rights and Liabilities of the Proprietor to whom such Notice is given, shall apply to any Notice given to a Proprietor by the Master of Works in pursuance of the Provisions under this Head, and to the Work specified therein.

Power to Board to contract for

338. The Board may contract with any Person for the Execution by such Person of all or any of the Works which, under the Provisions

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visions classed under this Head, they are authorized or required to execute, on such Terms and during such Period as to them shall seem proper. the Works under this Head.

339. Where in the Opinion of the Board the Refuse of any Trade or Manufacture is of such a Nature that, if suffered to flow either directly or indirectly into any ordinary public Sewer, it will cause or be likely to cause of itself, or by Admixture with other Matters therein, noxious or offensive Effluvia, they may construct a special public Sewer for the Purpose of carrying off such Refuse; and the Master of Works may, by Notice given in manner herein-after provided, require the Occupier of the Land or Heritage on which such Trade or Manufacture is carried on, and the Occupier of any other Land or Heritage in the Vicinity of such Sewer on which Refuse of a like Nature is produced, to construct in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, a private Sewer, and to connect such private Sewer with the said special public Sewer, so that the whole of such Refuse, or so much thereof as the Master of Works may from Time to Time direct, shall be effectually drained into such special public Sewer to his entire Satisfaction: Provided that if any Occupier to whom such Notice is addressed considers himself aggrieved by the Requisition therein contained, he may, within Six Days thereafter, appeal to the Board by delivering to the Clerk written Objections signed by him, and if the Board do not give Effect to such Objections by cancelling the said Notice, or by varying or altering the Requisition so far as respects such Occupier, he may, within Six Days after their Decision, apply to the Sheriff, who shall grant Warrant to cite the Master of Works, and shall thereupon inquire into, try, and decide the Questions raised in such Application, and may award Expenses to or against any of the Parties; and the Decision of the Sheriff shall be final, and shall not be subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution. Special public Sewers may be constructed.

340. The Occupier or Occupiers of Lands or Heritages using any special public Sewer shall severally be bound to relieve the Board from the Expense of constructing the same, and the Proportion of such Expense effeiring to every such Occupier shall be paid in One single Payment, unless, within Fourteen Days after Notice given to him by the Master of Works in manner herein-after provided, such Occupier shall declare his Option to pay his Proportion of such Expense by annual Payments; and the Amount of such single Payment or of such annual Payments, as the Case may be, and the Duration thereof, may be settled by Agreement between the Board and any such Occupier, or, in case of Dispute, shall be settled by Arbitration in pursuance of the Provisions of "The Lands Clauses Consolidation Cost thereof to be paid by Persons using the same.

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Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, and the Amount so settled may be recovered as Damages, or levied in the same Way as and along with the Police Assessment.

Occupiers to use best practicable Means for preventing Effluvia.

341. The Occupier of every Land or Heritage on which any Trade or Manufacture is carried on shall, previous to suffering the Refuse therefrom to flow either into an ordinary or a special public Sewer, use the best practicable Means for preventing the Production of noxious or offensive Effluvia therein; and any Occupier who refuses or neglects to use such Means shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Five Pounds for each Day or Part of a Day during which such Refusal or Neglect continues; and if within Six Months he is twice found liable in a Penalty for the said Offence, it shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to interdict him from suffering the Refuse from his Trade or Manufacture to flow into any public Sewer.

Penalty for using any Common Sewer except in pursuance of Notice or by Leave.

342. Every Proprietor or Occupier who connects any private Sewer passing in or through any Land or Heritage belonging to him, or who suffers such private Sewer to be connected with any public Sewer, or who suffers any Water or other Thing to flow from such Lands and Heritages into any public Sewer, except in pursuance of a Notice by or with the written Consent of the Master of Works, or otherwise than according to Plans, Sections, or Specifications to be furnished or approved of in manner herein-before mentioned, shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Five Pounds for each Day or Part of a Day during which such unauthorized Connexion or Flow of Water continues.

Penalty on Proprietors for not keeping private Sewers clean.

343. If any private Sewer now existing or which may hereafter be constructed is not kept effectually cleansed, every Proprietor of a Land or Heritage in or through which it is made shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Ten Shillings in respect of every Day or Part of a Day during which such private Sewer is not so cleansed after the Imposition of the first-mentioned Penalty.

XXV.

CLEANSING OF STREETS AND COURTS—REMOVAL OF CITY MANURE.

Public Streets to be kept clean by Board.

344. The Board shall make Provision for properly sweeping the public Streets, private Streets, and Courts, for collecting and removing all

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all Filth of every Sort which is found on them, for laying the Dust by watering them as often as Occasion requires, and for keeping them in a proper State of Cleanliness: Provided always, that the foregoing Provisions shall not be applicable to the Streets, Quays, and Wharves belonging to the Trustees of the *Clyde* Navigation.

345. The Inspector of Cleansing shall be responsible to the Board for the proper State of Cleanliness of the public Streets, private Streets, and Courts, for the Enforcement of the Provisions herein-after contained with respect to cleansing Roads, private Streets, and Courts within the City, for the regular Collection and Removal of the City Manure, for the good Conduct of the Scavengers and other Persons appointed by him, and generally for the complete State of Efficiency of his Department.

Duties of
Inspector of
Cleansing.

346. The Board and the Trustees of every Turnpike Road may contract for the sweeping, cleansing, and watering by the Board of any Portion of such Turnpike Road within the City on such Terms and Conditions, and during such Period, or terminable in such Event, as to them shall seem proper; and any Contracts which have been entered into between the Police and Statute Labour Committee or the Board of Police of *Glasgow* and the Trustees of any such Turnpike Road for or with reference to the Objects and Purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same Manner as if such Contracts had been entered into between the Board and the said Trustees after this Act comes into operation: Provided that no such Contract to be hereafter entered into shall be valid or effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and (if such Contract be for a longer Period than One Year) confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter, and that no Person qualified as a Trustee by holding the Office of Lord Provost, Bailie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the City shall be entitled to vote at any such Meeting in relation to any such Contract.

Power to
Road Trus-
tees and
Board to
contract for
cleansing
Roads.

347. If the Foot Pavement of any Turnpike Road within the City, or of any public or private Street opposite to any Land or Heritage, is not once in every Day (*Sundays* excepted) swept and cleansed before Nine o'Clock in the Morning, every Occupier, or if there is no Occupier every Proprietor of such Land or Heritage, shall be liable to a Penalty not exceeding Five Shillings for each Offence.

Penalty for
not keeping
Foot Pave-
ment of
Roads and
Streets
clean.

348. If any Common Stair, or any Area in front of any Land or Heritage, is not regularly and effectually swept and kept clean,
[Local.]

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Penalty for
not keeping
Common
Stairs and
Areas clean.

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every Occupier of a Building or Part of a Building to which Access is obtained by means of such Common Stair, or of such Land or Heritage, shall be liable to a Penalty not exceeding Five Shillings for each Offence.

Defining
City Manure
and vesting
in Board.

349. With the Exception of Horse, Cow, and Swine Dung, and of the Refuse of public Markets and Slaughter-houses, and of Breweries, Tan Works, and Chemical Works, and of the Ashes of any Kiln, Engine, or Furnace, all the Dung, Fulzie, Soil, Dirt, Ashes, Filth, and Refuse made or found within the City elsewhere than on any Quay or other Street of which the Solum belongs to the Trustees of the *Clyde* Navigation or of the Market and Slaughter-house Commissioners (herein-after called "the City Manure") shall vest in the Board, and after Removal as herein-after provided may be sold and disposed of by the Board.

Penalty for
misappropriating City
Manure.

350. The City Manure, so far as made or found on the Land or Heritage of any Proprietor or Occupier within the City, or in any private Sewer passing through such Land or Heritage, or through any private Street or Court, or in any Common Sewer in such Street or Court, which such Proprietor or Occupier is bound to cleanse, shall, except as after mentioned, be deposited by him in the Dungstead, Ashpit, or Privy used in connexion with such Land or Heritage; and any Proprietor or Occupier who deposits or suffers such Manure to be deposited or conveyed elsewhere, or sells it, or uses any Portion of it without the Permission of the Board, or otherwise with such Permission than in manuring such Land or Heritage, shall be liable to a Penalty not exceeding Ten Shillings for each such Offence.

Penalty for
not using
Dust Boxes,
if provided
by Board.

351. The Board may, if they think fit so to do, direct moveable or fixed Dust Boxes, wherein Dust and Ashes may be deposited, to be provided and placed in any Turnpike Road within the City or in any of the public Streets, and may, by public Notice in One or more Newspapers published in *Glasgow*, require the Occupiers of Lands and Heritages adjoining such Roads and Streets, or adjoining the private Streets or Courts in the Neighbourhood thereof, to cause all their Dust and Ashes to be deposited daily in such Dust Boxes; and every Occupier whose Dust and Ashes are not thereafter so deposited shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

Power to
Board to
provide pub-
lic Privies
and Urinals.

352. The Board may erect or continue public Waterclosets, Privies, and Urinals in any Turnpike Road within the City, with the Consent of the Trustees of such Road, or in any of the public Streets, and in such Situations as shall, in the Opinion of the Board, cause the least Inconvenience or Nuisance, and may defray the Expense thereof and of keeping the same in good Order.

353. The

The Glasgow Police Act, 1866.

353. The Board and the Commissioners acting under "The Glasgow Corporation Waterworks Act, 1855," may contract, for a Supply of Water by the Commissioners to the Board for all or any of the Purposes of this Act on such Terms and Conditions and during such Period as to them shall seem proper; and the Board may in pursuance of such Contract place Pipes, Conduits, and Pumps in any of the Streets, or provide any other Works and Engines necessary for that Purpose, and remove and alter the same when and as they think proper.

Power to Board to contract for a Supply of Water.

354. The Board shall provide convenient Places beyond the City, or at a Distance from any Buildings within the City, for the Deposit of the City Manure, and for that Purpose may, by Agreement with the Owners, Lessees, and Occupiers, purchase or rent any Lands and Heritages, and erect suitable Buildings thereon; but this Act shall not be pleadable in bar of any Action complaining of such Deposit as a Nuisance at Common Law.

Convenient Places for the Deposit of City Manure to be provided.

355. The Inspector of Cleansing shall cause the City Manure to be collected from the public Streets, and from every Dungstead, Ashpit, Privy, and moveable or fixed Dust Box within the City, and conveyed to the Places procured for its Deposit as herein-before mentioned, and to enable him to do so the Board shall provide and maintain such Number of Carts and other Implements as they consider necessary, and may purchase, keep, or hire Horses for drawing the said Carts, and may, by Agreement with the Owners, Lessees, and Occupiers, purchase or hire Places for keeping the said Horses and Implements.

City Manure to be collected and carted there.

356. The Board may contract with any Person for the Execution by such Person of all or any of the Works which by the Provisions classed under this Head they are authorized or required to execute on such Terms and during such Period as to them shall seem proper.

Power to Board to contract for Works under this Head.

XXVI.

LIGHTING OF THE CITY.

357. The Board shall make Provision for lighting in a suitable Manner the Portions of the Turnpike Roads within the City, and the public and private Streets and Courts, and may, with that Object, erect or continue and maintain upon the Causeway or upon the Foot Pavements, or may affix to the Walls of any Buildings adjoining the said Roads, Streets, or Courts, or to the Railings in front of such Buildings, or to the Walls of any Land or Heritage adjoining the said Roads or Streets, the necessary Lamps, Lamp Posts, Lamp Irons, and other

Turnpike Roads and public and private Streets and Courts to be lighted by Board.

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other Appurtenances, and may from Time to Time alter the Position of the said Works, and may also provide for lighting the Dial Plates of such Clocks as to them shall seem proper: Provided that the Board shall make Compensation to the Proprietor of any such Building for any Injury done by them to the same, or to the Railings in front thereof, to be recovered as Damages; provided also, that the Board shall not be obliged to make any Provision for lighting the Quays, Wharves, and Streets belonging to the Trustees of the *Clyde* Navigation.

Duties of
Inspector.

358. The Inspector of Lighting shall be responsible to the Board for the proper Erection, Maintenance, and Renewal of the said Lamps, for the proper Maintenance and Renewal of any Lamps now in use, for keeping in Order all such Lamps, for lighting them during such Hours as the Board may from Time to Time direct, for the good Conduct of the Lamplighters and other Persons appointed by him, and generally for the complete State of Efficiency of his Department.

Proprietors
to pay
Expense of
lighting
private
Streets and
Courts.

359. The Proprietor or Proprietors of Lands or Heritages adjoining to and having a Right of Access by or to any private Street or Court shall be bound to provide and maintain suitable and sufficient Lamp Posts or Brackets, Lamps, and Fittings to the Satisfaction of the Inspector of Lighting or the Board, and placed as the said Inspector or the Board may direct, under a Penalty of Forty Shillings payable by each such Proprietor, and the Board shall supply the same with Gas, and keep the same lighted during the same Hours as the Lamps in the public Streets, and in respect of each such Light or Lamp the Proprietors shall pay such Sum as the Board may fix not exceeding Fifteen Shillings *per Annum*, and the Proportion thereof due by each Proprietor shall be annually fixed by the Surveyor according to the Extent of their respective Interests as shown by the last completed Valuation Roll, and may be recovered from such Proprietor as Damages, or levied from him in the same Way as the Police Assessment: Provided always, that the foregoing Provision shall not apply to the Trustees of the *Clyde* Navigation; provided also, that the Company of Proprietors of the *Forth and Clyde* Navigation, and any other Canal Company, may light any Harbour, Quay, Wharf, and Street owned by them, so that the same be lighted in a suitable Manner and to the Satisfaction of the Board, and the Company doing so shall not be liable to the Assessment hereby imposed in respect of the lighting of private Streets and Courts by the Board.

Power to
Board to
contract for
a Supply of
Gas.

360. The Board and the Owners of any Gasworks established by Act of Parliament within the City may contract for a Supply of Gas by such Owners to the Board for the Purpose of enabling them to comply with the Provisions herein-before and after contained, and for lighting

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lighting their Premises; and if any such Owners with whom the Board are desirous of contracting shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration in pursuance of the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration.

361. The Proprietor or Proprietors of every Land or Heritage having an Access by a Common Stair shall provide and maintain suitable Gas Pipes and Brackets, Lamps, and Burners in such Common Stair to the Satisfaction of the Inspector of Lighting or the Board, and placed as the said Inspector or the Board may direct, under a Penalty of Forty Shillings payable by each such Proprietor, and the Board shall cause them to be supplied with Gas and lighted during the same Hours as the public Street Lamps, and for each Burner the Proprietor or Proprietors shall pay to the Board such Sum not exceeding Ten Shillings *per Annum* as the Board may from Time to Time direct, and the said Sum shall be recoverable by the Proprietor from the Occupiers in proportion to their respective Rents, and be deemed to be a Debt recoverable as and in the same Way as Rent.

Lighting of
Common
Stairs.

362. The Proportion of such Sum payable by each Proprietor shall be fixed by the Surveyor as is herein-before provided with respect to the lighting of private Streets or Courts, and each Proprietor shall be entitled to a Deduction from the Board of *Twenty per Cent.* on the Sum payable by him.

Proportion
payable by
Proprietors.

363. The Board may contract with any Person for the Execution by such Person of all or any of the Works which by the Provisions classed under this Head they are authorized or required to execute on such Terms and during such Period as to them shall seem proper.

Power to
Board to
contract for
Works under
this Head.

XXVII.

BUILDINGS—THEIR ERECTION, ALTERATION, AND USE.

364. Every Person who intends to erect any Building within the City (not expressly authorized by Act of Parliament), or to alter any such Building of which he is not the sole Proprietor, or to alter any such Building of which he is the sole Proprietor, in a Manner which will affect the exterior Dimensions thereof, or to alter any Apartment which is registered in pursuance of the Provisions herein-after contained, shall make Application to the Dean of Guild for a Warrant to do so, and shall produce along with such Application a Plan and Sections of each Storey of the Building which he intends to erect or

Application
to be made
to Dean
of Guild
before any
Building is
erected or
altered.

[*Local.*]

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to

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to alter, and of the intended Alterations thereon, and a Plan and Sections of the Land on which such Building is or is intended to be situated, and of any Turnpike Road within the City, or any public or private Street or Court adjoining thereto, and of the Sewers in such Road, Street, or Court, and of the private Sewers formed or intended to be formed and connected therewith, and shall state in such Application whether any Apartments in the said Building so intended to be erected or to be altered, and, if any, which Apartments, are not intended to be let or used for the Purpose of sleeping in, and shall distinguish such Apartments on the said Plan; and the Dean of Guild shall cause the Master of Works and any other Person whom he considers interested to be cited, and allow them Time to examine the said Plan and Sections, and shall proceed to inquire into and dispose of the said Application, and may award Expenses to or against any of the Parties.

Penalty for erecting or altering any Building without applying to Dean of Guild.

365. Any Person who erects or who alters in any of the respects herein-before mentioned any Building within the City, or who converts any Apartment which has been so stated to be an Apartment not intended to be let or used for sleeping in to an Apartment to be let or used for that Purpose, without a Warrant, or otherwise than in conformity with a Warrant of the Dean of Guild, shall be deemed guilty of a Guild Offence, and be liable to a Penalty not exceeding Fifty Pounds, besides being bound, if and in so far as required by the Dean of Guild, to take down and remove the said Building, or to restore it to the State it was in previous to the Alterations thereon, or to alter it in such Way as the Dean of Guild shall direct so as to make it in conformity with his said Warrant.

Restraining Erections within a certain Distance of Parish and Turnpike Roads.

366. The Dean of Guild shall not grant a Warrant to erect any Building, except a Stone Wall not exceeding Six Feet in Height, within Twenty Feet of the Centre of any Portion of a Statute Labour Road within the City, or within Thirty Feet of the Centre of any Portion of a Turnpike Road within the City which is relinquished by the Trustees thereof, and is assumed by the Board as a public Street under the Powers of this Act, unless the said Building could have been erected within a less Distance of the Centre of such Turnpike Road without Contravention of the Acts relating to the said Road.

Dean of Guild not to grant a Warrant till satisfied on certain Points.

367. The Dean of Guild shall not grant a Warrant to erect or alter any Building unless or until he is satisfied that the Plan and Sections which are signed with reference to such Warrant, and which along with the principal Application shall be permanently kept by the Clerk of Court, and be accessible to all Parties, subject to such Provisions, Conditions, and Regulations as the Dean of Guild may direct,

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direct, make satisfactory Provision with respect to several Matters specified in this Section; *viz.*,

That the outer Walls and the Party Walls or separate Side or End Walls, and the Joisting and principal Timber Work as shown on the Plan are of sufficient Strength and Stability;

That the Level of the lowest Storey in the Building is such as to admit of complete Drainage into an adjoining public or Common Sewer;

That any Cellar or Vault proposed to be constructed under the Foot Pavement of a Turnpike Road or public Street will not interfere with the Level or safe Use or Improvement thereof;

That ample Ashpit and Watercloset or Privy Accommodation is shown on the Plan or exists in connexion with the Land or Heritage;

That proper Ventilation is secured by the Plan;

That in the case of a Hotel, or of a Theatre or other Building intended for holding large Numbers of People, the Doors and Passages are so planned as to admit of easy, quick, and safe Entrance and Exit;

That the Plan does not contemplate the raising or lowering of any Article from Windows or Openings towards any Turnpike Road or public or private Street or Court;

That the Plan does not show any Passage forming Part of a Court and leading through the Building of less Width than Four Feet, or any Passage forming Part of a private Street and leading through the Building of less Width than Ten Feet, or any Common Stair of less Width than Three Feet Nine Inches when finished, and that the Dimensions of every such Passage, Entry, or Stair are adequate for the Traffic;

That every Chimney Head be so planned and so placed as to be secure, and to have a Stone Cope into which Cans may be safely inserted;

That every Apartment, except those distinguished on the Plan as not intended to be let or used for sleeping in, is of such Size, and has One or more Windows with such free Space in front of every Window thereof, as to be in conformity with the Provisions hereinafter contained;

That the Plan provides for an adequate Supply of Water, or that such Supply exists in connexion with the Land or Heritage:

And the Erection or Alteration of any Building in conformity with the said Plan and Sections and Warrant shall take place at the Sight of the Master of Works, but neither the Warrant of the Dean of Guild nor the Superintendence of the Master of Works shall relieve the Proprietor from any Responsibility in respect of the said Building.

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Dean of
Guild may
authorize the
temporary
Occupation
of Portions
of any
Road, Street,
or Court
during Exe-
cution of
Work.

368. The Dean of Guild, on granting a Warrant to erect or alter any Building, may authorize the Person who made Application for the same to enclose and use any Portion of a Turnpike Road within the City, or of a public or private Street or Court, which appears to him necessary to facilitate the Work, during such Period and on such Conditions as he thinks reasonable; but the following Conditions shall be presumed to be made by the Dean of Guild, unless specially discharged by him; *viz.*,

Such Portion of Road, Street, or Court shall not exceed One Fourth of the Breadth thereof between the Kerbstones;

Every such Portion of Road, Street, or Court shall be sufficiently hoarded and fenced;

On the Outside of such Hoarding or Fence there shall be a convenient Platform and Handrail to serve as a Footway for Passengers;

Every Hoarding or Fence shall be sufficiently lighted at Night where possible with Gas, and in Lamps of Red Glass, in such Manner as to prevent the Risk of Accident;

Every Hoarding or Fence shall be removed, and the Road, Street, or Court restored to the complete Satisfaction of the Master of Works, on the Expiry of the Period fixed by the Dean of Guild, or if no Period is fixed by him, then without unnecessary Delay, and not later than the Completion of the Work:

And any Person who omits or fails to comply with the said Conditions, or with such other Conditions as the Dean of Guild imposes, shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day or Part of a Day during which he fails to comply therewith.

Bond of
Caution may
be required
from any
Person
obtaining a
Warrant to
erect or alter
a Building.

369. The Dean of Guild, on granting a Warrant to erect or alter any Building, or to enclose or use any Portion of a Road, Street, or Court, may require that a Bond be previously granted with sufficient Caution to secure that the Conditions specified in such Warrant and the Provisions of this Act shall be fulfilled, that in the Erection of Scaffolding and otherwise Precautions shall be taken to the Satisfaction of the Master of Works to guard against Accidents, and that Compensation shall be made for any Damage or Injury which may result from the Insufficiency of such Precautions; but unless such Bond is declared forfeited by the Dean of Guild on the Application of the Master of Works, and unless the Sum contained therein has been paid to and accepted by the Master of Works in Satisfaction of all Claims against the principal Party thereto with respect to the Matters therein referred to, it shall not be competent to plead the same in bar of any Proceeding before the Magistrate for the Recovery of Penalties or otherwise with respect to such Matters.

370. Except

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370. Except as after mentioned, it shall not be lawful for any Proprietor to let, or for any Person to take on Lease, or to use or suffer to be used for the Purpose of sleeping in, any Apartment, unless One Third at least of its Height is above the Level of the Turnpike Road, or public or private Street or Court adjoining or near to it, and unless there be in front of at least One Third of every Window in such Apartment, including any Turnpike Road or public or private Street or Court, a free Space equal to at least Three Fourths of the Height of the Wall in which it is placed, measuring such Space in a straight Line from and at Right Angles to the Plane of the Window, and measuring such Wall from the Floor of the Apartment to where the Roof of the Building rests upon such Wall.

No Apartment to be let or used for sleeping in unless it has a free Space for Air and Light in front, or falls under the Exceptions after mentioned.

371. Any Person who lets or takes on Lease any Apartment for the Purpose of sleeping in which is not in conformity with the said Provision, or which does not fall within the Exceptions herein-after specified, shall be liable to a Penalty not exceeding Five Pounds; and any Person who uses or suffers to be used for the said Purpose any such Apartment shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which any such Apartment is so used or suffered to be used.

Penalty for letting or taking on Lease or using any Apartment so prohibited.

372. The said Provisions shall not apply to the following Cases; *viz.*, Exceptions from Prohibitions.

To any Apartment in a Building at the Corner of a Turnpike Road or public Street and of a private Street, or at the Corner of a Turnpike Road or public Street and of another public Street, provided such Apartment is wholly above the Level of the said Road and Street, and provided the Building in which it is situated does not extend along the narrowest of them for a greater Distance than Fifty Feet:

To any Apartment under the Level of a Turnpike Road or public or private Street or Court, the Window of which looks towards the same, provided there is an open Area or Space along the whole Length of such Apartment between it and such Road, Street, or Court which is as deep as the Floor of such Apartment, and is as broad as the Portion of the Height of such Apartment below the Level of the said Road, Street, or Court:

To any Apartment which previous to the passing of the recited Act was let in Lease until the Expiry of such Lease:

To any Apartment which has been entered in the Register made up by the Sheriff in pursuance of the Provisions of the recited Act:

To any Sleeping Apartment in any Building erected under the Authority of the Dean of Guild subsequent to the passing of the recited Act, and previous to the Commencement of this Act.

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Completed Register and Map to be kept by Registrar.

373. The completed Register and Map made up under the recited Act shall be kept in the Office of the Registrar, and shall at all reasonable Times be accessible to the Public without Charge; and a certified Extract of any such Entry shall on Demand be given by the Registrar to any Person on Payment of a Fee of One Shilling, and shall be received as Evidence in all Courts.

Dean of Guild may, in a certain Event, cancel an Entry in the Register.

374. If Application is made to the Dean of Guild by the Proprietor of any Apartment which is entered in the Register for a Warrant to alter any Part of the Building in which such Apartment is situated, it shall be lawful for the Dean of Guild, if he sees fit, to grant such Warrant on condition that the Exception in favour of the said Apartment from the Provisions herein-before contained shall cease, and to direct the Registrar to make a Memorandum thereof, and the Registrar shall thereupon make a Memorandum thereof in the Register which shall have the Effect of cancelling the Entry of the said Apartment therein.

No Apartment to be let or used for sleeping in unless it has One or more Windows of a proportionate Size.

375. It shall not be lawful for any Proprietor to let, or for any Person to take in Lease, or to use or suffer to be used, for the Purpose of sleeping in, any Apartment in which there is not at least One Window, or in which each Window is not so constructed or hung as that at least One Third of it may be conveniently and easily opened, or in which the Sash of such Window, or the Sashes of the several Windows therein, are not of the Dimensions herein-after provided; *viz.*,

If the said Apartment contains less than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a Superficial Area in the Proportion of One Foot for every Hundred of such Cubic Feet:

If the said Apartment contains more than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a Superficial Area in the Proportion of One Foot for every One hundred and fifty of such Cubic Feet.

Fixing minimum Cubic Contents of small Dwelling Houses.

376. It shall not be lawful for any Proprietor to let, or for any Person to take in Lease, or to use or suffer to be used, as a separate Dwelling House, any Building or Part of a Building which (exclusive of Lobbies, Closets, and Presses, and of Recesses, not exceeding Four Feet in Depth and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of any Recesses in which there is any Fixture whatever,) is not of the following Dimensions; namely,

If such Dwelling House consists of One Apartment, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Seven hundred Cubic Feet of Space, or, if it was not so used, unless it contains at least Nine hundred Cubic Feet of Space:

If

The Glasgow Police Act, 1866.

If such Dwelling House consists of only Two Apartments, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Twelve hundred Cubic Feet of Space, or, if it was not so used, unless it contains at least Fifteen hundred Cubic Feet of Space :

If such Dwelling House consists of only Three Apartments, and was used as a separate Dwelling House previous to the passing of this Act, unless it contains at least Eighteen hundred Cubic Feet of Space, or, if it was not so used, unless it contains at least Two thousand Cubic Feet of Space.

377. Any Person who lets or who takes in Lease any Apartment for the Purpose of sleeping in, or any Dwelling House which is not in conformity with the said Provisions, shall be liable to a Penalty not exceeding Five Pounds ; and any Person who uses or suffers to be used for the said Purpose any such Apartment or Dwelling House shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which it is so used or suffered to be used.

Penalty for letting, or taking on Lease, or using any Apartment or House so prohibited.

378. Any Person appointed by the Board from Time to Time may enter any Dwelling House which consists of not more than Three Apartments for the Purpose of measuring in Cubic Feet the Space contained therein (exclusive of Lobbies, Closets, and Presses, and of Recesses, not exceeding Four Feet in Depth, and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of Recesses in which there is any Fixture whatever), and to mark on or over the Outside of the Door of any such Dwelling House if the Cubic Contents thereof do not exceed Two thousand Feet, or to affix thereto a Ticket on which are marked, in such Position and Style as the Board see fit, the Number of such Cubic Feet and the Number of Persons exceeding the Age of Eight Years who, without a Breach of the Provision next herein-after contained, may sleep therein ; and any Person who obliterates, defaces, removes, or alters such Marking or Ticket shall be liable to a Penalty not exceeding Ten Shillings.

Power to Board to mark on small Dwelling Houses their Size and the Number who may live therein.

379. If any Dwelling House which consists of not more than Three Apartments is used for the Purpose of sleeping in by a greater Number of Persons than in the Proportion of One Person of the Age of Eight Years or upwards for every Three hundred Cubic Feet of Space, or of One Person of an Age less than Eight Years for every One hundred and fifty Cubic Feet of Space contained therein (exclusive of Lobbies, Closets, and Presses, and of Recesses, not exceeding Four Feet in Depth, and not having a separate Window therein, and not perfectly clear from Floor to Ceiling and from Wall to Wall, and exclusive also of Recesses in which there is any Fixture whatever), or

Penalty for exceeding such Number.

by

The Glasgow Police Act, 1866.

by a greater Number of Persons than is marked thereon in pursuance of the Provisions herein-before contained, every Person so using or suffering it to be used shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which it is so used or suffered to be used; and any Persons authorized by the Board may from Time to Time enter such Dwelling Houses if they believe that these Provisions are being contravened.

Power to Procurator Fiscal or Chief Constable to take interim Precautions in case of dangerous Buildings.

380. When any Building or Part of a Building is so ruinous or is in such a State as to cause reasonable Apprehension of immediate Danger to the Inhabitants, it shall be lawful for the Procurator Fiscal or the Chief Constable to cause the Occupiers thereof or of any adjoining Building to remove, and the Turnpike Road or Street or Streets adjoining, or Parts thereof, to be stopped, but in every such Case Application shall, as soon as possible thereafter, be made by the Procurator Fiscal to the Dean of Guild for a Warrant to sanction such Proceedings.

Dean of Guild may order dangerous Buildings to be taken down or secured.

381. The Procurator Fiscal may at any Time apply to the Dean of Guild for a Remit to One or more competent Persons to inspect and report on the State of any Building or Part of a Building which appears to be dangerous, and for a Warrant to take down or to secure or repair such Building or Part of a Building if reported to be so, and the Dean of Guild shall thereupon proceed as follows :

He may, if he sees fit, at once grant the Application for a Remit :

He may, in case of Urgency, without a Remit, after a Visit to and personal Inspection of the Premises, order the Occupiers of the Building or of any adjoining Building to remove, and may cause the Turnpike Road or Street or Streets adjoining, or any Part thereof, to be stopped :

He may take such other Steps as appear to him necessary for the public Safety :

He shall grant Warrant to cite the Proprietor of the Building or Part of a Building referred to in the Application, or if such Proprietor is unknown he may cause Notice of the Application to be given in One or more Newspapers, published in *Glasgow*, or in the *Edinburgh Gazette*, or in such other Manner as he thinks proper :

He shall, after receiving the Report of the Inspectors, proceed to inquire into and decide the Questions raised in the Application, and may order the Building or Part of a Building referred to in is to be taken down or secured by the Proprietor or by the Procurator Fiscal :

He may ascertain and award the Expense of executing the Operations against the Proprietor, and may also award the Expenses of all Proceedings in the Application to any of the Parties thereto.

382. Any

The Glasgow Police Act, 1866.

382. Any Proprietor who fails to carry into effect an Order of the Dean of Guild to take down, remove, alter, restore, secure, or repair any Building or Part of a Building within the Period limited thereby shall be guilty of a Guild Offence, and shall be liable to a Penalty not exceeding Two Pounds for every Day or Part of a Day during which such Failure continues; and it shall be lawful for the Procurator Fiscal to apply to the Dean of Guild, and on being satisfied of such Failure it shall be lawful for the Dean of Guild to grant a Warrant to execute the Works at the Expense of such Proprietor; and the Costs of the Works and the Expense of the Proceedings shall form a real Lien and Burden on the Land or Heritage on which or in connexion with which such Operations were executed, and may be recovered therefrom or from the Proprietor in any competent Court.

Penalty for not complying with Order of Dean of Guild.

383. When any Building belongs to Two or more Proprietors, and has in whole or in part been taken down by Order of the Dean of Guild, or from natural Decay has become ruinous, or has been rendered by Fire or otherwise unsafe for Occupation, and where it cannot be repaired or rebuilt in consequence of all the Proprietors being unable or unwilling or delaying to agree to repair or rebuild the same, and where such State of Matters has continued for at least One Year, it shall be lawful for the Procurator Fiscal, with the Concurrence of One or more of such Proprietors, or for any of such Proprietors, to apply to the Dean of Guild for a Warrant to sell or dispose of the Land on which such Building was erected and any Buildings thereon, and the Dean of Guild shall thereupon proceed as follows:

Dean of Guild may cause Waste or ruinous Properties to be sold.

He shall grant Warrant to cite all the known Proprietors and other Persons interested, and if there be any who are unknown he may cause Notice of the Application to be given in One or more Newspapers published in *Glasgow*, or in the *Edinburgh Gazette*, or in such other Manner as he thinks proper:

He may by a Remit to One or more competent Persons, or by the Admissions of the Parties, or by Proof, ascertain and fix the State during the Year preceding, and the Value of the said Land and of any Buildings thereon referred to in the Application:

If he finds that the said Land with any Buildings thereon is and has been in such a State as to justify the Application, he may, in either of the above Ways or by the Titles, ascertain and fix the Nature and Extent of the Interests of the said several Proprietors and other Persons, and the Proportion of the ascertained Value appertaining to each:

If the several Proprietors and other Persons interested who have entered Appearance in the Application agree among themselves for the Purchase by some One of them of the said Land and of

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any Buildings thereon at a Price not under the ascertained Value, he may, on behalf of any Proprietor or other Person interested who has not entered Appearance, concur in such Purchase on condition of the Price being paid before a certain Date into One of the Banks in *Scotland* incorporated by Act of Parliament or Royal Charter, subject to his Orders:

If the said several Proprietors and other Persons cannot so agree, or if he shall not so concur, or if the said Payment is not so made, he shall cause the said Land, with any Buildings thereon, to be sold by public Auction, and to be exposed in the first instance at an upset Price not less than the ascertained Value, but if no Offerers appear to be re-exposed from Time to Time at reduced upset Prices:

He shall remit to the Clerk of Court to advertise the Sale, to adjust the Articles of Roup which shall provide for Payment of the Price before a certain Date into One of the said Banks subject to his Orders, and to attend and conduct it:

On Payment of the Price, whether fixed by Agreement or by public Auction as aforesaid, he shall pronounce Decree declaring the Purchase duly completed, and shall authorize Possession of the said Land, with any Buildings thereon, to be taken by the Purchaser at the Date fixed by the Agreement or by the Articles of Sale; and such Decree shall, upon being registered in the same Register of Sasines in which the prior Titles were or might have been registered, be a valid and sufficient Title to the Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein without being subject to Challenge by any Party whomsoever:

If the Price is not paid by the Purchaser at the public Auction before the Date fixed by the Articles of Sale, he may declare the Sale cancelled (without Prejudice to enforcing against such Purchaser any Penalties due under the said Articles), and shall proceed as if the last Exposure had not taken place:

On the Completion of the Sale he shall apportion the Price among the Proprietors and other Persons interested in the said Land and Buildings according to the ascertained Nature and Extent of their Interests, and shall order Payment to be made to them respectively, under Deduction of such Share of the Expenses attending the Proceedings and Sale as he thinks reasonable, and the Proportion of the Price effeiring to any Proprietor or Person interested who has not entered Appearance in the Application shall, under a like Deduction, remain in One of the said Banks, subject to the future Orders of Court:

He may award Expenses to or against any of the Parties to the Application.

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384. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor or Occupier of a Land or Heritage to fence the same, or repair any Chimney Stalk or Flue, or any Chimney Head or Can, or any Rhone, Signboard, or other Thing connected with or appertaining to any Building thereon, which appears to be dangerous, to his entire Satisfaction.

Dangerous Chimney Stalks and Appurtenances to Buildings to be repaired.

385. The Master of Works may, by Notice given in manner herein-after provided, require any Proprietor of a Land or Heritage to which no adequate Dungstead, Ashpit, or Privy Accommodation is attached, or to which such Accommodation is attached but so constructed or situated as to be offensive to Persons using any Turnpike Road or public or private Street or Court, or to Persons residing in the Neighbourhood, to provide and construct in lieu thereof in a sufficient Manner and in a suitable Place, and from Time to Time to alter, renew, add to, repair, and maintain, a Dungstead, Ashpit, Water-closet, or Privy, as the Case may be, for the Use of the Occupiers thereof, or if there is a Building on such Land or Heritage used as a School, Factory, or Workshop, or occupied by Persons of both Sexes and above Twenty in Number, One or more Waterclosets or Privies for the Use of each Sex, and in every Case to his entire Satisfaction.

Adequate Dungstead, Ashpit, and Privy Accommodation to be provided.

386. The Provisions herein-before contained under the Head of "Streets and Courts—their Formation, Improvement, and Maintenance," with reference to the Particulars to be stated in any Notice given to a Proprietor by the Master of Works, the Review of such Notice by the Magistrate or Dean of Guild, the Execution of the Work specified therein by the Proprietor or under a Warrant of the Dean of Guild, and the Rights and Liabilities of the Proprietor to whom such Notice is given, shall apply to any Notice given to a Proprietor by the Master of Works in pursuance of the Provisions under this Head, and to the Work specified therein.

Particulars to be stated in any Notice given by the Master of Works and Mode of its Enforcement.

XXVIII.

PUBLIC BATHS AND WASH-HOUSES—THEIR ERECTION AND MAINTENANCE.

387. The Board may provide at One or more Points within the City convenient Premises for the Use and Accommodation of the Inhabitants as public Baths, Wash-houses, or Drying Grounds, and for that Purpose, by Agreement with the Owners, Lessees, and Occupiers, may purchase or rent any Buildings or Lands, or erect on such Lands other buildings, and from Time to Time may alter, renew, or add

Public Baths and Wash-houses to be provided by Board.

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add to and repair, maintain, and fit up such Premises, and employ proper Persons as Keepers thereof.

Proportion
of Baths for
Working
Classes.

388. The Number of Baths for the Use of the Working Classes in any Building provided by the Board shall not be less than twice the Number of all the other Baths of higher Classes.

Power to
make Bye-
laws and
regulate Use
of Baths and
Wash-
houses.

389. The Board may from Time to Time make Byelaws for the Regulation of such Baths, Wash-houses, and Drying Grounds, and the Conduct of the Persons using the same, and may fix such reasonable Charges for the Use thereof as they think fit, and a printed Copy of all such Byelaws and Charges shall be put up on a conspicuous Place in each such Bath-house or Wash-house so far as applicable thereto.

Penalty for
using any
Bath or
Wash-house
without
Payment.

390. If any Person who has used any such Bath-house, Wash-house, or Drying Ground does not pay on Demand to the Keeper the Charge due in respect thereof he shall be liable to a Penalty not exceeding Twenty Shillings, and it shall be lawful for the Keeper to seize and detain him, and any Clothes or other Articles in his Possession, and to deliver him and such Articles to a Constable to be taken to the Police Office.

Power to
Board to
discontinue
any Bath or
Wash-house.

391. The Board may, if they think fit, discontinue any public Bath, Wash-house, or Drying Ground provided by them, and may sell and dispose of the Lands or Buildings acquired for the Purposes thereof.

XXIX.

NOTICES—THEIR FORM AND SERVICE.

Form of
Notice.

392. Every Notice given in pursuance of this Act may be in Writing, or partly in Writing and partly in Print, and shall have the written or lithographed or printed Signature of the Person giving the same affixed thereto; and any Person who counterfeits such Signature, or who, without Authority, gives any such Notice, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days.

Mode of
Service of
Notice.

393. Every such Notice may be given by delivering it to the Person to whom it is addressed personally, or by leaving it at his Dwelling House or Place of Business, if within the City, or by sending it by Post to the Address of his Dwelling House, if beyond the City, or in the Case of Assessments, or if such Address is unknown after due Inquiry, by delivering it at the Land or Heritage to which
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the Notice relates, or, in case of a Master of or Seaman or Person employed in any Ship or Vessel, by leaving it in the Hands of a Person on board thereof and connected therewith.

394. The Person sending such Notice may cancel it, or give a new Notice to the same or to any other Person in respect of the Matter or for the Enforcement of the Obligation referred to in it. Power to cancel or vary Notice.

XXX.

CLAIMS OF RELIEF OF PROPRIETORS, OCCUPIERS, AND
OTHER PERSONS INTER SE.

395. Where several Persons are interested jointly as Proprietors or as Occupiers of the same Land or Heritage, they shall relieve each other from any Liability imposed on them by this Act, and from any Expense incurred in the Fulfilment of such Liability, according to the Extent of their respective Interests therein. Joint Proprietors or Occupiers to relieve each other rateably.

396. Where any Work in, under, or upon a public Street is by this Act directed to be executed, maintained, or cleansed by any Proprietor or Occupier of a Land or Heritage adjoining it, and where there are several Proprietors or Occupiers who, in respect of Flats or Portions of the same Building or otherwise, are jointly interested in the said Work, and might be called on to fulfil the said Liability, and there is no special Provision or Agreement with respect thereto, all of such Proprietors or Occupiers, as the Case may be, shall relieve each other from the Expense incurred in the Fulfilment of such Liability according to the Extent of their respective Interests as shown by the last completed Valuation Roll at the Date when the Expense was incurred. Claim of Relief to be fixed by Valuation Roll as regards Works in a public Street.

397. Where any Work in, under, or upon a private Street or Court is by this Act directed to be executed, maintained, or cleansed by any Proprietor or Occupier of a Land or Heritage which adjoins to and has a Right of Access by it, and there is no special Provision or Agreement with respect to the Liability for such Work, the Expense shall in the first instance be divided into Parts corresponding to the Extent of Frontage of the respective Lands adjoining to and having a Right of Access by such Street or Court, excluding Buildings; and all the Proprietors or Occupiers, as the Case may be, of each of such Lands, including Buildings, shall relieve each other from the Part of such Expense effeiring thereto according to the Extent of their respective Interests as shown by the last completed Valuation Roll at the Date when the Expense was incurred. Mode of apportioning Cost of Works in any private Street or Court.

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398. Where

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Claim of Relief to be fixed by Valuation Roll as regards Works in private Lands and Heritages.

398. Where any Work in, under, upon, or connected with any Land or Heritage is by this Act directed to be executed, maintained, or cleansed by any Proprietor or Occupier thereof, and where there are several Proprietors or Occupiers who, in respect of Flats or Portions of the same Building or otherwise, are jointly interested in the said Work, or in the Solum in, under, or upon which it is to be executed, maintained, or cleansed, and might be called on to fulfil the said Liability, and there is no special Provision or Agreement with respect thereto, all of such Proprietors or Occupiers, as the Case may be, shall relieve each other from the Expense incurred in the Fulfilment of such Liability according to the Extent of their respective Interests as shown by the last completed Valuation Roll at the Date when the Expense was incurred.

Principle of apportioning other Claims of Relief.

399. Every other Liability imposed by this Act, with respect to which there is no special Provision or Agreement shall in any Question of Relief be equitably apportioned among the several Persons on whom the Obligation is laid.

How Claims of Relief to be enforced.

400. Every Claim of Relief under the foregoing Provisions may be made and sued for as Damages.

Power to Board to recover Sums due by Proprietor from Occupier.

401. Where the Proprietor of any Land or Heritage is liable to the Board, or to any Officer on behalf of the Board, in any Sum due in pursuance of the Provisions of this Act, it shall be lawful for the Board or for such Officer to recover the Amount from the Occupier of such Land or Heritage to the Extent of the Rent due by such Occupier at the Date when Notice of the said Claim is given in manner herein-before provided, or which thereafter from Time to Time becomes due by him to such Proprietor; and the Occupier shall, after such Notice, be bound to retain and account to the Board or to such Officer for any Rents due by him, and shall be entitled to an Abatement from the Proprietor corresponding to the Sums so retained and accounted for.

Actions, &c., by or against any Officer of the Board not to abate on his Removal.

402. Upon the Death or Removal of any Officer appointed or acting under the recited Act or this Act, all Actions, Suits, and other Proceedings at Law or in Equity, and all Arbitrations to which he was officially a Party, may be proceeded with by or against his Successor in Office in the same Way and to the same Effect as they might be proceeded with by or against the Officer so dying or being removed if he were living and still in Office.

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XXXI.

RECOVERY OF DAMAGES.

403. All Claims recognized in this Act as Damages may be recovered according to the ordinary Procedure before any competent Court, or summarily before the Sheriff, whose Decision shall be final, and not subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution. Recovery of Damages.

404. Every Proceeding before the Sheriff for the Recovery of Damages shall be subject to the following Rules and Regulations: Procedure in Cases for Recovery of Damages.

It shall commence by an Application in Writing, or partly in Writing and partly in Print, at the Instance of the Clerk or of the Treasurer representing the Board, or of the Person making the Claim, herein-after called the Pursuer:

The Sheriff shall grant Warrant for citing the Person against whom the Claim is made, herein-after called the Defender:

The subsequent Steps may be either in Writing or *vivâ voce*, as the Sheriff thinks expedient:

The Sheriff may award Expenses to or against either the Pursuer or Defender.

XXXII.

BYELAWS.

405. The Board and the Magistrates Committee, and the Chief Constable with the Concurrence of the Magistrates Committee, may respectively from Time to Time make Byelaws for the several Purposes for which they are by this Act empowered to make Byelaws, and may from Time to Time repeal, alter, or amend such Byelaws, provided they are not repugnant to the Law of *Scotland* or to the Provisions of this Act, and such Byelaws shall be reduced into Writing, and in so far as made by the Board shall have affixed thereto the Seal of the Board, and in so far as made by the Magistrates Committee shall have affixed thereto the Signatures of Two of the Members of such Committee, and in so far as made by the Chief Constable with Concurrence of the Magistrates Committee shall have affixed thereto the Signatures of the Chief Constable and of Two of the Members of such Committee, and if affecting other Persons than the Officers or Servants of the Board shall be confirmed and published as herein-after provided; but, except in so far as or until repealed, altered, or amended, the Byelaws and Regulations made by the Board of Police of *Glasgow*, or the Magistrates Committee, or the Chief Constable in pursuance of the recited Act, or rendered

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rendered valid thereby, shall be deemed to be Byelaws and Regulations duly made and confirmed in pursuance of this Act.

Byelaws may be enforced by Imposition of Penalties.

406. The Board and the Magistrates Committee and the Chief Constable, by the Byelaws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings, for each Breach of such Byelaws: Provided that such Byelaws be so framed as to allow the Magistrate or other Officer herein-before authorized to enforce them to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

407. No Byelaw made by the Board or by the Magistrates Committee under the Authority of this Act, except such as relate solely to their own Proceedings or to the Officers or Servants appointed in pursuance of this Act, shall come into operation until the same be confirmed by the Sheriff of *Lanarkshire*; and it shall be incumbent on the said Sheriff, on the Request of the Board, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he thinks meet.

• Notice of Confirmation to be given.

408. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers published in the City One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Clerk Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Byelaws to be open to Inspection.

409. For One Month at least previous to any Application for Confirmation of any Byelaws a Copy of the proposed Byelaws shall be kept at the Head Office of the Board, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Clerk shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws

410. Such Byelaws when confirmed shall be printed, and the Clerk shall deliver a printed Copy thereof to every Person applying for the same without Charge, or at a Charge not exceeding One Half-penny, and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the Head Office of the Board; and such Boards, with the Byelaws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any
Person

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Person who prevents the Inspection thereof at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

411. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same. Byelaws to be binding on all Parties.

412. The Production of a written or printed Copy of the Byelaws requiring Confirmation by the Sheriff of *Lanarkshire*, purporting to be authenticated by the Signature of the said Sheriff, and a written or printed Copy of the Byelaws not requiring such Confirmation, purporting to be authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same, without adducing Proof of the Signature or Signatures of the said Sheriff or of such Clerk; and with respect to the Proof of the Publication thereof it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and, in case of its being afterwards displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act. Evidence of Byelaws.

413. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Board on which any Byelaw is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on pulling down Boards.

XXXIII.

CITY MARKETS AND GLASGOW GREEN.

414. Whereas by "The *Glasgow* Markets and Slaughter-houses Act, 1865," the Magistrates and Council are appointed Commissioners of the Markets within the City, and it is provided that all Penalties and Forfeitures imposed thereby, or by any Byelaw of the said Commissioners made in pursuance of "The Markets and Fairs Clauses Act, 1847," may be recovered in the same Way and according to the same Forms as Penalties imposed by the first-recited Act: All Offences against "The *Glasgow* Markets and Slaughter-houses Act, 1865," or against any Byelaw of the said Commissioners made as aforesaid, punishable or implying Penalties or Forfeitures, shall be deemed Police Offences, and shall be exclusively tried by the Magistrate at the Instance of the Fiscal, for which Purpose the Provisions of this Act Offences against Glasgow Markets Act to be tried as Police Offences.

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with reference to the Jurisdiction of and the Procedure before the Magistrate, and the Enforcement and Review of his Orders and Sentences, shall apply to Offences against the said Act or Byelaw; and all Penalties awarded and all Forfeitures made by the Magistrate in pursuance of the said Act, or of "The Markets and Fairs Clauses Act, 1847," shall be disposed of and applied in the same Way as Penalties awarded and Forfeitures made in pursuance of this Act.

Power to Magistrates and Council to make Byelaws for Regulation of Glasgow Green.

415. Whereas the Public Park or Green of *Glasgow* belongs to the Corporation of the City, and by an Act passed in the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth the Magistrates and Town Council were authorized to make and maintain a Road round the same, and to levy Tolls thereon, and it is expedient that the Use of the said Green and Road should be regulated: It shall be lawful for the Magistrates of the City to make Byelaws for the good Government and Regulation of the said Green, and Persons frequenting the same, and for preventing the Use of the said Green and Road between Sunset and Sunrise, or during such Hours between Sunset and Sunrise as they shall see fit; but such Byelaws shall be in all respects subject to the same Provisions and Restrictions as are herein-before enacted with reference to Byelaws made by the Board or by the Magistrates Committee, except that the same shall be subscribed by Two at least of the Magistrates of the City, and shall be published by hanging up Copies thereof at the several Gates leading into the said Green; and all Offences against the said Byelaws punishable or implying Penalties or Forfeitures shall be deemed Police Offences, and shall be exclusively tried by the Magistrate at the Instance of the Fiscal, for which Purpose the Provisions of this Act with reference to the Jurisdiction of and the Procedure before the Magistrate, and the Enforcement and Review of his Orders and Sentences, shall apply to Offences against the said Byelaws; and all Penalties awarded and all Forfeitures made by the Magistrate in pursuance of the said Byelaws shall be disposed of and applied in the same Way as Penalties awarded and Forfeitures made in pursuance of the other Provisions of this Act.

Expenses of Act.

416. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid out of the Police Assessment and Statute Labour Assessment in the Proportion of Five Sixths to the former and One Sixth to the latter.

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SCHEDULE referred to in this Act.

FORM OF BOND OF ANNUITY.

By virtue of "The Glasgow Police Act, 1866," we, the Board of Police constituted by the said Act, in consideration of the Sum of _____ paid to our Treasurer by *A.B.* of _____ for the Purposes of the said Act, bind ourselves to pay to the said *A.B.*, and his Executors, Administrators, and Assignees, an Annuity of _____ Pounds per Annum during the Life of the said *A.B.* [*or for the Period of _____ Years from and after the Term of _____* One thousand eight hundred and _____ *as the Case may be*], payable half-yearly by equal Portions at the Terms of Whit Sunday and Martinmas in each Year; and in case of Failure in punctual Payment of any such Annuity we bind ourselves to pay Interest at the Rate of Five Pounds per Centum per Annum on each Term's Payment until paid; and we grant and assign to the said *A.B.* and his foresaids such Portion of the Police [*or Statute Labour, as the Case may be,*] Assessment authorized by the said Act as the said Sum of _____ does or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Assessment, to be held by the said *A.B.* and his foresaids until the said Annuity, and all Interest that may become due thereon, shall be fully paid and satisfied, declaring that the said Annuity shall cease and determine at the Term of Whit Sunday or Martinmas immediately preceding the Death of the said *A.B.* [*or at the Term of _____* One thousand eight hundred and _____ *as the Case may be*]; and on Payment of the Annuities due at and preceding that Term, with any Interest that may have accrued thereon, the said Assessment shall be redeemed and freed of the Annuity hereby granted in all Time thereafter. In witness whereof [*insert Testing Clause according to the Law of Scotland*].

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