

[34 & 35 VICT.] *The Aberdeen Municipality Extension* [Ch. cxli.]  
Act, 1871.



CHAP. cxli.

An Act to extend the Municipal Boundaries of the City of Aberdeen ; and for other purposes. A.D. 1871.  
[13th July 1871.]

WHEREAS an Act was passed in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter seventy-six, intituled “ An Act to alter and amend the laws for the election of the magistrates and councils of the royal burghs in Scotland,” which Act is herein-after called the firstly-recited Act :

3 & 4 W. 4.  
c. 76. (*Pub.*)

And whereas the firstly-recited Act was explained, altered, and amended by the following public general Acts, videlicet, an Act passed in the fourth and fifth years of the said reign, chapter eighty-seven; and eight Acts of the reign of Her present Majesty the Queen passed respectively in the fifteenth and sixteenth years of her reign, chapter thirty-two; the sixteenth year, chapter twenty-six; the nineteenth and twentieth years, chapter fifty-eight; the twentieth and twenty-first years, chapter seventy; the twenty-third and twenty-fourth years, chapter forty-seven; the twenty-fourth and twenty-fifth years, chapter thirty-six; the thirty-first and thirty-second years, chapter one hundred and eight; the thirty-third and thirty-fourth years, chapter ninety-two :

4 & 5 W. 4.  
c. 87.  
15 & 16 Vict.  
c. 32.  
16 Vict. c.26.  
19 & 20 Vict.  
c. 58.  
20 & 21 Vict.  
c. 70.  
23 & 24 Vict.  
c. 47.  
24 & 25 Vict.  
c. 36.  
31 & 32 Vict.  
c. 108.  
33 & 34 Vict.  
c. 92.

And whereas by virtue and for the purposes of the firstly-recited Act the royal burgh and city of Aberdeen was divided into three wards, and that division was confirmed under the provisions of the above-recited Act of the thirty-first and thirty-second years of the reign of Her Majesty, chapter one hundred and eight, and now exists :

And whereas the city has of late years much increased in extent and population, and spread greatly beyond the municipal boundaries :

And whereas it is expedient that the municipal boundaries of the city should be extended and defined, and that the number of

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A.D. 1871. wards and of the magistrates and Town Council should be increased, and that the municipal franchise, rights, privileges, and immunities of the city, and the powers and jurisdiction of the lord provost and magistrates and of the Town Council should be extended over the area, lands, and territory herein-after described, and the inhabitants of the same :

25 & 26 Vict.  
c. cciii. And whereas a body of commissioners was established and a system of police is maintained in the city by virtue of "The Aberdeen Police and Waterworks Act, 1862," which Act is herein-after called the secondly-recited Act :

29 & 30 Vict.  
c. 93. And whereas the secondly-recited Act was amended by "The General Police and Improvement (Scotland) Supplemental Act, 1866," and by "The Aberdeen Police and Waterworks Amendment Act, 1867:"

And whereas it is expedient that the powers of the commissioners of police acting under and in virtue of the secondly-recited Act and the Acts amending the same should be transferred to and vested in the Town Council, as in this Act defined, and that the provisions of those Acts, or some of them, should be extended and made to apply to the city as extended and defined by this Act :

29 & 30 Vict.  
c. civ. And whereas an Act was passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, chapter one hundred and four, intituled "The Aberdeen County and Municipal Buildings Act, 1866," which Act is herein-after called the thirdly-recited Act :

And whereas it is expedient that the powers of the commissioners of police under the thirdly-recited Act should be transferred to and vested in the Town Council, and that the powers of raising money conferred by that Act on the Town Council should be increased :

28 & 29 Vict.  
c. ccxl. And whereas an Act was passed in the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter two hundred and forty, intituled "The Aberdeenshire Roads Act, 1865," which Act is herein-after called the fourthly-recited Act :

And whereas by virtue of the fourthly-recited Act a body of trustees was appointed called the "burgh of Aberdeen road trustees," in whom is vested the management and maintenance of the highways and roads within the boundary of the burgh of Aberdeen, as defined in the said Act :

And whereas it is expedient that the powers of the "burgh of Aberdeen road trustees," acting under and in virtue of the fourthly-recited Act, should be transferred to and vested in the Town Council, as in this Act defined, in so far as the same relate to the roads within the city :



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And whereas it is expedient that the powers herein-after contained should be conferred on the Town Council for the supply of gas to the city and suburbs : A.D. 1871.

And whereas it is expedient that further powers should be conferred upon the Town Council, and that the powers and provisions of the recited Acts, or some of them, should be amended or repealed :

And whereas the purposes of this Act 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 :

1. This Act shall take effect on and from the first day of August one thousand eight hundred and seventy-one, and may be cited for all purposes as "The Aberdeen Municipality Extension Act, 1871." When Act to take effect.  
Short title.

2. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Town Council (except sections 84, 85, 86, and 87, and except where expressly varied by this Act), are incorporated with and form part of this Act. Incorporation of part of 10 & 11 Vict. c. 16., Commissioners Clauses Act.

3. "The Gasworks Clauses Act, 1847" (with the exception of the clauses with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, and except where expressly varied by this Act), is incorporated with and forms part of this Act. Incorporation of part of 10 & 11 Vict. c. 15., Gasworks Clauses Act.

4. The several words and expressions to which, by the Acts wholly or partially incorporated with this Act, meanings are assigned, shall in this Act have the same respective meanings, unless as otherwise in this Act provided, or unless there be something in the subject or context repugnant to such construction : Provided always, that in the Acts wholly or partially incorporated with this Act and also in this Act the expression "the special Act" shall mean this Act ; the expression "the undertakers" shall mean the Town Council ; the expression "the undertaking," or "the undertaking of the Gas Company," shall mean the gasworks, business of the Gas Company, lands, heritages, property, plant, pipes, meters, coals, and gas of the Gas Company vested in the Town Council under the provisions of this Act ; and the expression "the limits of the special Act" shall mean and include the gas limits of this Act. Same meanings to words in incorporated Acts and this Act.

5. In this Act the following words and expressions, where they hereafter occur, shall have the meanings hereby assigned to them : Interpretation of terms.

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The word "person" includes trustees, corporations, and companies :

The expression "the burgh" means the royal burgh and city of Aberdeen within the existing municipal boundaries thereof :

The expression "the city" means and comprehends the whole area, lands, and territory within the boundary and limits of the royal burgh and city of Aberdeen as extended and defined by this Act :

The expression "the district added" means and comprehends so much of the royal burgh and city of Aberdeen, as defined by this Act, as is outside the burgh :

The expression "the gas limits of this Act" or "the gas limits" means and comprehends the city and the parishes of Old Machar, Banchory Devenick, Newhills, Dyce, and Peterculter, all in the county of Aberdeen, and the parish of Nigg, in the county of Kincardine :

The expression "the Town Council" means the lord provost, magistrates, dean of guild, and Town Council of the royal burgh and city of Aberdeen for the time being :

The expression "the lord provost and magistrates" or "the magistrates" means the lord provost and the baillies of the royal burgh and city of Aberdeen for the time being :

The expression "gas purposes" means the purposes and provisions of this Act with reference to the supply of gas within the gas limits :

The expression "the sheriff" means the sheriff of Aberdeen and Kincardine and includes sheriffs substitute :

The expression "commissioners of police" or "police commissioners" means the commissioners of police of Aberdeen appointed and acting under the secondly-recited Act and the Acts amending the same :

The words and expressions "magistrate," "procurator fiscal," "treasurer," "superintendent of police," "surveyor," "premises," "street," "occupier," "cattle," have the same respective meanings as are assigned to those words and expressions by the secondly-recited Act :

The expression "lands and heritages," and the expression "valuation rolls," have the same respective meanings as are assigned to those expressions in the Valuation of Lands (Scotland) Acts, seventeenth and eighteenth Victoria, chapter ninety-one; twentieth and twenty-first Victoria, chapter fifty-eight; or any other public general Act in force for the time for the valuation of lands and heritages in Scotland :



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The expression "the company" or "the Gas Company" means the gaslight company of Aberdeen: A.D. 1871.

The word "shareholder" or "shareholders" means shareholder or shareholders, or holder or holders of stock of the Gas Company, and includes persons, companies, and corporations:

The word "annuities" means the Aberdeen gas annuities created by and payable under this Act:

The word "annuitant" or "annuitants" means any person or persons entitled to and holding Aberdeen gas annuities created by and payable under this Act:

The expression "the gas treasurer" means the treasurer for the time being appointed for gas purposes.

6. The following words, where they occur in this Act or the secondly-recited Act, or the Acts amending the same, shall have the meanings hereby assigned to them: Interpretation of words in secondly-recited Act and this Act.

The word "lands" means and includes houses, buildings, lands, tenements, and heritages of any description or tenure, railways, stations and depôts, and buildings for railway purposes:

The word "owner" used with reference to any lands or premises in respect of which any work is required to be done, or any assessment is to be levied under the secondly-recited Act or the Acts amending the same or this Act, means and includes the person for the time entitled to receive, or who, if such lands or premises were let to a tenant at a rackrent, would be entitled to receive the rackrent from the occupier thereof, or who shall be in the actual receipt of the rent of such lands or premises: Provided always, that in the case of any lands or premises in or over which any person or persons have and possess rights of servitude, or other rights of a similar nature, and for and in respect of which no rent is payable, the said word "owner" means and includes the person or persons having and possessing such rights of servitude, or other rights of a similar nature:

The word "constable" means and includes the superintendent of police, and all lieutenants, sergeants, constables, and other officers of police appointed and acting in virtue of the secondly-recited Act:

The word "broker" or "brokers" extends to and includes any person or persons dealing in second-hand goods or articles, or in woollen yarn or waste, or in other unwrought woollen materials, or in old metals, bones, or rags:

The word "carriage" means and includes any coach, omnibus, chariot, fly, car, cabriolet, gig, brougham, waggon, timber

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carriage, dray, truck, hand cart, wheelbarrow, handbarrow, lorry, or other vehicle.

Repeal of laws inconsistent with this Act.

7. All laws, statutes, jurisdictions, powers, privileges, and usages now in force in relation to the burgh, or within the district added, in so far as inconsistent or at variance with the provisions of this Act, are hereby repealed, put an end to, and extinguished.

Teinds not to be affected.

8. Nothing in this Act shall affect the teinds payable out of the lands situated within the city, or the rights, privileges, and emoluments of the ministers, kirk sessions, schoolmasters, and session clerks of the parishes within the same.

Poor's rates not to be affected.

9. The lands within the district added shall, for all purposes with respect to the settlement of the poor and their right to claim relief, the power to impose rates or assessments for their relief, and the mode of laying on, levying, distributing, or managing such rates or assessments, be and be deemed a part and portion of the parishes of which they now form a part and portion respectively.

Tenures and records preserved.

10. Nothing in this Act shall alter or affect the holdings or tenure of any lands or heritages within the city, or the records wherein the rights thereof, or any deed or writing affecting the same, are by law required to be registered.

Thirlage not to extend to district added.

11. No part of the district added, or any persons therein, shall be subjected to any thirlage existing within the burgh to which such district or persons were not subjected previous to the passing of this Act.

PART I.—EXTENSION OF MUNICIPAL BOUNDARIES.

Defining limits of city of Aberdeen.

12. The royal burgh and city of Aberdeen shall, for all municipal purposes, and for the purposes of this Act, comprehend the whole area, lands, and territory within the following boundary and limits:—

Commencing at a point in the centre of the channel of the river Dee opposite the north-east extremity of the west pier of the Wellington Suspension Bridge; proceeding thence westward in a straight line to the said north-east extremity of the said pier; thence southward to the south-east extremity of the said pier; thence north-westward along the south-west side of the Wellington Suspension Bridge Road to the road which passes under the Caledonian railway and leads to Prospect Terrace; thence north-westward along the south-west side of the said last-mentioned road to Prospect Terrace; thence across Prospect Terrace at right angles, and northward along the west



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side of the said terrace to a footpath or lane which leads from said terrace to Rotunda Place; thence westward along the south side of the said footpath or lane to Rotunda Place; thence westward in a straight line to the south-east corner of the property on the west side of the Hardgate or Old Bridge of Dee Road, belonging or reputed to belong, pro indiviso, to Alexander Matheson, labourer, and William Hadden, painter; thence westward in a straight line across and at right angles to Holburn Place till the said last-mentioned line meets a line drawn on the south-east side of, and parallel, at the point of contact, to Ashley Place, at the distance of two hundred feet from the said south-east side thereof; thence south-westward along a continuation of the said last-mentioned line until the said line meets a line drawn at right angles to the Deeside Road from a point on the north-west side of the said road one hundred and forty feet south-westward (measured along the said road) from the west side of the road which leads from Ashley Place past Friendship Farm; thence north-westward along the said last-mentioned line to the said point on the north-west side of the Deeside Road; thence north-westward in a straight line drawn parallel to the said road which leads past Friendship Farm, to the north side of the road on the north side of the property of Ashley; thence westward along the said last-mentioned road to a point two hundred feet westward (measured along said last-mentioned road) from the west side of the road or street known by the name of South Saint Swithin's Road or street, or Alfred Street South; thence north-westward, in a straight line drawn parallel to the said last-mentioned road or street, until the said last-mentioned line meets a line drawn on the south-east side of, and parallel to, the Rubislaw or Skene Road, at the distance of three hundred and seventy feet from the said south-east side thereof; thence south-westward along the said last-mentioned line to the west side of the road which leads from the Deeside Road past the east side of the Rubislaw Works and Bleachfield to the Rubislaw or Skene Road; thence north-westward in a straight line to the Rubislaw or Skene Road, along the west side of the said road which leads past the Rubislaw Works and Bleachfield; thence across the Rubislaw or Skene Road at right angles, and north-eastward along the north-west side of the said last-mentioned road, to the road which leads therefrom, past the old Glenburnie Distillery; thence north-westward along the west side of the said last-mentioned road to the

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north bank of the Denburn; thence north-eastward along the north bank of the Denburn to the Gilcomston Dam; thence north-eastward along the north side of the said dam to a point opposite the line of the south-west boundary of the lands of Damside; thence across the road on the north side of the said dam and north-westward and north-eastward along the south-west and north-west boundaries of the lands of Damside, and north-eastward along the north-west boundary of the lands of Craigiepark to the road called Craigie Loanings; thence northward along the west side of the said last-mentioned road to the High Stocket Road; thence across the said last-mentioned road to a point in the north side thereof one hundred and ninety feet westward (measured along said road) from the west side of Belvidere Street; thence northward in a straight line drawn parallel to Belvidere Street to the Low Stocket Road; thence across the said last-mentioned road at right angles and eastward along the north side of the said last-mentioned road and of Ann Place and Mary Place to the junction of Mary Place and the Berryden Road; thence north-westward along the west side of the said last-mentioned road to a point opposite the line of the north-west boundary of the lands of Millbank; thence across the said Berryden Road, and north-eastward and south-eastward along the north-west and north-east boundaries of the lands of Millbank to the Great North of Scotland Railway (Denburn Junction Line); thence across the said railway at right angles, and northward along the east boundary thereof, to the point where the said boundary meets a line drawn at right angles to the Inverurie Road, from the north-west corner of the property in Powis Place, belonging or reputed to belong to James Riddel, civil engineer; thence north-eastward along the said last-mentioned line to the said north-west corner of the said property belonging or reputed to belong to the said James Riddel; thence south-eastward along the south-west boundary of the Great North of Scotland Railway (Waterloo Branch Line) to the west side of the bridge over the said railway at Froghall; thence across the said railway at the west side of the said bridge and south-eastward along the north-east boundary of the said railway to the south-east extremity of the property of Froghall Cottage belonging or reputed to belong to John Harper, merchant; thence north-eastward along the south-east boundary of the said last-mentioned property to the point where the said boundary turns north-westward; thence eastward in a straight line to the south-west extremity of the



property on the west side of the Spittal Road, belonging or reputed to belong to Gilbert Henderson, late shipmaster; thence eastward along the south boundary of the said last-mentioned property and across the Spittal Road to the north-west side of Love Lane at its junction with the said last-mentioned road; thence north-eastward along the north side of Love Lane to the west side of King Street Road; thence northward along the west side of the said last-mentioned road to a point opposite the line of the south-west side of the road which leads from King Street Road to the Police Dung Stances; thence across King Street Road, and eastward along the south side of the said road which leads to the Police Dung Stances, and along the north boundary of the ground used as a rifle range, to the Links; thence eastward along a straight line drawn in continuation of the said north boundary of the ground used as a rifle range to the seashore at low-water mark; thence southward along the seashore at low-water mark to the North Pier; thence along the north side of the said North Pier to the eastern extremity of the said pier; thence in a straight line in an easterly direction into the sea to a point one hundred and sixty-six yards or thereby east of the said extremity of the said North Pier; thence southward from said last-mentioned point in a straight line to the centre line of the Navigation Channel of the harbour; thence south-westward along the centre line of the said Navigation Channel and of the channel of the river Dee as diverted or authorised to be diverted under the authority of "The Aberdeen Harbour Act, 1868," to the point of commencement:

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And the district added shall be disjoined from the county of Aberdeen, and shall be annexed to and form part of the royal burgh and city of Aberdeen.

**13.** The city shall, for the purpose of electing town councillors, be divided into four wards or districts, bounded as hereinafter defined, which shall come in place of and be substituted for the existing wards or districts into which the burgh is divided: Division into wards.

The first ward shall consist of that portion of the city which is included within the following boundary, viz., commencing at the point in the centre of King Street Road where the boundary of the city crosses the said road; proceeding thence southward along the centre of the last-mentioned road, and along the centre of King Street to Castle Street; thence westward along the centre of Castle Street and Union Street to Market Street; thence southward along the centre of Market Street, and along a line drawn southward in continuation of

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the centre of Market Street, to the boundary of the city; thence eastward, northward, and westward along the boundary of the city to the point first described:

The second ward shall consist of that portion of the city which is included within the following boundary, viz., commencing at the point in the centre of King Street Road where the boundary of the city crosses the said road; proceeding thence southward along the centre of the last-mentioned road, and along the centre of King Street to Castle Street; thence westward along the centre of Castle Street and Union Street to Saint Nicholas Street; thence northward along the centre of Saint Nicholas Street and George Street to John Street; thence westward along the centre of John Street to Woolmanhill; thence northward along the centre of Woolmanhill, Gilcomston Steps, Skene Square, and Caroline Place, and across Mary Place to the point in the boundary of the city at the junction of Mary Place and the Berryden Road; thence northward and eastward along the boundary of the city to the point first described:

The third ward shall consist of that portion of the city which is included within the following boundary, viz., commencing at the point in the boundary of the city at the junction of Mary Place and the Berryden Road; proceeding thence across Mary Place and southward along the centre of Caroline Place, Skene Square, Gilcomston Steps, and Woolmanhill to John Street; thence eastward along the centre of John Street to George Street; thence southward along the centre of George Street and Saint Nicholas Street to Union Street; thence westward along the centre of Union Street, Union Place, Alford Place, Albyn Place, and the Rubislaw or Skene Road to the point where the boundary of the city crosses the last-mentioned road; thence northward and eastward along the boundary of the city to the point first described:

The fourth ward shall consist of that portion of the city which is included within the following boundary, viz., commencing at the point in the centre of the Rubislaw or Skene Road where the boundary of the city crosses the said road; proceeding thence eastward along the centre of the last-mentioned road and along the centre of Albyn Place, Alford Place, Union Place, and Union Street to Market Street; thence southward along the centre of Market Street, and along a line drawn southward in continuation of the centre of Market Street to the boundary of the city; thence southward, westward, and northward, along the boundary of the city to the point first described.



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**14.** The right of electing the Town Council of the city (other than the dean of guild) shall be in and belong to all such persons (herein-after called the "electors") as are or shall be qualified in respect of any premises within the city to vote in the election of a member of parliament for the burgh of Aberdeen, and duly registered as such voters in the manner specified and described in the third section of the Municipal Elections Amendment (Scotland) Act, 1868; and the lists or rolls of the electors of councillors shall be made up and completed annually in terms of the firstly-recited Act and the other Acts regulating the making up and completing of the lists or rolls of persons entitled to vote in the election of Town Councils of burghs in Scotland.

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Qualification of electors.

**15.** The lord provost, magistrates, councillors, and office bearers in office at the time of the passing of this Act shall continue in office until the completion of the first election and induction into office of the Town Council under this Act, upon which, but not sooner, they shall go out of office, and their whole powers, duties, and functions shall cease and determine: Provided always, that the lord provost for the time, or in his absence the senior magistrate present, shall preside at the first meeting of the Town Council to be elected under this Act, until the election and induction into office of the lord provost then to be chosen, but no longer; and such lord provost or senior magistrate shall have no deliberative vote at such meeting, unless he shall have previously been elected a councillor under this Act, but he shall in case of equality of votes have a casting vote.

Existing magistrates and councillors to continue till new Town Council elected.

**16.** The Town Council of the city shall consist of twenty-four councillors (to be elected as herein-before mentioned), and the dean of guild of the city for the time being, and the number of such councillors to be elected magistrates shall be one lord provost and six baillies, and the majority of the Town Council shall constitute a quorum.

Number of council and magistrates.

**17.** The electors of the city shall, on the first Tuesday of November in the year one thousand eight hundred and seventy-one, being the day appointed for the annual election of councillors for the city, proceed in the usual manner to elect the whole number of councillors hereby appointed to be elected, and such election and all succeeding annual elections, and all elections of lord provost, magistrates, and office bearers, shall, except as otherwise herein provided, be conducted and regulated in all respects in the manner directed by the Acts of Parliament regulating the election of magistrates and Town Councils in Scotland, and the several provisions and the enactments of the said Acts, so far as applicable to the city, and not

Election of councillors.



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Number of  
councillors  
for each  
ward.

**18.** The electors of each ward shall at the first election to be made under this Act choose the number of six councillors, and at the subsequent annual election in each succeeding year the number of two councillors in room of the two councillors who shall have retired as having been longest in office: Provided always, that at the election to be made in the year one thousand eight hundred and seventy-two the two councillors in each ward then to retire shall be the two councillors who had the smallest number of votes at the election in the year one thousand eight hundred and seventy-one; and that at the election to be made in the succeeding year one thousand eight hundred and seventy-three the two councillors in each ward then to retire shall be the two councillors who had the next smallest number of votes at the election in the year one thousand eight hundred and seventy-one.

Lord provost and treasurer to remain in office three years; baillies to be elected annually.

**19.** The lord provost and treasurer of the city shall respectively remain in office for the period of three years; the baillies and other office bearers shall be elected annually and remain in office for the period of one year only; the baillies shall take precedence in the order of their election, and any baillie or other office bearer going out of office may be re-elected.

Jurisdiction of lord provost, magistrates, &c. extended.

**20.** From and after the completion of the first election and induction into office of the Town Council under this Act the lord provost and magistrates, and the dean of guild, and the Town Council respectively, shall have, possess, and exercise over the city and over the inhabitants thereof all the jurisdictions, powers, rights, and authorities which the lord provost and magistrates, and the dean of guild, and the Town Council respectively, now have, possess, and exercise over the burgh, and that whether at common law or by statute, or by royal charter or otherwise, including all powers of imposing, levying, and recovering rates, taxes, and assessments, and otherwise: Provided that the generality of this enactment shall not be affected, restricted, or impaired by any of the other clauses or provisions herein-after contained.

Jurisdiction under public houses Acts.

**21.** From and after the completion of the first election and induction into office of the Town Council under this Act the magistrates shall have, possess, and exercise over the city all the jurisdictions, powers, rights, and authorities which they now have, possess, and exercise over the burgh under and in virtue of the public general Acts passed in the ninth year of the reign of King



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George the Fourth, chapter fifty-eight, intituled “ An Act to regulate the granting of certificates by justices of the peace and magistrates, authorising persons to keep common inns, alehouses, and victualling houses in Scotland, in which ale, beer, spirits, wine, and other exciseable liquors may be sold by retail under excise licenses, and for the better regulation of such houses, and for the prevention of such houses being kept without such certificate ”; and in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven, intituled “ An Act for the better regulation of public houses in Scotland ”; and in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter thirty-five, intituled “ The Public Houses Acts Amendment (Scotland) Act, 1862,” and any other Act or Acts of Parliament in reference to the regulation of public houses.

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**22.** From and after the completion of the first election and induction into office of the Town Council under this Act the magistrates shall have, possess, and exercise over the city all the jurisdictions, powers, rights, and authorities which they now have, possess, and exercise over the burgh under and in virtue of the public general Acts passed in the fifth year of the reign of King George the Fourth, chapter seventy-four, intituled “ An Act for ascertaining and establishing uniformity of Weights and Measures ”; and in the sixth year of the reign of His said Majesty, chapter twelve, intituled “ An Act to prolong the time of the commencement of an Act of the last Session of Parliament for ascertaining and establishing uniformity of Weights and Measures, and to amend the said Act ”; and in the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, intituled “ An Act to repeal an Act of the fourth and fifth years of His present Majesty, relating to Weights and Measures, and to make other provisions instead thereof ”; and in the sixteenth year of the reign of Her present Majesty, chapter twenty-nine, and the twenty-second and twenty-third years of the reign of Her present Majesty, chapter fifty-six, intituled “ An Act to amend the Act of the fifth and sixth years of King William the Fourth, chapter sixty-three, relating to Weights and Measures,” and any other Act or Acts of Parliament in reference to weights and measures.

Jurisdiction  
under  
weights and  
measures  
Acts.

**23.** Subject to the provisions of this Act, the common good and property, heritable and moveable, means, revenue, and income of every description belonging to or leviable within the burgh,

Property and  
debts trans-  
ferred.

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— or to which the burgh is entitled, or which are held or administered by any person for or on behalf of the community of the burgh for the public purposes thereof (but under any liabilities to which the same are legally subject), shall belong to and are hereby vested in the Town Council, and all debts or obligations due by or exigible from the burgh shall be due by and exigible from the city.

Trusts in  
behalf of city  
vested, sav-  
ing rights of  
property.

24. Subject to the provisions of this Act, all mortifications, endowments, trusts, however constituted, charitable bequests, or other grants held or administered by the lord provost and magistrates, or by the Town Council, or the office bearers of the burgh, by themselves, or in conjunction with any person or persons, body or bodies (but under any liabilities to which the same are legally subject), shall be vested in, held, and administered by the Town Council, or by so many of their number to be chosen by them for that purpose as may be necessary in pursuance and in conformity with the deeds under which such mortifications, endowments, trusts, bequests, or other grants are constituted, together with the other trustees, if any, also therein nominated, for the purposes, and with the rights, powers, and authorities, and subject to all the conditions and provisions under and upon which the same were conveyed, granted, or settled by the grantors or makers of such mortifications, endowments, trusts, bequests, or other grants: Provided always, that nothing herein contained shall affect the rights or powers conferred on any private individual or individuals nominated and appointed by any trust deed or other conveyance, whereby any mortification, endowment, trust, bequest, or other grant is constituted; saving also and reserving to all and every person and persons, or class or community of persons, bodies politic, corporate, and collegiate, all and every right of property or personal privilege or immunity within the city, excepting as the same are expressly modified by the provisions of this Act, which they respectively had or enjoyed before the passing of this Act.

Saving the  
property and  
funds of the  
guildry of  
Aberdeen.

25. Nothing in this Act contained shall prejudice or affect any lands, property, or funds belonging to the guildry of Aberdeen or the burgesses of guild of Aberdeen, or held by the Town Council in trust for the said guildry or burgesses of guild, or the widows or children of the said burgesses, or for the said burgesses or widows or children in conjunction with any other persons or bodies, or alter the appropriation or application of the interest and revenues of the said lands, property, and funds; and after the passing of this Act the said lands, property, and funds, and the interest and revenues



thereof, shall be held, administered, and applied on and for the same trusts, uses, and purposes as the said lands, property, funds, interest, and revenues were held, administered, and applied previous to the passing of this Act. A.D. 1871.

**26.** The sheriff shall continue to hold, use, and exercise all and every jurisdiction of whatever kind or nature, civil as well as criminal, which he had or is any way entitled to hold, use, and exercise in the same way and manner as if this Act had not been passed, excepting in so far as the holding, use, and exercise of such jurisdiction may be inconsistent or at variance with the express provisions of this Act. Saving jurisdiction of sheriff.

**27.** Whereas by "The Aberdeen Harbour Act, 1868" (hereinafter called "the Harbour Act"), it is provided that the lord provost, magistrates, and Town Council of the city of Aberdeen for the time being, and twelve persons to be elected as therein provided, shall be the commissioners under that Act: And whereas previous to the passing of this Act the Town Council consisted of nineteen members, and it is expedient that the number of town councillors who are to be commissioners under the Harbour Act should not be increased by this Act: Commissioners under Aberdeen Harbour Act.

1. The lord provost, the six baillies, and the dean of guild of the said city for the time being respectively, and eleven town councillors of the said city to be chosen by the Town Council, as herein-after provided, shall be commissioners under the Harbour Act along with the twelve elected commissioners therein mentioned; and the expression "the council" in the seventeenth section of the Harbour Act shall mean the said lord provost, six baillies, and dean of guild for the time being and the said eleven town councillors to be chosen as herein-after provided:

2. The eleven persons to be chosen by the Town Council to be commissioners under the Harbour Act shall be elected at the time and in the manner prescribed in relation to the election of magistrates and other office bearers in the Town Council by the firstly-recited Act; and the persons so chosen shall continue to be commissioners so long as they shall be in office as town councillors, and the first election shall take place in the month of November next after the passing of this Act:

3. If any of the eleven persons to be chosen as commissioners as herein-before provided shall refuse to accept office, or die, or resign, or become disqualified or incompetent to act, or cease



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to be a town councillor from any other cause than that of going out of office by rotation, any such vacancy shall be filled up by the Town Council choosing one of their number to be a commissioner in the room of the commissioner so refusing to accept office, or dying, or resigning, or becoming disqualified or incompetent to act, or otherwise ceasing from any other cause to be a commissioner; and the commissioner so substituted shall continue in office so long as he shall be in office as a town councillor.

Saving provisions in 92nd section of the Aberdeen Harbour Act.

**28.** Nothing herein contained shall alter or affect the provisions contained in the ninety-second section of "The Aberdeen Harbour Act, 1868," as respects the liability for, and imposition and levying of any public or parochial tax, rate, or burden on the salmon fishings in the river Dee, as diverted under the authority of that Act from the Wellington Suspension Bridge continuously to the sea; and such fishings in the said river as so diverted from the Wellington Suspension Bridge continuously to the sea shall not, as respects the liability for, imposition, and levying of any public tax, rate, or burden thereon, be held to be to any extent within the city.

PART II.—TRANSFER OF POWERS OF POLICE COMMISSIONERS TO TOWN COUNCIL.

Present commissioners of police to continue in office till first election of new Town Council.

**29.** The commissioners of police in office at the time of the passing of this Act shall continue in office until the completion of the first election and induction into office of the Town Council under this Act, upon which, but not sooner, they shall go out of office, and their whole powers, duties, and functions shall cease and determine.

Certain provisions, &c. of secondly-recited Act repealed.

**30.** From and after the completion of the first election and induction into office of the Town Council under this Act the several provisions and enactments of the secondly-recited Act and the Act amending the same specified in the schedule (A.) to this Act annexed shall be and the same are hereby repealed.

Transfer of powers of police commissioners to Town Council.

**31.** From and after the completion of the first election and induction into office of the Town Council under this Act the whole powers and authorities of every kind at that time vested in the commissioners of police, by or in pursuance of the secondly-recited Act and the Acts amending the same, and by the thirdly-recited Act, and by any Act incorporated with the said Acts, or by any other Act of Parliament, shall be and the same are hereby transferred to and vested in the Town Council, who shall thenceforward,



as part of the ordinary business of the Town Council, and according to the rules by which the conduct of such business is regulated, exercise the whole powers and authorities aforesaid, and perform the whole duties and obligations, and fulfil all contracts incumbent on the commissioners of police: Provided always, that in construing the secondly-recited Act and the Acts amending the same, and the thirdly-recited Act or any other Act in which and so far as the commissioners of police are referred to, the expression "the commissioners," "the commissioners of police," "the police commissioners," or other similar expression shall be read as if the expression "the Town Council" had been inserted instead thereof; and where the word "undertakers" in any Act incorporated with the said Acts is held by the said Acts to mean or include the commissioners of police, the same shall for the purposes of this Act mean or include the Town Council; and the expression "the promoters of the undertaking" or "commissioners" in any such incorporated Act shall also for such purposes as aforesaid mean the Town Council: Provided also, that in all documents prepared in conformity with the forms authorised by and contained in any schedule to the secondly-recited Act and the Act amending the same, or the thirdly-recited Act, or other Act annexed, in which the title of the commissioners of police is introduced, the title of the Town Council shall be introduced instead, and reference may be made to this Act in addition to the said Police or other Acts: Provided further, that all minutes and entries in the council records or other minute books of the Town Council, or of any committee or committees appointed by them, shall, when duly signed, come in place of the books and records of the proceedings of the police commissioners directed by the secondly-recited Act or the Acts amending the same to be kept, and the minutes and entries therein.

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**32.** The whole lands, houses, assessments, claims, demands, rights, properties, and effects of every kind, heritable or movable, belonging to or vested in the commissioners of police, or in any person on their behalf, under and in virtue of the secondly-recited Act and the Acts amending the same and by the thirdly-recited Act, in so far as the same relates to the commissioners of police, or any other Act of Parliament (but under any liabilities to which the same are legally subject), shall from and after the completion of the first election and induction into office of the Town Council under this Act, become vested in and shall belong to the Town Council, for the purposes of the said Acts and of this Act, as fully and effectually to all intents and purposes as if the same had been

Property of  
police com-  
missioners  
vested in  
Town  
Council.



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A.D. 1871. formally and particularly conveyed to and vested in them, with full power, right, and authority to the Town Council to hold or to adjudge, levy, sue for, and recover the same.

Deeds granted and debts contracted under police Acts confirmed and secured.

**33.** All bonds, assignments, leases, grants, conveyances, or other deeds or securities made or granted to or by any person under the authority of the secondly-recited Act and the Acts amending the same and the thirdly-recited Act, in so far as the same relates to the commissioners of police, or any other Act of Parliament wholly or partially relating to the police of the city of Aberdeen, shall be as good, valid, and effectual to all intents and purposes as if the same had been made or granted under the authority of this Act; and all debts contracted, and all lawful contracts entered into by virtue of any such Acts, shall remain valid and be binding upon the Town Council as fully as if the same had been contracted and entered into under the authority of this Act.

Books of commissioners of police to belong to Town Council and to be evidence.

**34.** The books, documents, and vouchers of the commissioners of police, and the minutes of their proceedings and of the proceedings of their committees shall be delivered over to the Town Council, and be deemed the books, documents, vouchers, and minutes of the Town Council, and the same shall for the purposes of this Act and in all proceedings taken in pursuance thereof receive effect and be admitted as evidence in all courts of law and equity and elsewhere, in the same way and to the same extent and effect as if the same had remained the property of the said commissioners.

Former rates may be collected and debts and penalties recovered.

**35.** Every rate and assessment which shall have been authorised to be collected and levied by the commissioners of police by virtue of the secondly-recited Act and the Acts amending the same and by the thirdly-recited Act, or any of them, or any other Act of Parliament in relation to the police of the city of Aberdeen, previously to the completion of the first election and induction into office of the Town Council under this Act, and remaining unpaid, together with all arrears of the same, shall continue to be due and payable, and shall and may be collected and levied by such ways and means and under such restrictions and regulations as by the said Acts respectively are directed, and shall be received and applied by the Town Council to and for the purposes of the said respective Acts; and all debts and penalties incurred and due under the said Acts from any person shall and may be demanded and recovered from such person and applied by the Town Council for the purposes aforesaid.

Actions by or against police com-

**36.** No action, suit, prosecution, or other proceeding whatsoever, commenced either by or against the commissioners of police previous



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to the completion of the first election and induction into office of the Town Council under this Act, shall abate, cease, or be discontinued or prejudicially affected by this Act; but all such actions, suits, prosecutions, or other proceedings shall continue and take effect in favour of or against the Town Council in such and the like manner in all respects as the same would have continued and taken effect in relation to the commissioners of police if this Act had not been passed.

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—  
commissioners  
not to abate.

**37.** From and after the completion of the first election and induction into office of the Town Council under this Act, the secondly-recited Act and the Acts amending the same, and any other Act of Parliament wholly or partially relating to the police of the city of Aberdeen, with the whole powers, provisions, authorities, rights, and jurisdictions, and the several rates, duties, and assessments, and all other subjects, matters, and things contained therein, save in so far as varied or altered by this Act, shall apply to and extend over and be put in force and execution within the city; and the lord provost and magistrates, and the Town Council respectively, shall have, possess, and exercise over the city all the rights, powers, and authorities conferred on the magistrates and the commissioners of police respectively by the secondly-recited Act and the Acts amending the same, and any other Act as aforesaid, in the same manner and as fully and effectually to all intents and purposes as they might do within the limits and boundaries defined by the secondly-recited Act.

Extension  
of police  
boundaries.

**38.** In like manner, from and after the completion of the first election and induction into office of the Town Council under this Act, the thirdly-recited Act, so far as the same relates to the commissioners of police, with the whole powers, provisions, authorities, and rights, and the several rates, duties, and assessments, and all other subjects, matters, and things contained therein, relating to the commissioners of police, save in so far as varied or altered by this Act, shall apply to and extend over and be put in force and execution within the city; and the Town Council shall have, possess, and exercise over the city all the rights, powers, and authorities conferred on the commissioners of police by the thirdly-recited Act.

Extension  
of police  
powers un-  
der thirdly-  
recited Act.

**39.** From and after the completion of the first election and induction into office of the Town Council under this Act, the ninetieth section of "The Aberdeen Harbour Act, 1868," shall be and is hereby repealed.

Repeal of  
sect. 90 of  
31 & 32 Vict.  
c. cxxxviii.

**40.** Notwithstanding the transfer of the powers of the commissioners of police to the Town Council, the several officers appointed

Officers un-  
der commis-  
sioners of

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police to  
continue.

under, and who may at the time of such transfer be employed by the commissioners of police, shall respectively continue to exercise their offices under the Town Council as in place of the commissioners of police, until they shall respectively be displaced or removed by the Town Council, or become incapable of executing their offices: Provided that nothing in this Act contained shall repeal or alter the provisions as to the appointment and removal of the superintendent of police contained in the one hundred and twelfth section of the secondly-recited Act.

Police ac-  
counts, how  
to be kept.

41. The several accounts of the pecuniary transactions of the Town Council, as in place of the commissioners of police, shall be kept distinct from those of the affairs of the corporation of the city, and shall be balanced every year at the same time as the accounts of the municipal revenues of the corporation of the city are balanced, and shall be audited, published, and laid open to inspection in the manner prescribed by the secondly-recited Act, and all the assessments authorised to be imposed, levied, and collected under the provisions of the secondly-recited Act and the Acts amending the same, and under the provisions of the thirdly-recited Act so far as the same relates to the commissioners of police, shall be calculated from the term of Whitsunday in each year to the term of Whitsunday in the year following, and shall be payable on a day to be fixed by the Town Council when they impose such assessments.

Conveyances  
of heritable  
property for  
purposes of  
police, how  
to be taken.

42. The dispositions and conveyances of all heritable property to be acquired for the purposes of the secondly-recited Act and the Acts amending the same and the thirdly-recited Act so far as the same relates to the commissioners of police, shall be conceived and taken in favour of the Town Council.

PART III.—PROVISIONS WITH REFERENCE TO “THE ABERDEEN  
COUNTY AND MUNICIPAL BUILDINGS ACT, 1866.”

Power to  
borrow addi-  
tional sums  
for purposes  
of “The  
Aberdeen  
County and  
Municipal  
Buildings  
Act, 1866,”  
29 & 30 Vict.  
c. civ.

43. For the purpose of enabling the Town Council to pay the sums certified or to be certified by the commissioners acting under the provisions of the thirdly-recited Act as required to be paid by the Town Council for carrying out the objects of that Act, the Town Council may, with the authority of any ordinary or special meeting, from time to time borrow and take up at interest, in addition to the sum of twenty thousand pounds which they are authorised to borrow by the thirdly-recited Act, any sum or sums of money not exceeding in the whole the sum of ten thousand pounds sterling; and such sums shall be secured on mortgage or assignment of the rates and assessments authorised to be imposed and levied by the Town



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Council by the thirdly-recited Act and the immediately following section of this Act, and for securing the moneys so to be borrowed, with the interest thereof, the Town Council shall assign over the said respective rates and assessments or any part thereof to the persons who shall advance such moneys, as a security for the repayment of the moneys so to be borrowed, together with interest for the same, and all the provisions of the thirdly-recited Act with reference to borrowed money and the interest thereon and the repayment thereof, and the sinking fund and the form of mortgage or assignation in security, shall, so far as applicable, apply to the additional sums hereby authorised to be borrowed.

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44. The Town Council may impose and levy additional assessments for the purpose of providing the funds required to be paid or set apart and appropriated by them under the authority of the thirdly-recited Act and of the immediately preceding section of this Act, including the interest on the money borrowed for the purposes and in virtue thereof, and the sums requisite for the purpose of their defraying any expenses which may be incurred by them in furnishing the buildings authorised to be erected under the thirdly-recited Act, other than the court house, together with the expenses of assessment, collection, and management, and of otherwise carrying into effect the objects of the thirdly-recited Act; and such additional assessments shall be imposed and levied for such periods as may be necessary on all lands and heritages situated within the parliamentary boundaries of the city, as defined by the Act second and third William the Fourth, chapter sixty-five, according to the yearly rent or value thereof, as established by the valuation rolls; and the Town Council is hereby empowered and required to impose and levy such assessments accordingly, and that at such rates in every year as they shall deem necessary, but not exceeding one halfpenny sterling on each one pound sterling of the said yearly rent or value, in addition to the assessments authorised to be imposed and levied by them under the thirdly-recited Act; and the said assessments shall be payable as for the period from Whitsunday in the year in which the same are imposed to Whitsunday in the year immediately following, and may be levied either on the proprietor or tenant of such lands and heritages; but the tenant, in the event of his paying such assessments, shall be entitled to deduct the amount thereof from the rent payable by him: Provided always, that the Town Council shall not levy any assessment in respect of any dwelling-house, shop, or other premises which shall be unoccupied during the whole period to which such assessment applies; and all the provisions of the thirdly-recited Act with reference to

Additional assessments to be imposed for buildings.

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Priority of existing mortgages.

45. All bonds, mortgages, or assignments in security, granted for money borrowed by the Town Council under the authority of the thirdly-recited Act, and which shall be in force at the time of the commencement of this Act, shall, during the continuance thereof, have priority over all bonds, mortgages, or assignments in security which may be granted for the money authorised to be borrowed by virtue of the two immediately preceding sections of this Act, and the several holders of the bonds, mortgages, or assignments in security granted for money borrowed under the authority of the thirdly-recited Act, shall have the same priority among themselves in respect thereof as they would have had if this Act had not been passed.

PART IV.—TRANSFER OF POWERS OF BURGH OF ABERDEEN ROAD TRUSTEES WITHIN THE CITY TO TOWN COUNCIL.

Transfer of powers of burgh road trustees within city to Town Council.

46. From and after the completion of the first election and induction into office of the Town Council under this Act, the Town Council shall have, possess, and exercise over and within the city all the jurisdiction, powers, rights, and authorities of every kind presently vested in the burgh of Aberdeen road trustees (herein-after called "the trustees") by or in pursuance of the fourthly-recited Act, and by any Act incorporated with that Act, or by any other Act of Parliament, and the same are hereby transferred to and vested in the Town Council, who shall thenceforward, as part of their ordinary business and according to the rules by which the conduct of such business is regulated, exercise the said jurisdiction, powers, rights, and authorities, and perform the whole duties and obligations and fulfil all contracts incumbent on the trustees in so far as regards the city; and all the powers, duties, and functions of the trustees over and within the city shall cease and determine, and are hereby put an end to and extinguished.

Construction of fourthly-recited Act with reference to this Act.

47. In construing the fourthly-recited Act or any other Act in which and so far as the trustees are referred to, the expression "burgh of Aberdeen road trustees," or other similar expression, shall, in so far as regards the transfer of the powers of the trustees under the provisions of this Act, be read as if the expression "the Town Council" had been inserted instead thereof; and the word "commissioners" in any Act incorporated with the said Act shall,



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in so far as regards the transfer of the powers of the trustees under the provisions of this Act, and for the purposes thereof, mean the Town Council: Provided always, that in all documents prepared in conformity with the forms authorised by and contained in any schedule to the fourthly-recited Act annexed, in which the title of the burgh of Aberdeen road trustees is introduced, the title of the Town Council shall, in so far as regards the transfer of the powers of the trustees under the provisions of this Act, be introduced instead, and reference may be made to this Act in addition to the said Act: And all minutes and entries in the Town Council records or other minute books of the Town Council, or of any committee or committees appointed by them, shall, in so far as regards the transfer of the powers of the trustees under the provisions of this Act, when duly signed, come in place of the books and records of the proceedings of the trustees directed by the fourthly-recited Act to be kept, and the minutes and entries therein: Provided further, that the six baillies to be elected under the provisions of this Act shall be trustees in room and place of the four baillies mentioned in the fourthly-recited Act.

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**48.** All the rates and assessments authorised to be imposed, levied, and collected by the trustees by virtue of the fourthly-recited Act, shall be due and payable to the Town Council, and shall and may be imposed, levied, and collected by the Town Council on and from the proprietors and tenants or occupiers of all lands and heritages within the boundaries of the burgh of Aberdeen, as defined in the fourthly-recited Act, in the manner and under the provisions therein specified, as fully and effectually to all intents and purposes as the trustees are at present entitled to do; and the Town Council shall apply the said rates and assessments so to be imposed, levied, and collected by them as follows:

Rates to be collected and recovered by Town Council.

In the first place, in payment of the cost of collection thereof, which is hereby fixed at the rate of five pounds per centum on the amount collected:

In the second place, in payment to the persons severally entitled thereto of the annuities or interests at present forming a preferable charge on the funds of the trustees:

In the third place, the Town Council shall, on or before the fifteenth day of May in each year, pay over to the trustees three fourth parts of the rates and assessments so collected by them, after deduction of the said cost of collection and annuities, to be applied by the trustees for the purpose of maintaining, keeping in repair, and managing the roads and highways, and making new roads and altering and improving existing roads

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within the parliamentary boundaries of the burgh of Aberdeen, as defined in the fourthly-recited Act, but beyond the limits of the city :

And the remaining one fourth part of the said rates and assessments so collected by the Town Council, after deduction as aforesaid, shall be applied by the Town Council towards the general purposes assessment leviabie under the authority of the secondly-recited Act, and the Acts amending the same, and this Act :

Provided always, that nothing in this Act contained shall confer on the Town Council any right of administration of the roads and highways beyond the boundaries of the city, or limit or interfere with the powers of the trustees with respect to the management thereof.

Certain provisions of fourthly-recited Act repealed.

**49.** From and after the completion of the first election and induction into office of the Town Council under this Act, the several provisions and enactments of the fourthly-recited Act specified in the schedule (B.) to this Act annexed, shall be and the same are hereby repealed in so far as they affect the transfer to the Town Council of the powers of the trustees under the provisions of this Act.

Conveyances of heritable property for road purposes, how to be taken.

**50.** The dispositions and conveyances of all heritable property to be acquired for the purposes of the fourthly-recited Act, so far as the same relates to the trustees, shall, in so far as regards the transfer of the powers of the trustees under the provisions of this Act, be conceived and taken in favour of the Town Council.

PART V.—PROVISIONS FOR SUPPLY OF GAS TO THE CITY AND SUBURBS.

Undertaking of Gas Company vested in Town Council.

**51.** The undertaking of the Gas Company shall be and is hereby transferred to and vested in the Town Council as at the first day of August eighteen hundred and seventy-one : Provided always, that this Act shall, as respects the undertaking of the Company so transferred to and vested in the Town Council, be equivalent to a conveyance thereof by the Company to the Town Council according to the law of Scotland. The expression " date of transfer " in this Act shall mean the first day of August one thousand eight hundred and seventy-one.

Dividends for last year preceding date of transfer.

**52.** The sums earned by the Company for the year preceding thirty-first July eighteen hundred and seventy-one, and available for dividends, shall, to the extent of a dividend on the sum of sixty-five thousand pounds at the rate of ten pounds per centum per annum free of income tax, be distributed by the directors among



the shareholders of the Company according to their several rights and interests. A.D. 1871.

**53.** Notwithstanding the said transfer, all gas rates and rents or remuneration for meters, pipes, and other articles which immediately before the transfer are due and payable to the Gas Company, shall be payable to, and may be collected and recovered by them, in the same manner as though this Act had not been passed and such transfer had not taken place. Gas rates due at time of transfer to be recovered by Gas Company.

**54.** From and after the date of transfer all persons who immediately before the transfer owe any money to the Gas Company, or any person on their behalf, shall pay the same with all the interest (if any) due or to accrue due for the same to the Gas Company, and all debts and moneys which, immediately before the transfer, are due and owing by or recoverable from the Gas Company, or for the payment of which the Gas Company are, or but for this Act would be liable, shall be paid with all interest (if any) due or to accrue due thereon by the Gas Company, and be recoverable from them; and if and in so far as the assets of the Gas Company are insufficient for the payment of their debts, the same shall be paid by the Town Council and be recoverable from them: Provided always, that any surplus funds which shall remain in the hands of the directors of the Company after winding up their affairs, shall before the first day of February eighteen hundred and seventy-two be paid over to the Town Council. Debts due to and by Gas Company to be paid to and by them.

**55.** Within six months after the date of transfer the Town Council shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking, and if the Town Council shall not, within the said period of six months, produce to the Commissioners of Inland Revenue such copy of this Act duly stamped as aforesaid, the said ad valorem duty shall be recoverable from the Town Council with full costs of suit and all costs and charges attending the same. Provision for stamp duty as on conveyance.

**56.** From and after the date of transfer all bonds, securities, conveyances, contracts, agreements, and obligations granted, made, or entered into, in favour of, or with the Company, shall remain in full force and effect, and shall be available to the Town Council in the same manner as the same were or might have been available to the Company before the date of transfer in all courts of law or equity until the same shall be fully paid, satisfied, performed, and discharged. Deeds and securities granted in favour of Company to remain in force.



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Town Council to pay annual burdens affecting undertaking.

Actions by or against Company not to abate.

**57.** From and after the date of transfer all annual or other periodical payments or burdens which may from and after that date be payable for or leviable from the lands, heritages, works, and property of the Company transferred to and vested in the Town Council by this Act shall be paid by the Town Council.

**58.** No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company previous to the date of transfer shall abate or be discontinued or be prejudicially affected thereby; but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the Town Council in such and the like manner as the same would have continued and taken effect in relation to the Company if such transfer had not been made, the Town Council being in reference to the matters in this enactment mentioned in all respects substituted for and in the place of the Company.

Annuities to shareholders of Gas Company.

**59.** The Town Council shall pay to the several holders of the twenty-six thousand shares in the capital of the Company, amounting to sixty-five thousand pounds, perpetual annuities of five shillings each in respect of each of the twenty-six thousand shares.

Annuities to vest in shareholders of Company.

**60.** The annuities to be granted and payable to the shareholders of the Company under the provisions of this Act shall be called "The Aberdeen Gas Annuities," and shall vest in and belong to the several persons who at the date of transfer are holders of shares in the capital of the Company, and shall rank *pari passu* with each other; and every person entitled at the date of transfer to any of such shares shall be entitled to one of such annuities of five shillings for each share held by him.

Annuities to be computed from 1st August 1871.

**61.** The said annuities shall be computed from the first day of August one thousand eight hundred and seventy-one, and shall be paid by half-yearly payments on the first day of February and the first day of August, clear of deductions (except income or property tax), and the first half-yearly payment shall be made on the first day of February one thousand eight hundred and seventy-two: And the Town Council shall, at their own expense, issue to the annuitants warrants in the form of the schedule (H.) to this Act annexed, or to the like effect, for the payment of the said annuities at such reasonable time before they become due as to the Town Council may seem proper, and the delivery to the Town Council, or gas treasurer, or any person on their behalf, of any such annuity warrant, duly signed by the annuitant and stamped as a receipt, shall be a valid and sufficient discharge to the Town Council.



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**62.** The several persons whose names appear as shareholders in the books of the Gas Company on the thirty-first day of July one thousand eight hundred and seventy-one, shall be and be deemed the persons entitled to the annuities under this Act.

A.D. 1871.  
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Proof of  
partnership  
of Gas Com-  
pany.

**63.** Upon the passing of this Act the Town Council shall give notice to the several shareholders of the Gas Company, stating in such notice the provisions of this Act affecting the shareholders.

Notice of  
Act.

**64.** The annuities shall in all respects be substituted for and represent the shares of the Company, and the several persons in whom any annuities become vested under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective shares in the capital of the Company are, on the date at which the said annuities become so vested as aforesaid, held and subject, and the annuities shall be conveyed or affected by any deed, will, or other instrument disposing of or affecting such shares.

Annuities to  
represent  
shares in  
Company.

**65.** The Town Council shall, at their own expense, grant and issue to every shareholder of the Company, or to his executors, administrators, or assignees, annuity certificates in the form of the schedule (C.) to this Act annexed for the amount of the annuities to which such shareholder is entitled.

Annuity cer-  
tificates to  
be granted.

**66.** The annuity certificates issued by the Town Council to any person entitled thereto shall be so many, and each of them for so many annuities, but not exceeding in the aggregate the whole number of his annuities as he, by notice in writing to the Town Council, shall require: Provided, that in so far as any person does not require any particular number of certificates to be issued to him, the Town Council shall issue to such person one certificate for the whole number of shares held by him in the capital of the Company.

Number of  
annuities for  
which certi-  
ficates to be  
issued.

**67.** Every annuity certificate shall be renewed by the Town Council when lost, worn out, or damaged, on production to the Town Council of evidence of the right of the annuitant requiring such renewal; and if in any case the Town Council shall not be satisfied with the evidence offered by any annuitant, he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and whose decision shall be final; and for every such renewed certificate the Town Council may demand any sum not exceeding two shillings and sixpence.

Certificates  
to be re-  
newed.

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Register of  
annuities.

**68.** The Town Council shall, from and after the first day of August eighteen hundred and seventy-one, keep a book called "The Register of the Aberdeen Gas Annuities," and shall enter therein from time to time in alphabetical order the names and designations of the several annuitants respectively entitled to the annuities, and the number of the annuities held by each annuitant respectively.

Certificates  
for altered  
number of  
annuities.

**69.** If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, for his annuities, or any portion thereof, then, on any such certificate or certificates being produced to the Town Council, they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more certificate or certificates for his annuities, the certificate or certificates for which is or are so cancelled, and in every such case a proper entry of the substituted certificate or certificates shall be made by the Town Council in the register of annuities, and for every such substituted certificate the Town Council may demand any sum not exceeding two shillings and sixpence: Provided, that in every such case the amount or the aggregate amount of the annuities for which the substituted certificate or certificates is or are issued shall be the same as the amount, or the aggregate amount, of the annuities the certificate or certificates for which is or are so cancelled.

Certificates  
to be evi-  
dence.

**70.** The certificates shall be admitted in all courts as *primâ facie* evidence of the title of the holder thereof to the annuity therein specified, but the want of such certificate shall not prevent any annuitant from disposing of his annuity.

Annuitants  
address book  
to be kept.

**71.** The Town Council shall also keep a book called "The Aberdeen Gas Annuitants Address Book," and shall enter therein from time to time in alphabetical order the names and the places of business of the annuitants, being companies or corporations, and the names, designations, and places of abode of the other annuitants, so far as the same are known to the Town Council, and every annuitant, or if such annuitant be a company or corporation, their clerk or agent, may, at all convenient times, inspect such book gratis, and may require a copy thereof, or any part thereof, and for every one hundred words or any smaller number of words so required to be copied the Town Council may demand any sum not exceeding sixpence.

Annuities  
personal  
estate.

**72.** The annuities shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.



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*Act, 1871.*

**73.** Any annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed, duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the schedule (D.) to this Act annexed, or to the like effect.

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Annuities  
may be trans-  
ferred.

**74.** Every such transfer, when duly executed, shall be delivered along with the relative certificate to the Town Council, and be kept by them, and they shall keep a book, called "The Register of Transfers of the Aberdeen Gas Annuities," and shall enter every such transfer therein, and shall deliver a new certificate to the transferee, and for every such entry of a transfer and certificate the Town Council may demand any sum not exceeding two shillings and sixpence; and until such transfer be so delivered to the Town Council the transferee shall not be entitled to receive any part of the annuities transferred.

Transfer of  
annuities to  
be regis-  
tered.

**75.** The Town Council may close the register of transfers of annuities for any period not exceeding fourteen days before the first day of February and the first day of August in each year, and any transfer made during the time when such register is closed shall, as between the Town Council and the transferee, but not otherwise, be held as made after that time.

Closing of  
transfer  
books.

**76.** If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein-after provided; and until the transmission be so authenticated, no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted.

Transmis-  
sion of an-  
nuities by  
other means  
than transfer  
to be authen-  
ticated by a  
declaration.

**77.** Every such declaration shall state the manner in which, and the party to whom, the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace of any city or county, or a sheriff, and such declaration shall be left with the Town Council, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such entry the Town Council may demand any sum not exceeding one shilling.

Contents of  
declaration  
in all cases.

**78.** If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of

Contents of  
declaration  
in cases of  
transmission  
by marriage  
or will.



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A.D. 1871. — the annuity; and if the transmission be by virtue of any will or testamentary instrument or by intestacy, the confirmation or testament testamentar or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall with the declaration be produced to the Town Council, and upon such production in either of those cases they shall cause an entry to be made of the declaration in the register of transfers of annuities.

Town Council not bound to regard trusts as regards annuities.

**79.** The Town Council shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject, and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the Town Council for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the Town Council have had notice of such trust, and the Town Council shall not be bound to see to the application of the money paid upon such receipt.

Certificate to be demanded before annuity recoverable.

**80.** The Town Council shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a certificate for such annuity.

Power to redeem annuities by agreement.

**81.** The Town Council may from time to time by agreement with any annuitant redeem all or any of his annuities; and when any annuity is so redeemed, an entry of the redemption thereof shall be made in the register of the Aberdeen gas annuities, and thereupon the redeemed annuity shall be wholly extinguished.

Annuities recoverable by suit.

**82.** If any annuity or any part of an annuity being payable be not paid on demand thereof in writing, made by an annuitant or his agent, to the Town Council, the annuitant may sue for and recover the same from the Town Council, with interest at the rate of five pounds per centum per annum till paid and full costs of suit, in any court of competent jurisdiction.

Annuitants to be creditors of Town Council.

**83.** The annuitants shall be creditors of the Town Council for payment of the annuities herein-before provided to be paid to them, and of the interest thereon, and expenses incident thereto, and the said annuities are hereby constituted as, at and from the date of transfer, primary and preferential burdens and liens on the gas undertaking, and the rates and charges and revenue arising from the sale by the Town Council of gas and secondary products.

Compensation to manager of Gas Company.

**84.** The Town Council shall, within three months from the date of transfer, pay to the directors of the Company the sum of two thousand pounds for the purpose of enabling them to provide com-



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*Act, 1871.*

pensation to George Gordon, the present manager and secretary of the Company, in respect of loss of office and emoluments subsequent to the date of transfer, and such sum shall be applied by the directors accordingly. A.D. 1871.

**85.** From and after the date of transfer the Company shall cease to manufacture, sell, and supply gas, as well as all other articles which they now sell, and shall subsist only for the purpose of winding up their affairs, and carrying into effect the purposes of this Act, so far as relating to the Company, and the directors of the Company who are in office at the date of transfer, and the survivors and survivor of them, shall for such purposes continue without re-election to hold the office of directors, and shall have full power and authority to take all necessary proceedings. Company to cease to manufacture and sell gas, and to continue only for winding up its affairs.

**86.** Upon the purposes before specified, for which it is provided the Company shall subsist subsequent to the date of transfer being fulfilled, and upon all their debts and liabilities being fully paid and satisfied, the directors of the Company shall grant a certificate to that effect, and shall publish such certificate once in the Edinburgh Gazette, and thereupon the Company shall ipso facto be dissolved. Dissolution of Company.

**87.** From and after the date of transfer the Town Council may, at the works and upon the premises of the gas company, make and supply gas for the purpose of lighting the streets and public places within the gas limits of this Act, and they may supply gas to the inhabitants, houses and buildings, works and premises within the gas limits, and they may from time to time maintain, improve, alter, and enlarge the said gasworks, and purchase and procure all such materials, and do all such acts as the Town Council shall consider necessary for these purposes, and they may manufacture, utilise, sell, and dispose of the coke and other substances, products, and refuse or residuum arising or to be obtained from the materials used in making gas, and may purchase and procure materials for the manufacture and utilisation of the said products, refuse, and residuum in such manner as they may think proper; but the Town Council shall not be exempt from liability to indictment or to any other legal proceeding to which they may be liable in consequence of anything done by them under this Act. Power to Town Council to manufacture and supply gas.

**88.** From and after the date of transfer the Town Council shall, on the request in writing of the owner or occupier of any building or part of a building within fifty feet of which any main of the Town Council is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions; namely, Obligations on Town Council as to supply.

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First. That the owner or occupier making such request do, if required by the Town Council, give to them at his own expense reasonable security for payment for the gas to be supplied :

Second. That such owner or occupier do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Town Council is placed :

Third. That such owner or occupier do, if required by the Town Council, pay in advance the estimated amount of such cost and expenses :

And any dispute as to any matter arising under the present section shall be settled by arbitration in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," respecting matters thereby directed to be settled by arbitration.

Power to hold licenses under letters patent.

**89.** From and after the date of transfer the Town Council may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas or the utilisation of residual products.

Power to supply gas fittings, &c.

**90.** From and after the date of transfer the Town Council may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pillars, pipes, lamp posts, lamps, burners, and other articles and things connected with gasworks or the supply of gas for public or private consumption in such manner as they may think proper, and generally carry on such operations or business as are for the time being usually carried on by gas companies.

Power to Town Council to let meters.

**91.** From and after the date of transfer the Town Council may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Town Council of such meter, as may be agreed upon between the hirer and the Town Council, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Town Council for gas, and such meters and fittings shall not be subject to distress for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or any proceedings in bankruptcy against the persons in whose possession the same may be.

Gas pipes may be put against buildings.

**92.** Subject to the provisions contained in this Act, and the Acts wholly or partially incorporated herewith, the Town Council



may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, into, through, or against such building for the purpose of lighting the same or any adjoining building, and may with the like consent provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply, and may with the like consent from time to time repair, replace, alter, or discontinue any such pipe, branch, or apparatus.

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**93.** Every consumer of gas supplied by the Town Council shall, on being required by the Town Council, consume gas by meter; and every such meter, whether the same is provided by the consumer or the Town Council, shall be at all times subject to the inspection and approval of the officers and servants of the Town Council.

Gas to be consumed by meter.

**94.** Before any person shall connect or disconnect any meter through which any of the gas supplied by the Town Council is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Town Council of his intention to do so, and any person offending against this enactment shall be liable to the Town Council in a penalty not exceeding forty shillings.

Notice to Town Council of putting up or removing meters.

**95.** Every consumer of gas supplied by the Town Council shall at all times, at his own expense, keep all meters belonging to him whereby any gas is registered in proper order for correctly registering such gas, in default whereof the Town Council may cease to supply gas through such meters; and the Town Council shall at all reasonable times have access to and be at liberty to take off, remove, inspect, test, and correct (if necessary) and replace any meter belonging to a consumer, such taking off, removal, inspecting, testing, correction, and replacing to be done at the expense of the Town Council if the meter be found in proper order, but if otherwise, then at the expense of the consumer.

Repair of meters.

**96.** The register of the meter shall be *primâ facie* evidence of the quantity of gas consumed by any customer of the Town Council, and in respect of which any rent is charged and sought to be recovered by the Town Council.

Register of gas meter to be *primâ facie* evidence.

**97.** The Town Council may, after twenty-four hours notice in writing under the hand of some one of their officers to be appointed by them to the occupier, or, if unoccupied, then to the owner or lessee, or the person in charge or reputed to be in charge, of any

Power to remove meters and fittings.

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A.D. 1871. land, house, or building in which any pipes, mains, meters, or fittings belonging to the Town Council are laid or fixed, and through or in which the supply of gas shall from any cause other than the neglect or default of the Town Council be discontinued, enter such land, house, or building between the hours of nine in the morning and four in the afternoon for the purpose of removing, and remove such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode, or if such person or his address be not known to the Town Council after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

Penalty for fraudulently injuring meters, &c.

**98.** Every person who shall wilfully, fraudulently, or by culpable negligence, injure or suffer to be injured any pipe, meter, or fittings belonging to the Town Council, or shall fraudulently alter the index to any meter, or fraudulently prevent any such index from duly registering the quantity of gas supplied, shall (without prejudice to any other right or remedy for the protection of the Town Council or the punishment of the offender) for every such offence forfeit and pay to the Town Council a sum not exceeding five pounds, and the Town Council may in addition thereto recover the amount of any damages by them sustained, and the Town Council may also discontinue the supply of gas to the person so offending until the injury is remedied, and the amount of the damages paid, and notwithstanding any contract previously existing.

For preventing frauds and waste of gas.

**99.** If and whenever any person supplied with gas by the Town Council wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act in reference to gas purposes, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the gas of the Town Council, the Town Council may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas, so long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Town Council may sustain by reason of any such thing or failure; and the remedies of the Town Council under this enactment shall be in addition to their other remedies in that behalf.

Quality of gas.

**100.** All the gas supplied by the Town Council shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal



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to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by thirty sperm candles of six in the pound, burning one hundred and twenty grains per hour. A.D. 1871.

**101.** The Town Council shall, within six months after the date of transfer, provide in some convenient part of the gasworks an experimental meter, furnished with a union jet burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situated and arranged as to test all the gas supplied by the Town Council, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order. Town Council to maintain apparatus to test illuminating power of gas.

**102.** Any five consumers of the gas supplied by the Town Council may by order in writing appoint some competent person, not being one of themselves or an officer or servant of the said consumers, to proceed to the works of the Town Council, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Town Council, and in the presence of the superintendent or other officer of the Town Council, make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Town Council and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff on application made to him, and after hearing the parties, that the illuminating power of the gas supplied by the Town Council did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Town Council or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Town Council shall forfeit and pay to the consumers signing the appointment such sum, not exceeding twenty pounds, as the sheriff shall determine. Provision for testing quality of gas.

**103.** The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and in the event of any penalty being imposed on the Town Council, shall be paid, together with such penalty, by the Town Council, but in the event of no penalty being imposed such costs shall be awarded to be paid to the Town Council by the person or persons complaining, and shall be paid or levied accordingly. Costs of experiment to be paid according to the event.

**104.** The Town Council shall, within two months after the date of transfer, and also at a meeting to be held each year, on a day to be fixed by them, cause to be prepared and laid before them an Town Council to fix rates for gas.

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A.D. 1871. — estimate of the sums to be derived for the ensuing year from the sale of gas, secondary products, and other materials or articles, and from the letting of meters, and also an estimate of the sums required to meet for such year the annuities, interest on moneys borrowed by them for gas purposes, expenses of management, maintenance of works, repairs, materials, wages, taxes, and other outlays and charges, and any deficiency for a previous year, and the payment of the sum required to be annually set apart for the sinking and contingent funds as herein-after provided; and at the said meeting, or at any adjournment thereof, the Town Council shall fix the rates, rents, and sums to be charged by them for gas and for the letting of meters for the year then ensuing, so that the revenue shall as nearly as possible meet the expenditure for each year: Provided always, that the charge to be made by the Town Council for gas to be supplied to consumers within the gas limits shall be as far as possible uniform to all persons under the same circumstances, and requiring the same extent of supply: Provided also, that if in any year the revenue received exceeds the amount required for the purposes aforesaid, the Town Council shall make such reductions in the sums to be charged by them in the following year for gas or the letting of meters, or carry such surplus to the sinking and contingent funds herein-after provided, as they shall think proper.

Gas guarantee rate.

**105.** From and after the date of transfer the Town Council shall from time to time fix, impose, and levy such a rate, to be termed "The Aberdeen Gas Contingent Guarantee Rate," as shall be necessary to meet any deficiency in the moneys required to pay the Aberdeen gas annuities and interest thereon, if any, and the interest of money borrowed and to be borrowed, including the sinking and contingent funds and other annual expenditure under the provisions of this Act with reference to gas purposes.

Assessment and levy of rate.

**106.** The Aberdeen gas contingent guarantee rate shall be imposed and levied by the Town Council on and from the occupiers of all lands and heritages situated within the city according to the yearly rent or value thereof, as established by the valuation rolls, and shall be of such amount in every year as the Town Council shall deem necessary, and the said rate shall be imposed at the same time and for the same periods, and levied in the same manner as the general purposes assessments are imposed and levied under the powers contained in the secondly-recited Act and the Acts amending the same, and this Act, and all the powers, enactments, and provisions of those Acts with respect to the levying, payment, and recovery of such general purposes assessments, and with respect



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to the exceptions and exemptions from such assessments, shall be and are hereby made applicable to the levying, payment, and recovery of the Aberdeen gas contingent guarantee rate, in the same manner as if the said rate had been authorised to be levied under the authority of the secondly-recited Act and the Acts amending the same and of this Act.

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**107.** The Town Council shall not be entitled to require from the incoming tenant of any property the payment of arrears of gas rent or meter rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable for arrears.

**108.** If any person fails to pay any gas rent, meter rent, rate, damages, costs, expenses, or other sums due to or recoverable by the Town Council under the provisions of this Act with reference to gas purposes, the Town Council may recover the same with costs by proceedings in any court of competent jurisdiction, and may also discontinue the supply of gas, and their remedy under this enactment shall be in addition to their other remedies in that behalf.

Recovery of sums due.

**109.** For carrying out the provisions of this Act with reference to gas purposes, the Town Council may, but without prejudice to the annuities, after the date of transfer, from time to time borrow and take up at interest on mortgage any sum or sums of money not exceeding in the whole twenty-five thousand pounds, and such sums shall be secured on mortgage of the lands, property, and works forming the gas undertaking, and of the rents, charges, and revenues to be levied and received by the Town Council for the supply of gas and the sale of residual products, and of the Aberdeen gas contingent guarantee rate; and for securing the moneys so to be borrowed, with the interest thereof, the Town Council shall, subject and without prejudice to the annuities, assign and make over the undertaking and the said rents, charges, revenues, and the said rate to the person or persons who shall advance such moneys as a security for the repayment of the money so to be borrowed, together with interest for the same; and if, after having borrowed the said sums or any part thereof, the Town Council pay off the same, except by means of the sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to borrow on mortgage.

**110.** Every mortgage to be granted by the Town Council for moneys borrowed for gas purposes shall be by deed duly stamped,

Form of mortgage.

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in which the consideration shall be truly stated, and may be in the form of the schedule (E.) to this Act annexed, or to the like effect.

Town Council may borrow on credit of a cash account.

**111.** The Town Council may, subject and without prejudice to the annuities, 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 Town Council, according to the usage of bankers in Scotland, to the extent of the sum which the Town Council are herein-before authorised to borrow for gas purposes or any part thereof, and may make and grant mortgages of the lands, property, and works forming the gas undertaking, and of the rents, charges, and revenues to be levied and received by the Town Council for the supply of gas, and the sale of residual products, and of the Aberdeen gas contingent guarantee rate, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Town Council on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the sum by this Act authorised to be borrowed for gas purposes.

Manner in which mortgages and orders on bank account to be signed and executed.

**112.** Every mortgage to be granted by the Town Council for gas purposes may be partly written and partly printed or engraved, and shall, besides being under the common seal of the Town Council, be signed by any two members of the Town Council, and by the gas treasurer, and all drafts or orders on the cash account before mentioned shall be signed by any two members of the Town Council, and shall be countersigned by the gas treasurer: Provided always, that no town councillor or gas treasurer shall by his subscription of any such mortgage, draft, or order, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Transfer of mortgages.

**113.** Any person entitled to any mortgage granted for gas purposes may transfer his right and interest therein to any other person by deed duly stamped, wherein the consideration shall be truly stated; and such transfer may be indorsed on such mortgage, and may be according to the form of the schedule (F.) to this Act annexed, or to the like effect.

Town Council not bound to regard trusts as re-

**114.** The Town Council shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any such mortgage or the money, principal, or interest thereby



secured may be subject; and the receipt of the person in whose name any such mortgage stands in the books of the Town Council shall be a sufficient discharge to the Town Council for any money payable in respect thereof, notwithstanding any trust to which the same or the money thereby secured may then be subject, and the Town Council shall not be bound to see to the application of the money paid upon such receipt.

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gards mort-  
gages.

**115.** Any person entitled to any such mortgage may discharge the same and his right and interest therein, and such discharge may be written or partly written and partly printed on the mortgage, and may be according to the form of the schedule (G.) to this Act annexed, or to the like effect; and such discharge when signed by the person entitled to such mortgage, and duly stamped, shall be valid and effectual to all intents and purposes.

Discharge of  
mortgages.

**116.** The Town Council may issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of the schedule (H.) to this Act annexed, or to the like effect, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the Town Council or to any person on their behalf, of any such interest warrant duly stamped as a receipt, shall be a valid and sufficient discharge to the Town Council for the interest in respect of which the same is issued.

Mortgages  
may be ac-  
companied  
with interest  
warrants.

**117.** All such mortgages shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Mortgages  
to be per-  
sonal estate.

**118.** All moneys which shall be borrowed by the Town Council in virtue of this Act for gas purposes shall be applied only to such of the gas purposes by this Act authorised as are properly chargeable against capital.

Application  
of money  
borrowed.

**119.** From and after the date of transfer the Town Council may from time to time sell and dispose of such parts of the lands and property transferred to them for gas purposes as may not be required for such purposes, and all moneys received by the Town Council for the lands and property so sold shall be applied by them in paying off moneys borrowed by them on mortgage for gas purposes, or liabilities incurred properly chargeable against capital, or in redeeming annuities, or in purchasing other lands and property and constructing works in connexion with the gas undertaking.

Sale of sur-  
plus lands.

[Ch. cxli.] *The Aberdeen Municipality Extension* [34 & 35 VICT.]  
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A.D. 1871.

Arrears may  
be enforced  
by appoint-  
ment of judi-  
cial factor.

**120.** In the event of any of the Aberdeen gas annuities or of any principal money borrowed by the Town Council for gas purposes as aforesaid, or any interest thereon, not being paid within two months after the same shall have become due and after twenty-one days previous demand thereof in writing, containing notice of the intention to make the application after mentioned, and which twenty-one days may form part of the said two months, it shall be lawful for any annuitant or mortgagee having annuities or interest on a mortgage in arrear to the amount of two hundred pounds, or for any mortgagee with principal, or principal and interest, in arrear to the amount of five thousand pounds, or for several annuitants or mortgagees having annuities or interest in arrear to the amount of two hundred pounds in the aggregate, or for several mortgagees with principal, or principal and interest, in arrear to the amount of five thousand pounds in the aggregate, to render their security effectual by the appointment of a judicial factor; and the application for such appointment may be made from time to time when such arrears arise, and shall be made by summary petition to the court of session in either division thereof, or in time of vacation to the lord ordinary on the bills, who are hereby respectively authorised and required, on such application being made by any annuitant or annuitants, or mortgagee or mortgagees, holding the sums in arrear before specified, to appoint from time to time some person as judicial factor, to the effect and with the powers herein-after mentioned, unless previously to such application being advised the sums due, with interest and expenses, shall have been paid to the petitioner or petitioners; and the interlocutor making such appointment shall not be subject to review or appeal, but without prejudice to the legal rights of recovery competent to such annuitant or annuitants, or mortgagee or mortgagees.

Powers and  
duties of ju-  
dicial factor.

**121.** The judicial factor so appointed, on finding security in common form, shall have and exercise all the powers conferred by this Act upon the Town Council for and in relation to fixing, imposing, levying, and recovering the Aberdeen gas contingent guarantee rate, and the rates, rents, and charges by this Act authorised to be made and levied for gas purposes, and managing and maintaining the gas undertaking; and the Town Council shall deliver to him all rate books and other books and documents necessary for that purpose; and after defraying the expense of such application, management, and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the same; and such judicial factory shall continue not only until all arrears of Aberdeen



[34 & 35 VICT.] *The Aberdeen Municipality Extension* [Ch. cxli.]  
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gas annuities and of interest or of principal and interest of mortgages due at the date of the appointment of such judicial factor, and all interest due on any of the said sums, and any annuities or interest which shall have become due during his continuance in office, with interest and expenses (including the expenses of the application for such appointment, and of carrying the purposes thereof into execution, and for obtaining the judicial factor's discharge), shall have been paid, but also until any half-year's annuity or interest which, although not due may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the banks in Scotland incorporated by Act of Parliament or royal charter; and upon payment or consignment as aforesaid of such annuities, interest, and expenses, the Town Council may apply to the court of session in either division thereof, or, in time of vacation, to the lord ordinary on the bills, for the recal of the appointment of the judicial factor, and the said court of session or lord ordinary may recal such appointment accordingly.

A.D. 1871.

**122.** The Town Council shall, after the expiration of two years from the date of transfer, set apart annually as a sinking fund a sum not less than two pounds per centum per annum on the amount for the time being borrowed under this Act for gas purposes, to be applied in paying off the principal sums borrowed under the authority of this Act for those purposes: Provided always, that the said sinking fund shall be from time to time applied towards the payment of money borrowed, and to no other purposes whatever.

Sinking fund.

**123.** From and after the date of transfer the Town Council shall set apart annually as a contingent fund a sum not less than six hundred and fifty pounds, to be applied in the redemption of the Aberdeen gas annuities.

Contingent fund.

**124.** The Town Council shall invest the said sums so to be set apart as sinking and contingent funds in the public funds, or in any bank in Scotland incorporated under Act of Parliament or by Royal Charter, or on heritable security, until such sinking and contingent funds shall be respectively applied in manner hereinbefore provided.

Investment of sinking and contingent funds.

**125.** The Town Council shall cause books to be provided and kept, and true and regular accounts to be entered therein of the receipts and payments, credits and liabilities, under the provisions of this Act with reference to gas purposes, and such accounts shall be kept distinct from those of the affairs of the corporation of the city, and shall be balanced every year at the same time as the

Accounts as regards gas supply.

[Ch. cxli.] *The Aberdeen Municipality Extension* [34 & 35 Vict.]  
Act, 1871.

A.D. 1871. — accounts of the municipal revenues of the corporation of the city are balanced, and the Town Council shall annually appoint an auditor (being a professional accountant, and not being one of their own number or holding office under them) to audit such books and accounts, and shall cause an abstract of such accounts, after the same have been duly audited, to be inserted in one or more of the newspapers published in the city.

Application  
of revenue  
from gas.

**126.** The rates, rents, charges, and revenues to be levied and received by the Town Council for the supply of gas and otherwise in reference to gas purposes under the authority of this Act, shall be applied in manner following; (that is to say,)

Firstly. In defraying the expenses of management and maintenance of the gas undertaking, including the annual costs, charges, and expenses of providing and supplying gas, and the payment of any feu duties or ground annuals payable in respect of any lands or property forming part of the gas undertaking:

Secondly. In payment of the Aberdeen gas annuities:

Thirdly. In payment of the interest of money borrowed under the authority of this Act for gas purposes:

Fourthly. In payment of the sum required to be annually set apart and appropriated for the purpose of the sinking and contingent funds for gas purposes as herein provided, and in providing such further sum as the Town Council may consider expedient for the renewal, improvement, or extension of the gasworks, and the balance, if any, shall be carried to the credit of the account for gas purposes for the next following year.

Application  
of penalties.

**127.** All penalties and forfeitures in reference to gas purposes exigible by the Town Council under this Act, or any Act incorporated herewith, shall, when recovered, be applied and appropriated by them for gas purposes.

PART VI.—AMENDMENT OF POLICE ACTS.

Construction  
of sections  
150 to 155  
of secondly-  
recited Act.

**128.** In sections 150 to 155 inclusive of the secondly-recited Act, the word "inspector" shall, notwithstanding the interpretation in said Act, mean any officer appointed by the Town Council to the charge, control, and supervision of the fire engine establishment.

Construction  
of sections  
156 and 157  
of secondly-  
recited Act.

**129.** Sections 156 and 157 of the secondly-recited Act shall be read and construed as if the words "shall be jointly and severally liable" were inserted in the said sections instead of the following words which occur therein, that is to say, "shall be jointly liable."



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*Act, 1871.*

**130.** Notwithstanding anything contained in the one hundred and seventy-first section of the secondly-recited Act, the Town Council may demand and recover from every person depositing gunpowder in any magazine under the control of the Town Council such sum for the storage thereof as the Town Council may from time to time think reasonable, not exceeding one eighth of a penny on each pound weight of gunpowder deposited by such person for every period of three months or part thereof during which such gunpowder may be allowed to remain in such magazine, and such charge shall be payable and recoverable in the manner provided in the said section: Provided always, that the total charge which the Town Council may demand and recover for each pound weight of gunpowder imported into the city by sea or land, and for the storage thereof for the first twelve months in any magazine under the control of the Town Council, shall not exceed one halfpenny.

A.D. 1871.

Amendment  
of section  
171 of  
secondly-  
recited Act.

**131.** The plans provided for by sections 296 and 359 of the secondly-recited Act, and section 70 of "The Aberdeen Police and Waterworks Amendment Act, 1867," shall be signed by the person intending to build or rebuild any house or building, or by his agent, and shall, when received by the Town Council, become their absolute property and be retained by them.

As to plans  
required by  
sections 296  
and 359 of  
secondly-  
recited Act.

**132.** Section 297 of the secondly-recited Act shall be read and construed as if the words "or of the line of such house or building" in reference to the line of the front of the adjoining buildings" were inserted in the said section after the words "house or building" which occur in the said section, and as if the words "or the line in" which the same is to be built" were inserted in the said section after the words "is to be laid" which occur in the said section.

Construction  
of section  
297 of  
secondly-  
recited Act.

**133.** It shall not be lawful to erect any building more than seven feet high within eighteen feet of the centre line of any street except a mews lane, without the consent in writing of the Town Council: Provided always, that this enactment shall not apply to any building which may be rebuilt upon or within the line of front of the building in place of which it is so rebuilt; no dwelling-house shall be erected in a mews lane other than a dwelling-house for a coachman or the like, and that only with the consent in writing of the Town Council; and if any building or dwelling-house shall be erected contrary to the provisions of this section, the Town Council may cause the same to be altered or pulled down, and the expense incurred by the Town Council in respect thereof shall be repaid to them by the person erecting or owning such building or dwelling-house, and shall be recoverable in the same manner in which under

Restriction  
as to build-  
ings.



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A.D. 1871. — the provisions of section 511 of the secondly-recited Act the damages, forfeitures, and expenses therein specified may be sued for, recovered, and enforced.

Construction of section 358 of secondly-recited Act.

**134.** The expression "party walls" in section 358 of the secondly-recited Act shall mean any gable wall in which there is a vent, chimney, or fireplace.

As to dwelling places below high-water mark.

**135.** If any apartment is used as a dwelling-place or workshop, the floor of which apartment is below the level of high-water mark of ordinary spring tides, the Town Council may, on receiving a certificate or declaration from their officer of health, or sanitary inspector, or medical officer, that the said apartment is unfit to be used as a dwelling-place or workshop as being injurious to health, cause a notice to be served on the owner of such apartment or his agent, and on the occupier thereof, that such apartment is unfit to be used as a dwelling-place or workshop, and shall not, after a date to be specified in such notice, be used as such; and any person who after the date specified in such notice lets or occupies, or continues to let or occupy, or knowingly suffers to be occupied such apartment as a dwelling-place or workshop, shall be liable to a penalty not exceeding twenty shillings for every day during which the said apartment is so let or occupied; and the Town Council may also cause the occupier to be removed from such apartment.

Provisions as to private water supply.

**136.** The owner of every house either wholly or partly used as a dwelling-house, and not supplied or insufficiently supplied with water, shall at his own expense, on or before the fifteenth day of May one thousand eight hundred and seventy-three, cause a sufficient supply of water for domestic purposes to be introduced into such house or some part of the premises connected therewith and accessible to the inmates thereof, and every such owner failing so to do shall be liable to a penalty not exceeding five shillings for every day that he shall so make default; and from and after the said fifteenth day of May one thousand eight hundred and seventy-three the occupier or occupiers of every house either wholly or partly used as a dwelling-house shall be liable to be assessed for water rent on the yearly value of such house or the part thereof used as a dwelling-house under the provisions of the secondly-recited Act and the Acts amending the same and this Act, and the Town Council shall be entitled to charge and levy such water rent accordingly.

In event of failure to pay water rent.

**137.** If any person shall fail or neglect to pay the water rent or other charge for the supply of water for which he is liable when the



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same becomes due, it shall be lawful for the servants of the Town Council by virtue of an order to that effect under the hand of such officer as the Town Council may from time to time appoint, to enter upon the premises in respect of which such rent or charge is payable, and cut off the supply of water from such person in such manner as may be likely to cause least injury to the premises, without prejudice to the right of the Town Council to levy and recover the whole amount of such water rent or other charge, as well as the expense of cutting off the water.

A. D. 1871.

**138.** Notwithstanding the date at which it is provided that this Act shall take effect, the whole rates, duties, assessments, and water rents hitherto levied by the Town Council within the burgh only, and by the police commissioners within the limits of the secondly-recited Act, shall apply to and extend over the city as from the term of Whitsunday one thousand eight hundred and seventy-one, and be imposed, levied, and recovered by the Town Council accordingly; and after the term of Whitsunday one thousand eight hundred and seventy-one the water rates and water rents levied and recovered under the authority of the secondly-recited Act and the Acts amending the same and this Act, shall be and be held to be in place of all payments under any agreements for the supply of water between the police commissioners and persons having or occupying lands or buildings situated beyond the limits of the secondly-recited Act, but within the city.

Assessments to be levied from Whitsunday, 1871.

**139.** In calculating and collecting the assessments and water rents under this and the secondly-recited Act and the Acts amending the same, and all other rates, taxes, and assessments imposed and leviable by the Town Council, any fractional part of a penny less than a halfpenny on the amount of each assessment shall not be reckoned as part of the amount of such assessment, and any fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in the amount of such assessment as one penny.

As to fractional parts of a penny.

**140.** The magistrates may from time to time make such byelaws as they think fit for the purposes following; (that is to say,)

Byelaws as to driving cattle.

For regulating the manner in which and the hours during which cattle shall be driven through the streets:

For regulating the conduct of the drivers of such cattle when so employed, and determining whether such drivers shall wear any and what badges:

And for regulating all other matters connected therewith tending to promote the safety and convenience of the public:



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A.D. 1871. — And the magistrates may by such byelaws impose such reasonable penalties as they think fit, not exceeding forty shillings for each breach of such byelaws.

Formation of  
new streets.

**141.** Every person who forms, makes, or lays out any new street within the city shall, at his own expense, within one month after requisition in writing has been made to him by the Town Council, cause footways, with a proper kerb or bord stone and paved channel or gutter, to be constructed either on one or on both sides of such street or such part thereof as the Town Council may require, and shall cause such footways to be well and sufficiently constructed in such manner and form and of such breadth and materials as the Town Council may direct, and every such person shall, at his own expense, after such requisition, cause the carriageway of such street to be macadamised with broken stones or otherwise made good in such manner as the Town Council may direct, and in the event of such person not complying with such requisition, the Town Council may cause such footways, with kerb or bord stone and paved channel or gutter, and such macadamising or making good of the carriageway, to be made and executed, and the expenses which may be incurred by the Town Council in respect thereof (to be ascertained as herein-after provided) shall be repaid to the Town Council by such person, and shall be recoverable as herein-after provided.

Repair of  
streets.

**142.** The Town Council may, after notice as herein-after provided, cause the carriageway of any street of which the macadamising or carriageway is, in the opinion of the Town Council, in bad repair, to be macadamised, re-macadamised, or otherwise made good and put into a thorough state of repair, in such manner and with such materials as the Town Council shall direct, and the expenses which may be incurred by the Town Council in respect thereof (to be ascertained as herein-after provided) shall be repaid to the Town Council by the owners of the lands before or opposite to which such macadamising or making good has been made as aforesaid, and shall be recoverable as herein-after provided: Provided always, that the owners of the lands in such street shall not be called upon to pay any part of the expense of keeping the said carriageway in repair, or of re-macadamising or re-making good the said street for seven years after the said street has been repaired, macadamised, or made good as aforesaid, at the expense of such owners: Provided also, that nothing in this section contained shall prejudice or interfere with the powers of the Town Council to cause such carriageway to be re-macadamised, paved, causewayed, or otherwise made good, at the expense of such owners, after the expiration of the said period of seven years.



**143.** In the case of any street of which the carriage or foot ways are formed of undressed or unsquared stones, or have not, in the opinion of the Town Council, been previously well and sufficiently laid out or formed, or paved, or causewayed, or flagged, and where one half of the building areas along such street has been built upon or sold or feued out for the purpose of being built upon, or as soon as areas to that extent are so built upon or sold or feued out, the Town Council may, after notice as herein-after provided, cause footways with proper gutters or channels to be formed and laid out, either on one side or on both sides, and along the whole or part of said street as they may direct; and the said gutters or channels and footways shall be constructed in such manner and form, and of such construction and breadth, of dressed granite stones, or of such other materials, all as the Town Council may direct, and the Town Council may cause the carriageway of such street, or such part thereof either in length or breadth as they may think proper, to be paved or laid with dressed granite stones, or with such other materials, and in such manner all as the Town Council shall direct; and the expenses incurred in respect thereof (to be ascertained as herein-after provided) shall be repaid to the Town Council by the owners of the lands before or opposite to which such carriageway, footways, gutters, or channels shall have been made, and shall be recoverable as herein-after provided, and such street shall thereafter be maintained by the Town Council: Provided that in so far as the obligations contained in this section depend on the extent of front feued out or built upon, the provisions herein contained shall, in the case of streets forming outlets from the city, operate and apply to any and every two hundred yards of such street in the same manner as if that were the whole length of the street.

A.D. 1871.  
Footways,  
gutters, and  
carriage-  
ways.

**144.** Where the Town Council shall as herein-before provided lay out, form, pave, macadamise, or otherwise make good any footways, channels or gutters, or carriageway of any street or part of a street, at the expense of the owners of the lands in such street, the Town Council may execute or contract for the execution of such work required to be executed by any number of such several owners as a single work, and the expense of the whole of such work, together with an additional sum of five pounds per centum on such expenses to be charged for supervision by the Town Council, shall be apportioned among such owners in proportion to the extent of the frontage of the lands belonging to them respectively abutting on such street or part of a street, and a statement of such expenses showing the proportion thereof payable by each such owner, made up and certified by the treasurer and surveyor, shall be conclusive evidence of

Expenses of  
paving and  
repairing  
streets.

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A.D. 1871. — such proportion, and such expenses shall be recoverable by the Town Council in the manner and with the remedies provided by the secondly-recited Act in regard to the recovery of expenses of any work required to be executed by owners or occupiers, and executed by the commissioners of police or by their directions on default being made in the execution thereof by such owners or occupiers, and which are not directed to be defrayed out of drainage rates authorised by the said Act to be levied by way of private assessment; or in the event of such expenses not being forthwith paid, the Town Council may, in their option, recover the said expenses from such owners in the manner provided in the said Act for the recovery of drainage rates authorised by the said Act to be levied by way of private assessment.

Notice of  
repair, &c.  
to be given.

**145.** Except in the case of new streets, the Town Council shall, three weeks before proceeding with the laying out, forming, paving, macadamising, or otherwise making good of any footways, channels or gutters, or carriageway of any street at the expense of the owners of the lands before or opposite to which such works shall be executed, cause a notice of their intention so to do to be inserted in at least one of the newspapers published in the city for two successive weeks, and such notice shall be and be deemed sufficient intimation to all the parties liable for the expense of such works; and the provisions of this Act shall extend and apply to all streets or roads within the city which at the date of the passing of this Act are under the management of the burgh of Aberdeen Road Trustees or of any turnpike road trustees.

Penalty on  
persons  
obstructing  
constables in  
their duty.

**146.** Every person who shall at any time resist, obstruct, or molest any constable, officer, watchman, workman, or other person employed in the execution of any duty or the performance of any work imposed on him by virtue of this Act, or of the secondly-recited Act and the Acts amending the same, or of any warrant of the magistrates, or any of them, or of any byelaw, regulation, or order of the magistrates or of the Town Council, or shall aid or incite any persons so to do, or shall not when required by a constable afford him every reasonable aid and assistance in preventing the escape of any person whom he has taken into custody, and is conveying to the police office or to prison, such person so offending shall for every such offence be liable to a penalty not exceeding five pounds, and if any person shall assault or strike any such constable, officer, watchman, workman, or other person employed as aforesaid, or aid or incite any person to rescue or attempt to rescue any prisoner whom any such constable, officer, watchman, or other person shall have in custody, or be aiding to secure, such



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person so offending shall for every such offence be liable to a penalty not exceeding ten pounds, or imprisonment for not more than sixty days, without prejudice to the right of any constable, watchman, or other person on whom such assault or offence may have been committed, to sue in any competent court for compensation, damages, or expenses for any injury or loss he may thereby have sustained.

A.D. 1871.

**147.** Section 134 of the secondly-recited Act shall be read and construed as if the words "every person who, in or near any street or public place within the city, to the obstruction, annoyance, or danger of the residents or passengers," were inserted in the said section, instead of the following words which occur therein (that is to say): "Every person who, in any street or in any public place within the limits of this Act, to the obstruction, annoyance, or danger of the residents or passengers," and as if the words "every person who rides or drives furiously, recklessly, or carelessly any horse, carriage, cart, or other vehicle, or drives furiously any cattle" were inserted in the said section instead of the following words which occur therein (that is to say): "Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle;" and as if the words "every common prostitute or night-walker who loiters or importunes passengers for the purpose of prostitution" were inserted in the said section instead of the following words which occur therein (that is to say): "Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution."

Amendment  
of sect. 134 of  
the secondly-  
recited Act.

**148.** Every person who, in or near any street or public place within the city, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall for every such offence be liable to a penalty not exceeding forty shillings, or in the discretion of the magistrate may be committed to prison for a period not exceeding fourteen days; and any constable shall take into custody, without warrant, and forthwith convey before the magistrate any person who, within his view, commits any such offence; (that is to say,)

Penalty for  
offences in  
the streets.

Every person who engages in any game of hazard:

Every person who uses any obscene, profane, or indecent language:

Every person who conveys in any open cart or waggon or otherwise through the streets the carcasses, or any parts thereof, of slaughtered animals without the same being properly covered up from public view, with clean cloths or such other coverings

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as the magistrates may from time to time direct; or exposes such slaughtered carcasses, or any parts thereof, or their skins or offals, outside the doors or windows of any shop, or uses machines to mince or hash animal food to the annoyance of any of the inhabitants in the neighbourhood.

Offences  
under Smoke  
Acts.

**149.** All offences committed within the city against the provisions of the following Acts, or any of them, viz., twentieth and twenty-first Victoria, chapter seventy-three, intituled "An Act for the abatement of the Nuisance arising from the Smoke of Furnaces in Scotland;" twenty-fourth Victoria, chapter seventeen, intituled "An Act to amend an Act of the twentieth and twenty-first years of the reign of Her Majesty, for the abatement of the Nuisance arising from the Smoke of Furnaces in Scotland;" and twenty-eighth and twenty-ninth Victoria, chapter one hundred and two, intituled "An Act to amend an Act of the twentieth and twenty-first years of Her Majesty for the abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and an Act of the twenty-fourth year of Her Majesty to amend the said Act," may be tried by the magistrate as police offences on the complaint of the procurator fiscal, and the penalties may be recovered and applied in the same way as penalties for police offences under the secondly-recited Act.

Sale of  
butter.

**150.** All butter exposed for sale without being weighed in the presence of the purchaser, or without the exposor being provided with suitable appliances for weighing the same, shall be made up in parcels or quantities of half a pound weight, or some multiple thereof, and it shall be lawful for the inspector of weights and measures for the city at any time to try the weight of all such butter, and to take into custody and forthwith convey before the magistrate any person who is found contravening this enactment, and also to impound and seize the butter found in the possession of such person; and every person offending herein shall for every such offence be liable to a penalty not exceeding forty shillings, and the magistrate may also declare the butter to be forfeited, and order the same to be sent to any charitable institution.

Sale of  
bread.

**151.** All bread, not being fancy bread or French bread, shall be sold only by weight, and every person offending herein shall for every such offence be liable to a penalty not exceeding forty shillings.

Officers may  
enter public-  
houses on

**152.** Any constable shall have power, by virtue of his office, at any time to enter any building, or part of a building, or other place



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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 offence, or that any articles known or suspected to have been stolen or fraudulently obtained, are to be found therein; viz.

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—  
hearing disorderly noise therein.

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 or suspected to be sold, whether licensed or not :

Any house usually frequented by prostitutes, thieves, or loose and disorderly persons :

Any ship or other vessel not being employed in Her Majesty's service :

And if the keeper of any such building, or part of a building, or other place, or any servant or other person having the charge thereof, or the master or other person having charge of such ship or vessel, shall not admit such constable when required, such person shall for every such offence forfeit and pay a fine not exceeding five pounds.

**153.** Every person who shall permit any breach of the peace or riotous or disorderly conduct within any shop, cellar, room, place of public resort, house, office, or other premises occupied or kept by him, or shall knowingly harbour prostitutes, or permit or suffer men or women of notoriously bad fame, or dissolute boys or girls to meet or assemble therein, or shall knowingly lodge, entertain, or harbour to the annoyance of any of the inhabitants in the neighbourhood, any prostitute, or idle rogue or vagabond, shall for every such offence be liable in a penalty not exceeding ten pounds: Provided always, that if any person shall be found guilty of any such offence a second time, it shall be lawful for the magistrate, on the application of three householders or of the procurator fiscal, to eject and remove such person summarily from the premises occupied or kept by him, and to impose such further penalty on such offender, not exceeding twenty pounds, with expenses, as to the magistrate may seem fit.

Penalty for harbouring disorderly persons.

**154.** Any constable may apprehend all persons found begging or exposing wounds or deformities, or exposing children of tender age to the inclemency of the weather, or causing children to sing in streets or public thoroughfares, or placing themselves, or otherwise acting so as to induce, or for the purpose of inducing, the

Vagrants, beggars, &c. to be apprehended, and upon conviction imprisoned.

[Ch. cxli.] *The Aberdeen Municipality Extension* [34 & 35 VICT.]  
*Act, 1871.*

A.D. 1871. giving of alms, and all persons conducting themselves as vagrants, having no fixed place of residence and no lawful means of livelihood, and all persons who, after having been convicted of housebreaking or theft, are found in possession of any picklock, crow, jack, bit, or other implement usually employed in housebreaking, or who are found in any building or part of a building or other enclosed space for any unlawful purpose, or in possession of any article without being able to give a satisfactory account of their possession thereof; and such persons upon conviction shall be liable to be imprisoned for any period not exceeding thirty days, and for a second or any subsequent offence to imprisonment for a period not exceeding sixty days, and if any money or article be found upon their persons such money or article may be forfeited and applied to the general police purposes.

Provision  
shops not to  
be kept open  
at unseason-  
able hours.

**155.** No keeper or occupier of any shop for the sale or consumption of dressed provisions or refreshments shall open or have open his shop at an earlier hour than five o'clock in the morning or a later hour than twelve o'clock at night, and every person offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Owners of  
carts, &c. to  
have names  
painted  
thereon.

**156.** The owner, or if there be more than one, then one of the part owners of every waggon, cart, or carriage used for the conveyance of goods or plying for hire shall have his christian name, surname, and place of abode painted in a straight line or lines horizontally upon some conspicuous part on the off or right side of such waggon, cart, or carriage in large legible roman letters, either of a dark colour upon a light ground or of a light colour upon a dark ground, not less than one inch in height and one half inch in width, with numbers beginning with number one where more of such carriages respectively than one shall belong to the same owner, and proceeding in regular progression, and every owner or part owner of every such waggon, cart, or carriage using or allowing the same to be used upon any street without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall for every such offence be liable to a penalty not exceeding forty shillings.

Persons  
under 14  
years of age  
not to drive  
carts.

**157.** The owner or any part owner of any waggon, cart, or carriage who shall cause or permit such waggon, cart, or carriage to be driven in any street by any person who is not of the full age of fourteen years, and every person who in any street shall put a waggon, cart, or carriage, and the animal drawing the same, temporarily under the charge or care of a person who is not of the



[34 & 35 VICT.] *The Aberdeen Municipality Extension* [Ch. cxli.]  
*Act, 1871.*

full age of fourteen years, shall be liable to a penalty not exceeding forty shillings. A.D. 1871.

**158.** The magistrates may restrain, regulate, or prohibit all public shows, exhibitions, or representations, and the use of apartments in common tenements, or of any booth for dancing, on any occasion or at any time which shall appear necessary for preserving order and decorum, and they may make and establish regulations and prohibitions to that effect, and if any person shall open or be concerned in opening any public show, exhibition, or representation, or any booth for dancing, without the sanction or permission of the magistrates, or shall contravene any such regulation or prohibition, such person shall for every such offence forfeit a penalty not exceeding five pounds. Powers to regulate shows, &c.

**159.** The magistrates shall have and may exercise the powers and jurisdictions conferred upon any justice or justices of the peace by the Act of the twenty-second George the Second, chapter twenty-seven, intituled “ An Act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures, and for preventing unlawful combinations of journeymen dyers and journeymen hotpressers, and of all persons employed in the said several manufactures, and for the better payment of their wages ;” and by the Act of the seventeenth George the Third, chapter fifty-six, intituled “ An Act for amending and rendering more effectual the several laws now in being for the more effectual preventing of frauds and abuses by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures, and also for making provisions to prevent frauds by journeymen dyers ;” and the provisions of the said Acts shall apply to proceedings before the magistrates, and to acts done by them in relation thereto, in the same manner as to proceedings before and acts done by any justice or justices of the peace ; and upon an oath or solemn affirmation or declaration being made before the magistrates or any justice or justices of the peace, that there is cause to suspect that any materials purchased or received by any broker from any person or persons were purloined or embezzled, the magistrates or any justice or justices of the peace may grant warrant for bringing the person or persons from whom the broker purchased or received such materials before him or them, and if such person or persons shall not give a satisfactory Magistrates to have powers conferred upon justices by 22 G. 2. c. 27. and 17 G. 3. c. 56.

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*Act, 1871.*

A.D. 1871. — account of how he, she, or they came by such materials, such person or persons shall be deemed guilty of a misdemeanor or offence, and shall be punishable accordingly, in terms of the said two last-recited Acts, in the same manner as if such materials had been found in the possession of such person or persons, and it shall be competent to the magistrates or to any two justices of the peace to sentence such person or persons to pay any fine not exceeding the amounts authorised by the said Acts or alternatively to commit such person or persons to prison for any period not exceeding the periods authorised by the said Acts, and it shall not be necessary before committing such person or persons to prison to levy such fines by distress and sale, or to use any legal diligence for recovery thereof.

Town Council may shut up lanes.

**160.** The Town Council may, at any ordinary or special meeting, resolve and declare that any lane, alley, or close within the city which is used as a public thoroughfare, and which is less than twelve feet in width, and which it may appear expedient to the Town Council to shut up, shall be shut up in whole or in part, and the same shall thereupon cease to be a public thoroughfare: Provided always, that before any such lane, alley, or close shall be so shut up, the Town Council shall obtain the consent of two thirds of the owners of the lands or premises having access to such lands or premises from such lane, alley, or close, and that the Town Council shall give public notice of their intention to shut up such lane, alley, or close, by advertisement to be inserted in any newspaper circulating in the city, at least one month previous to the day of holding such meeting.

Regulations as to omnibuses or carriages plying within the city.

**161.** The lord provost and magistrates may prevent, within the limits of the city, the plying or running of omnibuses or other carriages for the conveyance of passengers which shall be in a state of disrepair or insecurity, or not adapted in all other respects for the conveyance of passengers with safety and comfort, or which shall be drawn by horses not sufficiently strong or in good condition, or not sufficiently trained or broken in, and that by imposing penalties not exceeding for each offence five pounds on the owners or conductors or drivers of such omnibuses or other carriages, which shall be found by the magistrate before whom the complaint may be brought to be in an unsafe or unfit state for the conveyance of passengers, or drawn as aforesaid; and the lord provost and magistrates may from time to time make byelaws for regulating the number of passengers to be carried by and the times of running of such omnibuses or other carriages, the places at which the same



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shall stand, the times at which the same shall start, or within which the same shall be available for the use of the public, and all other matters tending to promote regularity and public convenience in regard to the matters aforesaid, and may enforce the same against the owners or conductors or drivers of such omnibuses and other carriages in like manner and under a like penalty. A.D. 1871.

**162.** Every person intending to build or take down any building within the city, or to alter or repair the outward walls of any such building, or to cause the same to be so done, or to employ or contract with any other person to perform any such work, whereby any street or footway may be obstructed or rendered inconvenient, shall before commencing operations apply for authority from the Town Council to put up, and on such authority being obtained shall put up, subject to such conditions and to the payment of such sum or sums of money as the Town Council may direct, a sufficient hoard or fence, in order to separate the building where such work is carried on from the street, with a convenient platform and hand-rail, if there be room enough, to serve as a footway for passengers outside of such hoard or fence, in accordance with such orders and directions as may be given by the Town Council or the surveyor, and every such person shall maintain such hoard or fence and such platform and handrail in good condition to the satisfaction of the Town Council during such time as they or their surveyors shall fix, and shall in all cases cause such hoard or fence and platform to be sufficiently lighted during the night; and every such person who puts up such hoard or fence without previously obtaining the authority of the Town Council so to do, or who fails to put up such fence or hoard, or platform, with such handrail as aforesaid, or fails to maintain the same in good condition during the time aforesaid, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Town Council within a time specified for that purpose, or who fails to observe and comply with the conditions or any of them subject to which authority to put up such hoard or fence has been granted by the Town Council, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued. Hoards to be set up during repairs.

**163.** The whole powers and provisions of Part VI. of this Act shall extend over and be put in force and execution within the city, and all the provisions and enactments contained in section 126 and in Parts XXXII. and XXXIV. of the secondly-recited Act, intituled Provisions of secondly-recited Act to apply.



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A.D. 1871. — respectively “Byelaws” and “Jurisdiction of Police Court” (excepting section 497 thereof) shall, as extended to the city, apply to Part VI. of this Act, in the same manner and as fully to all intents and purposes as if such provisions and enactments were herein repeated and re-enacted.

PART VII.—GENERAL PROVISIONS.

Appoint-  
ment of com-  
mittees by  
Town Coun-  
cil.

**164.** For the purpose of carrying into execution the provisions of this Act or of the recited Acts, or any of them, the Town Council may from time to time appoint out of their own number such and so many committees, consisting of such number of persons as they may think fit, for the execution of any of the purposes of this Act, and may appoint the convener or chairman of any such committee and fix the quorum thereof, and may continue, alter, or discontinue such committee, and may delegate to any such committee such of the powers and duties of the Town Council under this Act or the recited Acts as they think fit, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Town Council, and the Town Council may from time to time make such regulations as they think fit for the guidance of any such committee, and may from time to time remove any members of any such committee, and appoint in their stead other members of the Town Council.

Provisions as  
to appoint-  
ment of  
chairman of  
committees  
and votes at  
meetings.

**165.** Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment, and at all meetings of the committee the chairman or convener appointed by the Town Council, and in his absence, or if no chairman has been appointed, one of the members present to be appointed by the meeting shall preside, and if there be an equality of votes in the election of chairman the meeting shall decide by lot which of the members having an equal number of votes shall be chairman and preside, and all questions shall be determined by a majority of the votes of the members present, and in case of an equality of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Execution  
of deeds by  
Town Coun-  
cil.

**166.** All charters, dispositions, assignments, conveyances, contracts, leases, deeds, instruments, and writs whatsoever to be granted, made, and executed by or on behalf of the Town Council shall be good, valid, and effectual if subscribed by the lord provost, the senior or first baillie, and the treasurer of the city for the time being, or any two of them, and by the town clerk, or the depute town clerk



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of the city for the time being, and sealed with the common seal of the Town Council: Provided always, that nothing in this section contained shall extend or apply to the bonds and assignments, mortgages, or assignments in security to be granted for moneys to be borrowed under the authority of the secondly-recited Act, or the Acts amending the same, or of the thirdly-recited Act, or of this Act. A.D. 1871.

**167.** The Town Council may issue warrants in the form as nearly as may be of the schedule (H.) to this Act annexed, or to the like effect, signed by the city chamberlain of Aberdeen for the time being, for the periodical payment of the interest to become due upon the principal sums contained in any bond, bill, promissory note, mortgage, or assignment in security, or other voucher granted or to be granted by the Town Council, or any office bearer on their behalf, for moneys borrowed by them for the use and behoof, or on account of the Town Council, or under the authority of the thirdly-recited Act, or of Part III. of this Act, during the period for which such bond, bill, promissory note, mortgage, or assignment in security, or other voucher shall be intended to subsist, or may subsist, and the delivery to the Town Council, or the city chamberlain, or any person on their behalf, of any such warrant duly stamped as a receipt shall be a valid and sufficient discharge to the Town Council for the interest in respect of which the same was issued. Payment of interest on corporation debt.

**168.** From and after the completion of the first election and induction into office of the Town Council under this Act, the Town Council shall be the local authority under "The Nuisances Removal (Scotland) Act, 1856," and the "Public Health (Scotland) Act, 1867," over and within the city, for the purpose of executing and carrying into effect the provisions of the said Acts, with all the rights, powers, and jurisdictions competent to local authorities under the said Acts or either of them; and the jurisdiction presently possessed and exercised by the parochial board of Old Machar over a portion of the district added, as the local authority under the said Acts, shall cease and determine, the Town Council being in all respects substituted for and in room and place of the said parochial board as the local authority under the said Acts over such portion of the district added; but nothing herein contained shall prejudice any action, suit, or proceeding at the instance of the said parochial board then in dependence, and the same may be carried on by the said parochial board in the same manner in all respects as if this Act had not been passed: Provided always, that the Town Council shall not incur or be deemed to have incurred any liability or Town Council to be local authority under 19 & 20 Vict. c. 103. and 30 & 31 Vict. c. 101.

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A.D. 1871. — responsibility in regard to such action, suit, or proceeding, or the expenses therewith connected, except in so far as they represent and come in place of the commissioners of police.

Appoint-  
ment of offi-  
cers, com-  
pensation,  
&c.

**169.** The Town Council may from time to time appoint such officers and servants as they may consider necessary for carrying out the purposes of this Act, and may take into consideration the claims of any officers and servants who may be deprived of their offices by the operation of this Act, and may grant such compensations, superannuations, or allowances to them or to any retiring officers and servants of the Town Council as to the Town Council shall appear reasonable, the charge whereof shall be defrayed by the Town Council from any sources or out of any revenues under their control as in each case may be deemed proper.

Expenses of  
Act.

**170.** The costs, charges, and expenses of and incident to the preparing, obtaining, and passing this Act, shall be paid by the Town Council out of the public rates and municipal revenues of the city.



SCHEDULES.

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A.D. 1871.

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SCHEDULE (A.)

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SECTIONS OF "THE ABERDEEN POLICE AND WATERWORKS ACT,  
1862," REPEALED BY THIS ACT.

So much of section 2 as provides that " 'lands' shall mean and include  
" houses, buildings, lands, tenements, and heritages of any description or  
" tenure;" and that " 'wards' shall mean the districts or wards into which the  
" territory within the limits of this Act is or shall be for the time divided for  
" the purpose of electing commissioners under this Act, and 'ward' shall  
" mean any one of such districts or wards;" and that " 'owner' used with  
" reference to any lands or premises in respect of which any work is required  
" to be done or any assessment is to be levied under this Act, shall mean the  
" person for the time entitled to receive, or who, if such lands or premises were  
" let to a tenant at a rackrent, would be entitled to receive the rackrent from  
" the occupier thereof, or who shall be in the actual receipt of the rent of such  
" lands or premises;" so much of section 5 as provides for the incorporation of  
the clauses in "The Commissioners Clauses Act, 1847," with respect to the  
qualification of commissioners, and with respect to the meetings and other  
proceedings of commissioners and their liabilities (except as regards matters to  
be done by special order), and with respect to the contracts to be entered  
into and the deeds to be executed by the commissioners (except as regards  
sections 56 and 58 thereof); sections 8, 24, 40 to 60 inclusive; 62 to 69  
inclusive; 71 and 72; 78 and 79; so much of section 81 as requires the books  
containing the accounts of the commissioners to be balanced every year, as at  
the first day of June; so much of section 84 as relates to the gas department  
and the transmission to the town clerk of a copy of the account therein provided  
to be made out; so much of section 89 as provides that the commissioners  
shall not impose any general assessment " on any person in respect of any  
" premises the yearly value of which, and of any other premises within the  
" limits of this Act, occupied by the same person, shall be under three pounds,  
" unless spirituous liquors be sold therein;" so much of section 91 as provides  
" that the name of such person shall be excluded from the list of electors to be  
" made up under this Act for the year of such assessment;" sections 93, 94, 267;  
so much of section 287 as provides " that where in the judgment of the  
" commissioners any premises were sufficiently drained before the making or  
" purchase of any sewer by them, the owner of such premises shall be entitled  
" to have such deduction made from the sewer rates to which he would  
" otherwise be liable in respect of the making or purchase of such sewer, and

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A.D. 1871. — “ for such time as the commissioners shall think just, having regard to the cost  
“ of making or purchasing of such sewer, and to the value and efficiency  
“ of any old sewer by which such premises were sufficiently drained;” and  
“ that if the owner of any such premises shall be dissatisfied with the order  
“ made by the commissioners for deduction from the sewer rates in respect  
“ of the value and efficiency of the old sewer by which such premises were  
“ drained, such owner may appeal to the sheriff against such order in the  
“ manner herein-after provided with respect to other cases of appeal from  
“ orders of the commissioners;” sections 309 to 316 inclusive; so much of  
section 411 as provides “ that the water rent exigible from any person in any  
“ one year in respect of the same premises shall not be less than five shillings,  
“ unless the commissioners shall otherwise determine;” section 427; sections  
434 to 448 inclusive; section 458; so much of section 460 as provides for  
public notice being given before borrowing money for the purpose of defraying  
the expense of purchasing the gas undertaking; section 471; schedule (A.) to  
the Act annexed; schedule (B.) in so far as “ gas rents ” are concerned.

SECTIONS OF “THE ABERDEEN POLICE AND WATERWORKS  
AMENDMENT ACT, 1867,” REPEALED BY THIS ACT.

So much of section 5 as provides “ that the water rents leviabie under the  
“ authority of the first-recited Act and this Act from any person in any one  
“ year in respect of the same premises shall not be less than five shillings  
“ unless the commissioners shall otherwise determine;” section 9; sections 30  
to 33 inclusive; sections 66 and 72.

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SCHEDULE (B.)

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SECTIONS OF “THE ABERDEENSHIRE ROADS ACT, 1865,”  
REPEALED BY THIS ACT.

So much of section 5 as provides for the incorporation of the clauses in “ The  
Commissioners Clauses Act, 1847,” with respect to the meetings and other  
proceedings of commissioners and their liabilities, and with respect to the  
contracts to be entered into and the deeds to be executed by the commissioners,  
(except as regards sections 56 and 58 thereof,) in so far as the incorporation of  
such clauses may affect the transfer to the Town Council of the powers of the  
burgh of Aberden road trustees; and so much of section 89 as provides that  
the said burgh of Aberdeen road trustees shall cause their accounts to be  
balanced in each year on the fifteenth day of May, in so far as the said section  
may affect the transfer to the Town Council of the powers of the said trustees.



SCHEDULE (C.)

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FORM OF ANNUITY CERTIFICATE.

ABERDEEN GAS.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of annuities of five shillings each (numbers ) of the Aberdeen gas annuities, created by "The Aberdeen Municipality Extension Act, 1871," and is entitled to receive in payment of the same from the Town Council of Aberdeen by equal half-yearly portions payable on the first day of February and first day of August in each year, and which annuities are secured on the lands, property, and works forming the gas undertaking transferred to the Town Council by virtue of the said Act, and to be acquired or constructed by them, and on the rents, charges, and revenues for the supply of gas and the sale of residual products, and the Aberdeen gas contingent guarantee rate to be levied and received by them.

Dated this                      day of                      one thousand eight hundred and

[Signed by two members of the Town Council and the gas treasurer.]

L.S.

SCHEDULE (D.)

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FORM OF TRANSFER OF ANNUITY CERTIFICATE.

I, [*name and designation of grantor*], in consideration of the sum of [*insert sum*] paid to me, do hereby assign and transfer to [*name and designation of assignee*] and his executors, administrators, or assignees [*or as the case may be*], annuities of five shillings each (numbers ) of the Aberdeen gas annuities, created by "The Aberdeen Municipality Extension Act, 1871," now standing in my name in the books of the Town Council, with the rights and privileges and subject to the conditions and provisions specified in the said Act. In witness whereof [*insert testing clause according to the form of the law of Scotland if executed in Scotland, and if executed in England the form of attestation usual in England*].

SCHEDULE (E.)

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FORM OF MORTGAGE.

ABERDEEN GAS.

Mortgage No.

£        :        :

By virtue of "The Aberdeen Municipality Extension Act, 1871," we, the Town Council of Aberdeen, in consideration of the sum of [*specify amount*] paid

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Act, 1871.

A.D. 1871. to us for the gas purposes of the said Act by [*name and designation of the mortgagee*] do hereby grant and assign to the said [*name of mortgagee*] and his executors, administrators, and assignees, [*or, as the case may be,*] the lands, property, and works forming the gas undertaking vested in us, and the rents, charges, and revenue to be levied and received by us for the supply of gas and the sale of residual products, and the Aberdeen gas contingent guarantee rate authorised to be imposed by us by virtue of the said Act, but subject to the Aberdeen gas annuities created by said Act; to be held by the said [*name of mortgagee*] and his foresaids until the said sum of [*specify amount*] and the whole interest due thereon at the rate of \_\_\_\_\_ per centum per annum shall be fully satisfied and paid.\* In witness whereof [*insert testing clause according to the form of the law of Scotland*].

[Signed by two members of the Town Council and the gas  
treasurer.]

L.S.

\* Where the security is made under any conditions or qualifications, these will be introduced immediately before the testing clause.

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SCHEDULE (F.)

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FORM OF TRANSFER.

I, [*name and designation of the grantor*] in consideration of the sum of [*insert sum*] now paid to me, do hereby assign and transfer to [*name and designation of assignee*] and his executors, administrators, or assignees, a mortgage number dated the [*insert date*] for the sum of [*insert sum*] granted in my favour by the Town Council of Aberdeen in virtue of "The Aberdeen Municipality Extension Act, 1871," for the gas purposes of the said Act [*or, if the transfer be by endorsement, the within written mortgage*], and all my right and interest therein. In witness whereof [*insert testing clause according to the form of the law of Scotland if executed in Scotland, and if executed in England the form of attestation usual in England*].

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SCHEDULE (G.)

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FORM OF DISCHARGE.

Received from the Town Council of Aberdeen the sum of \_\_\_\_\_ being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ eighteen hundred  
and \_\_\_\_\_

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