



CHAPTER cxxiv.

An Act to extend the Municipal Boundary of the City of Aberdeen to make further provisions with respect to the rates and assessments leviable by the Town Council to provide for the creation and issue of Corporation Stock and for other purposes. A.D. 1891.
[21st July 1891.]

WHEREAS by the Aberdeen Municipality Extension Act 1871 and the Aberdeen Extension and Improvement Act 1883 the municipal boundaries of the city and royal burgh of Aberdeen were extended and defined :

And whereas it is expedient that the municipal boundaries 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 further extended over the lands and territory comprised within the limits herein-after described and that the Acts of Parliament relating to the city should be applied to the city as so extended :

And whereas it is expedient that further provisions should be made with respect to the levying collection and recovery of the several rates and assessments leviable by the town council :

And whereas the town council have in exercise of their statutory powers from time to time borrowed various sums of money amounting on the thirtieth day of September one thousand eight hundred and ninety in the whole to four hundred and ninety-eight thousand three hundred and ninety-nine pounds two shillings and twopence as set forth in the First Schedule to this Act :

And whereas it is expedient that the town council should be authorised to exercise their borrowing powers by the creation and issue of Corporation stock :

And whereas it will be for public and local advantage that the powers in this Act contained should be granted for the erection of a bridge over the River Don at Persley with accesses thereto :

A.D. 1891. And whereas it is expedient that the further powers in this Act contained should be conferred on the town council :

And whereas plans and sections showing the lines and levels of the bridge accesses and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Aberdeen and are herein-after respectively referred to as the deposited plans sections and books of reference :

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 :—

Short title. 1. This Act may be cited as the Aberdeen Corporation Act 1891.

PART I.—PRELIMINARY.

Division of Act into parts. 2. This Act is divided into parts as follows :—
 Part I.—Preliminary.
 Part II.—Extension of municipal boundaries.
 Part III.—Rates and assessments.
 Part IV.—Borrowing and Corporation stock.
 Part V.—New works.
 Part VI.—Miscellaneous.

Commencement of Act. 3. This Act shall come into operation and take effect on and from the first day of August one thousand eight hundred and ninety-one.

Incorporation of Acts. 4. The Lands Clauses Acts and the clauses of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners (except sections eighty-four eighty-five eighty-six and eighty-seven) so far as such Acts and clauses are applicable to the purposes of and are not expressly varied by this Act are incorporated with and form part of this Act.

Same meaning to words in incorporated Acts and this Act. 5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless 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 the expression "the
 "special Act" means this Act the expressions "the commissioners"
 "the undertakers" mean the town council and the expression
 "clerk to the commissioners" means the town clerk.

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6. In this Act the following words and expressions where they hereafter occur have the meanings hereby assigned to them:—

Interpreta-
 tion.

"The present burgh" means the city and royal burgh of Aberdeen within the municipal boundary thereof as defined by the Aberdeen Extension and Improvement Act 1883;

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

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

"The parliamentary burgh" means the burgh of Aberdeen within the boundaries thereof as fixed and defined by the Act second and third William the Fourth chapter sixty-five and this Act;

"The police burghs" means the police burghs of Old Aberdeen and Woodside within the district added;

"The town council" means the lord provost magistrates and town council of the city;

"The magistrates" means the magistrates of the city and includes the lord provost and baillies;

"The commissioners of the police burghs" means the magistrates and town council and commissioners of police of the burgh of Old Aberdeen and the magistrates and commissioners of police of the burgh of Woodside;

"The county councils" means the councils of the counties of Aberdeen and Kincardine;

"The sheriff" means the sheriff of Aberdeen Kincardine and Banff;

"The Valuation Acts" means the Valuation of Lands (Scotland) Act seventeenth and eighteenth Victoria chapter ninety-one and any Acts amending that Act;

"The valuation roll" means the valuation roll made up under the Valuation Acts;

"Lands and heritages" has the same meaning as is assigned to that expression in the Valuation Acts;

"Owner" used with reference to any lands and heritages in respect of which any assessment is to be levied under this Act means and includes the person for the time entitled to receive or who if such lands and heritages were let to a tenant at a rackrent would be entitled to receive the rackrent from the

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- occupier thereof or who shall be in the actual receipt of the rent of such lands and heritages ;
- “The Election Acts” means the Acts in force for the time being relating to the registration of parliamentary and municipal voters and the election of town councillors for burghs in Scotland ;
- “The City Acts” means the several Acts and Provisional Orders specified in the Fifth Schedule to this Act ;
- “City undertakings” means the undertakings created and the objects and purposes to be carried into effect by the City Acts ;
- “The Rogue Money Acts” means the unrepealed sections of the Acts specified in the Schedule (A) annexed to the Aberdeen County and Municipal Buildings Act 1866 ;
- “The Police Acts” has the same meaning as is assigned to that expression in the Aberdeen Corporation Act 1831.

PART II.—EXTENSION OF MUNICIPAL BOUNDARIES.

Defining
limits of city
of Aberdeen.

7. The city and royal burgh 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 on the north side of the North Pier at low-water mark proceeding thence along the north side of the said pier to the seaward extremity thereof thence across the navigation channel of the harbour to the seaward extremity of the South Breakwater thence southward along the east side of the South Breakwater and along an imaginary straight line drawn in continuation thereof to a point seventy-five yards or thereabouts south of the south side of the road leading from Greyhope Bay towards Balnagask thence westward to the Old Church Road along an imaginary line drawn at the distance of seventy-five yards or thereabouts on the south side of and parallel to the said Greyhope Bay Road thence south-westward to the Wellington Suspension Bridge Road along an imaginary line drawn at the distance of seventy-five yards or thereabouts on the south side of and parallel to the road leading from the Old Church Road past Balnagask House and the north-western continuation thereof at the Farm of Craiginches thence across the said Wellington Suspension Bridge Road and northward along the west side thereof to the north boundary of the land at Craiginches belonging or reputed to belong to the Caledonian Railway Company thence along an imaginary straight line drawn due west to the centre of the channel of the River Dee thence west-

ward northward eastward and southward along the existing boundary of the parliamentary burgh of Aberdeen as defined by the Act second and third William the Fourth chapter sixty-five to the point of commencement: A.D. 1891.

The description of the said boundary and limits shall be subject to the rules of construction defined by the Act second and third William the Fourth chapter sixty-five section five :

The district added shall be disjoined from the counties of Aberdeen and Kincardine and shall be annexed to and form part of the city and royal burgh of Aberdeen :

A map of the city and royal burgh of Aberdeen as extended and defined by this Act signed by the lord provost and by the town clerk of the city shall within one month after the commencement of this Act be deposited with the town clerk at his office and a copy thereof certified by the town clerk shall be transmitted as soon as may be after the deposit of the same as aforesaid to the Director-General of Her Majesty's Ordnance Survey Provided that if there be any discrepancy between the map so signed and the description in this section the description shall prevail.

8. All laws statutes jurisdictions powers privileges and usages now in force in relation to the present 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. Repeal of laws inconsistent with this Act.

9. The right of electing the town council (other than the dean of guild) shall be in and belong to all such persons (herein-after called "the electors") as have or shall have as regards the city the qualifications for voting at municipal elections specified and described in the Election Acts. Qualification of electors.

10. The assessor for the parliamentary burgh under the Valuation Acts shall at the same time as he makes up the valuation roll for the parliamentary burgh for the year from Whitsunday one thousand eight hundred and ninety-one to Whitsunday one thousand eight hundred and ninety-two make up a valuation roll for the district added so far as situated beyond the parliamentary burgh and the assessor shall annually thereafter make up a valuation roll for the city distinguishing the lands and heritages within the district added from the lands and heritages within the parliamentary burgh and the procedure right of appeal and forms shall be the same as are provided by the said Acts in relation to the parliamentary burgh and for all municipal police and other purposes and for all assessments such roll shall be deemed to be the valuation roll under the Valuation Acts and all other Acts general or local and the expense of making up such roll shall be paid out of the assessments authorised to be Provisions as to valuation roll.

A.D. 1891. --- levied by the town council under the powers of the Valuation Acts and this Act. Provided that so long as it shall be necessary to include the lands and heritages within the district added in the county of Kincardine for the purposes of the Acts in force for the time being relating to the registration of parliamentary voters for that county such assessor shall in matters relating to the registration of parliamentary voters within the district added give to the assessor of the said county access to and the use within the office of the assessor first named of all books and schedules necessary to enable him to make up his list of county voters for the district added.

Register of
municipal
electors to be
formed.

11. There shall along with and at the same time as the first register of electors for the parliamentary burgh made up subsequently to the commencement of this Act be formed for the purposes of this Act a register of electors for the city to be called "the Aberdeen Municipal Register" (herein-after referred to as "the municipal register") containing—

(First.) The names of all persons then standing in the parliamentary register for the parliamentary burgh of Aberdeen ;

(Second.) The names of all persons other than the above whose names would be entitled to appear on the said parliamentary register if the limits of the city were wholly within the boundaries of the parliamentary burgh of Aberdeen ; and

(Third.) The names of all females within the city on whom the municipal franchise is conferred by the Municipal Elections Amendment (Scotland) Act 1881 :

The municipal register to be so prepared may consist of two divisions namely the parliamentary register comprising the names of the class of voters first above-mentioned and a supplementary register comprising in two separate lists the names of the voters included in the classes second and third above-mentioned arranged in wards and shall be continued added to and amended from year to year under the authority of the sheriff and in manner directed by this Act and on the municipal register being completed for each year the town clerk shall sign the same and the said register shall form the register of persons entitled to vote in the election of councillors for the city until the same shall be revised and a new register be completed.

Register
how to be
made up.

12. For the purpose of enabling the municipal register to be made up the assessor of the parliamentary burgh acting under the provisions of the Act nineteenth and twentieth Victoria chapter fifty-eight as amended by any subsequent Act shall in the year one thousand eight hundred and ninety-one and the assessor of the city shall annually thereafter along with the list of voters required by the last-mentioned Act to be delivered to the town clerk also make up and deliver to him a list of all persons *primâ facie* possessed of

the qualifications described in the Acts regulating for the time the qualification of persons entitled to vote in the election of councillors for burghs in Scotland in respect of subjects situated within the limits of the city but beyond the boundaries of the parliamentary burgh of Aberdeen and such additional lists shall be dealt with and disposed of in all respects and claims and objections may be lodged and shall be dealt with and disposed of in the same way and manner and so far as regards municipal purposes to the same effect as the lists required to be made up and delivered and the claims and objections allowed by the last-mentioned Act nineteenth and twentieth Victoria chapter fifty-eight. A.D. 1891.

13. The town clerk shall cause the municipal register framed in accordance with the provisions of this Act to be printed annually and shall deliver copies of the registers of any ward to every registered elector of the city who may apply for the same on payment of the fees prescribed in the Election Acts and the expense of forming the municipal register and of printing the same annually after deducting any sums received for copies sold shall be defrayed in the way and manner provided by the Election Acts for defraying the expenses of making up and printing the register of parliamentary voters. Register to be printed annually.

14. The town council shall consist of thirty-one councillors (to be elected as herein-after 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 seven of whom one shall be the lord provost and six shall be baillies and the majority of the town council shall constitute a quorum. Number of council and magistrates.

15. 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. Tenure of office of lord provost treasurer and baillies.

16. Where in any Act of Parliament charter deed or other instrument a less number of baillies than six is appointed as trustees or members of any governing body under such Act charter deed or other instrument the senior baillies shall to the number therein prescribed be deemed to be the corresponding number of baillies appointed as so required. Provision if less number of baillies appointed trustees in Acts deeds &c.

17. The existing wards into which the present burgh is divided are hereby abolished and the city shall for the purpose of electing town councillors be divided into eleven wards bounded as defined in New division of city into wards.

A.D. 1891. — the Second Schedule to this Act and each of such eleven wards shall at and after the first municipal election under this Act except as herein-after expressly provided be represented in the town council by three councillors.

The description of the boundaries of the respective wards shall be subject to the rules of construction defined by the Act second and third William the Fourth chapter sixty-five section five.

Representa-
tion of wards
by present
councillors.

18. The present councillors shall be and be deemed to be the representatives of the respective wards against which their names are set opposite in the Third Schedule to this Act and shall continue in office subject to the provisions of the Election Acts and the order of their retirement shall not be affected.

Election of
councillors
for new
wards.

19. The electors in each of the Woodside Ruthrieston and Torry wards shall on the first Tuesday of November in the year one thousand eight hundred and ninety-one being the day appointed for the annual election of town councillors proceed in the usual manner to elect the number of town councillors hereby appointed to be elected for those wards respectively that is to say for Woodside and Ruthrieston three town councillors in each ward and for Torry one town councillor and such election and all succeeding annual elections for those wards respectively shall except as otherwise herein provided be conducted and regulated in all respects in the manner directed by the Election Acts.

Retirement
and future
election of
councillors
in new
wards.

20. The electors of the Woodside and Ruthrieston wards shall at the annual election in each succeeding year choose one town councillor in room of the councillor 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 ninety-two the councillor in each of the said wards then to retire shall be the councillor who had the smallest number of votes at the first election under this Act and that at the election to be made in the succeeding year one thousand eight hundred and ninety-three the councillor in each of the said wards then to retire shall be the councillor who had the next smallest number of votes at the first election under this Act Provided further that as between any two or more town councillors who may have been elected in either of the said wards by an equal number of votes or where no contest has taken place the majority of the town council (including the councillors so elected) shall determine the order in which the councillors so elected shall retire from the town council Provided further that in the case of the Torry ward the town councillor from time to time elected for that ward shall remain in office for three years.

21. The commissioners of the police burghs the county councils and all other local authorities within the district added in office at the time of the commencement of this Act shall notwithstanding anything contained in section 4 sub-section (3) of the Local Government (Scotland) Act 1889 continue in office until the completion of the first election and induction into office of town councillors under this Act (herein-after referred to as "the first municipal election 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.

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Existing
magistrates
of burghs &c.
in district
added to
continue till
first muni-
cipal election.

22. From and after the first municipal election under this Act the lord provost and magistrates 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 town council respectively of the present burgh now have possess and exercise over the present burgh and that whether at common law or by royal charter statute or otherwise including all powers of imposing levying and recovering rates taxes and assessments and the provisions of all statutes now in force and applicable to the present burgh shall take effect in over and apply to the city Provided that the generality of this enactment shall not be affected restricted or impaired by any of the other clauses or provisions of this Act.

Jurisdiction
of magistrates
and town
council
extended.

23. From and after the first municipal election under this Act all applications for certificates under the public general Acts following that is to say the Act ninth George the Fourth chapter fifty-eight the Act sixteenth and seventeenth Victoria chapter sixty-seven the Public Houses Acts Amendment (Scotland) Act 1862 the Publicans Certificates (Scotland) Act 1876 and the Publicans Certificates (Scotland) Act (1876) Amendment Act 1877 and any other Act or Acts of Parliament amending the same shall in reference to premises within the city be made to and be disposed of by the magistrates who shall exclusively exercise within the city all the powers and perform all the duties conferred or imposed by those Acts or any of them as to granting such certificates and all appeals from and confirmations of deliverances of the magistrates shall be regulated and disposed of according to the provisions of the said Acts.

Jurisdiction
under Public
Houses Acts.

24. All license certificates before the commencement of this Act granted for the county of Aberdeen or for the county of Kincardine within the district added by the justices of the peace for those counties respectively and then in force shall unless the same be revoked or previously expire subsist and continue until the fifteenth day of May one thousand eight hundred and ninety-two and with reference to such certificates all prosecutions for offences against the

Provisions
as to subsist-
ing licenses
in district
added.

A.D. 1891. Public Houses and Licensing Acts or any of them or for any breach of the regulations of such certificates shall after the first municipal election under this Act be proceeded with before the magistrates in the same way as if such certificates had been originally granted within the present burgh and all applications for renewal or transfer of such certificates shall be disposed of by the magistrates.

Existing officers.

25. The several officers of the present burgh shall after the first municipal election under this Act have possess and exercise in their several characters and capacities the same powers rights and authorities over the city as they at present have possess and exercise within the present burgh and that whether at common law or by statute.

Trusts vested in town council.

26. All mortifications endowments trusts however constituted charitable bequests or other grants held or administered by the lord provost magistrates and town council or the office bearers of the present burgh or by the commissioners of the police burghs or the magistrates or office bearers of either of those burghs whether held by themselves or in conjunction with any other person or persons (but under any liabilities to which the same are legally subject) shall be vested in held and administered by the town council or the magistrates or office bearers of the city or by so many persons to be chosen by the town council for that purpose as are appointed by the Acts or deeds under which such mortifications endowments trusts bequests or other grants are constituted 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 the trustees to be chosen by the town council in connexion with the Woodside Public Library founded by Sir John Anderson knight shall be elected annually.

Transfer of property and liabilities of commissioners or authorities within the district added.

27. Subject to the provisions of this Act the lands and buildings roads and bridges drainage and water supply works sewers lamps lamp posts pipes mains plant and all other property assets and powers of every description vested in held by or due or belonging to the commissioners of the police burghs the county councils and any other authorities within the district added shall from and after the first municipal election under this Act be by virtue of this Act and without any new instrument or conveyance transferred to and vested in and shall be held by and be due and belong to the town council and shall form part of the property and assets of the city for all the estate and interest therein of such commissioners councils or authorities and shall be held received and enjoyed by the town council accordingly and the powers rights liabilities and obligations of such commissioners councils or authorities shall be transferred

and attach to the town council and shall form part of the powers rights debts liabilities and obligations of the city and be enjoyed exercised paid discharged and performed by the town council Provided always that as soon as conveniently may be after the commencement of this Act the value of the police station at Woodside belonging to the council of the county of Aberdeen shall be ascertained and fixed by two valuers to be respectively chosen by the said county council and the town council or in the event of such valuers differing in opinion by an oversman to be named by them and that the value of the said police station as so ascertained and fixed shall thereupon be paid by the town council to the said county council.

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All water reservoirs conduits mains pipes and other apparatus belonging to the commissioners of the police burghs and by this Act transferred to and vested in the town council shall be and be deemed to be part of the water undertaking authorised by the Aberdeen Police and Waterworks Act 1862 and the Acts amending the same.

28. Every rate and assessment which shall have been authorised to be levied by the commissioners of the police burghs previous to the first municipal election under this Act and remaining unpaid together with all arrears and all debts and penalties incurred and due by any person to the said commissioners shall be levied and recovered by the town council in accordance with the practice at present obtaining within the present burgh under the Acts by virtue of which the same were imposed.

Recovery of rates debts and penalties.

29. Every rate or assessment which shall have been actually imposed by any county council local road or other authority who had jurisdiction within the district added or any part thereof before the first municipal election under this Act shall continue to be due and payable and may be collected and levied by the persons who respectively imposed the same and by the ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by such persons respectively to and for the purposes for which the same was authorised to be levied.

Recovery of arrears of assessments within district added.

30. All books and other documents directed or authorised to be kept by the commissioners of the police burghs or other authorities within the district added or any of them by any Act of Parliament shall belong and be transferred to the town council and in so far as they would be receivable in evidence may and shall be admitted as evidence in all courts and proceedings notwithstanding the termination of the powers rights and jurisdiction of the said commissioners or authorities Provided that this section shall not apply to the

Books to be evidence.

A.D. 1891. — books and other documents kept by the county councils or by the commissioners of supply or justices of the peace or any district committee of the counties of Aberdeen and Kincardine or by the county road trustees of those counties But the town council and their officers shall be entitled to access to such books and other documents in so far as may be necessary in relation to matters affecting the district added and the respective clerks or other officers of the county councils or commissioners of supply or county road trustees shall afford all necessary and reasonable facilities for that purpose.

Provision as to Aberdeen district tramways.

31. Whereas certain of the lines or portions of lines of the Aberdeen District Tramways Company are or may be situated within the district added and will so be included within the city Therefore those lines or portions of lines of tramway shall be held and treated as if the same had been originally constructed within the city under the provisions of the Aberdeen District Tramways Act 1872 the Aberdeen District Tramways Extension Act 1878 and the Aberdeen District Tramways Act 1888 and the town council shall be the local and road authority in respect of such lines or portions of lines of tramway so included and all enactments in the said Acts shall apply to the lines or portions of lines of tramway in the district added as if the same had been the subject of the several enactments and agreements contained in the said Acts in regard to tramways within the present burgh Provided always that the provisions of the said Acts as to the payment of rent to the town council shall not apply to any portion of the tramways outside the present burgh.

Provisions with respect to the burgh of Woodside.

32. The following provisions shall apply and have effect with respect to the police burgh of Woodside:—

- (1) The town council shall not for the period of seven years from the commencement of this Act be entitled to exercise any of the powers contained in sections one hundred and forty-two one hundred and forty-three one hundred and forty-four and one hundred and forty-five of the Aberdeen Municipality Extension Act 1871 with respect to the main street or road within the police burgh of Woodside known as Wellington Street Hadden Street and Barron Street ;
- (2) During the said period of seven years the said street or road shall be maintained upheld and kept in repair by and at the expense of the town council ;
- (3) At the expiration of the said period of seven years the town council shall with respect to the said street or road be entitled to exercise all the powers contained in the above-mentioned sections of the said Act.

33. So long as it shall be necessary to include the lands and heritages within the district added in the county of Kincardine for the purposes of parliamentary elections for that county the town council shall on the fifteenth day of May annually after the commencement of this Act pay to the council of the county of Kincardine such proportion of the total expenses incurred annually by the said county council in connexion with the registration of parliamentary voters as the number of such voters registered yearly in the district added so far as within the said county shall bear to the total number of voters in the said county and the town council shall charge the said annual payment upon the assessment imposed by them for the registration of parliamentary voters and from and after the commencement of this Act the said county council shall not impose or levy any assessment for the registration of such voters upon the lands and heritages within the district added so far as within the said county but such assessment shall be imposed and levied by the town council.

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Expense of
registration
of parlia-
mentary
voters.

34. (1) The town council shall on the fifteenth day of May one thousand eight hundred and ninety-two pay to the council of the county of Kincardine the sum of nine hundred pounds which sum shall be accepted in full satisfaction of all claims competent to the said county council or to the Lower Deeside district committee of the county of Kincardine under the Local Government (Scotland) Act 1889 for compensation in respect of any loss which may be sustained in consequence of the inclusion of part of the parish of Nigg within the city and such sum of nine hundred pounds shall be applied in such manner and at such times as the said county council shall determine in relief of assessments for the management maintenance and repair of the roads and highways in the remaining portion of the said parish of Nigg.

Compensa-
tion to
county of
Kincardine.

(2) The town council shall on the said fifteenth day of May of one thousand eight hundred and ninety-two pay to the council of the county of Kincardine the sum of one hundred and fifty pounds as the proportion of the road debt of the county of Kincardine under the Roads and Bridges (Scotland) Act 1878 corresponding to the valuation of the district added so far as within that county.

(3) The town council shall on the fifteenth day of May one thousand eight hundred and ninety-two pay to the council of the county of Kincardine a further sum of one hundred and fifty pounds which sum shall be accepted by the said county council as in full satisfaction of all claims competent to them in respect of the provisions of this Act or anything done thereunder and not otherwise in this Act expressly provided for.

A.D. 1891. — (4) The payments to be made by the town council under the provisions of this section shall be chargeable as expenditure under the Aberdeen County and Burgh Roads Act 1883.

Alteration of
portion of
parlia-
mentary
boundary of
burgh.

35. From and after the commencement of this Act the centre line of the channel of the River Dee as diverted under the authority of the Aberdeen Harbour Act 1868 shall from the Wellington Suspension Bridge continuously to the sea be the boundary of the parliamentary burgh of Aberdeen under the Act second and third William the Fourth chapter sixty-five and the salmon fishings in the said portion of the diverted channel shall so far as within the parishes of Old Machar and Saint Nicholas respectively be and be deemed to be within the limits of the parliamentary burgh of Aberdeen as regards the liability for imposition and levying of all public rates and assessments Sections eighty-nine and ninety-two of the Aberdeen Harbour Act 1868 so far as the same are inconsistent with this enactment are repealed.

Act not to
affect elec-
tion of
members to
serve in
Parliament.

36. Except as by this Act expressly provided nothing in this Act contained shall affect the counties of Aberdeen or Kincardine or the parliamentary burgh of Aberdeen or the limits of the same so far as regards the election of members to serve in Parliament for the said counties and burgh respectively.

General
saving of
rights.

37. Subject to the provisions of this Act--

- (1) The town council shall hold and be entitled to all property rights and interests which at the commencement of this Act the lord provost magistrates and town council of the present burgh held possessed or were entitled to ;
- (2) All acts matters and things before the commencement of this Act done under the powers and authorities of any Acts and which are at the commencement of this Act good valid and available and all conveyances leases mortgages bonds covenants deeds instruments contracts agreements obligations rights and remedies at the commencement of this Act existing under the same shall be and continue as good valid and available for all purposes and for and against all persons as if this Act had not been passed ;
- (3) All actions suits prosecutions or other proceedings by or against the lord provost magistrates and town council of the present burgh by reason of any matter or thing done before the commencement of this Act may be continued commenced or prosecuted by or against the town council ;
- (4) All rates and rents at the commencement of this Act imposed or due or payable to the lord provost magistrates and town council of the present burgh may from and after the com-

mencement of this Act be collected and recovered by the town council; A.D. 1891.

- (5) All books and documents relating to the present burgh or to the lord provost magistrates and town council of the present burgh shall be receivable in evidence as if this Act had not been passed.

38. Nothing in this Act shall—

- | | |
|---|--|
| <p>(1) Affect the teinds payable out of the lands situated within the city or the rights privileges and emoluments of the ministers kirk sessions and session clerks of the parishes within the same or the parochial boards of such parishes;</p> | <p>Teinds not to be affected.</p> |
| <p>(2) Affect the lands within the district added 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;</p> | <p>Poor's rates not to be affected.</p> |
| <p>(3) 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;</p> | <p>Tenures and records preserved.</p> |
| <p>(4) Subject any part of the district added or any persons therein to any thirlage or liability to land tax existing within the present burgh to which such district or persons were not subjected previously to the commencement of this Act;</p> | <p>Thirlage not to extend to district added.</p> |
| <p>(5) Alter or affect the manner of electing the dean of guild of the city or the persons to be chosen by the town council to be commissioners under the Acts relating to the Aberdeen harbour or the period of their continuance in office respectively or any other elections required to be made by the town council.</p> | <p>Election of dean of guild and harbour commissioners not to be affected.</p> |

PART III.—RATES AND ASSESSMENTS.

39. The town council shall annually at a meeting to be held for the purpose estimate and fix the sums of money necessary to be levied by them from the owners and occupiers of all lands and heritages within the city for the year then current that is to say from the fifteenth day of May preceding to the fifteenth day of May succeeding under the following heads:— Annual expenditure to be estimated by town council.

- (1) For watching lighting cleansing and carting maintenance and repair of causewayed streets public clocks expenses of gun-powder magazine fire brigade public analyst inspection of unwholesome food inspection of weights and measures and other expenditure for the general purposes of the Police Acts all chargeable against and payable by occupiers;

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- (2) For public health public parks gardens and open places public library payment in lieu of bell and petty customs providing and maintaining buildings for police purposes and improvement of artizans and labourers dwellings under the Aberdeen Improvement Confirmation Act 1884 and the Housing of the Working Classes Act 1890 all chargeable against and payable by occupiers ;
- (3) For the public water rate and the sewer rate payable by owners ;
- (4) For the city improvement rate payable one half by owners and one half by occupiers ;
- (5) For expenditure for municipal buildings under the Aberdeen County and Municipal Buildings Act 1866 payable by owners ;
- (6) For repairs and improvements of roads and streets under the Aberdeen County and Burgh Roads Act 1883 the prosecution of criminals and other customary payments out of the assessment leviable under the Rogue Money Acts and for the sums required for carrying out the provisions of any other local or public Acts in operation within the city for the time being (exclusive of the Acts relating to the land tax) payable by owners or occupiers or by owners and occupiers in the proportions mentioned in those Acts respectively :

Provided always that such estimate (herein-after referred to as " the estimate ") shall have regard to and in no case exceed the limits of assessment or rating made and provided in any general or local Act of Parliament relating to any of the matters in this section mentioned and shall show the aggregate amounts chargeable against and payable by owners and occupiers respectively :

Provided further that the estimate shall also show the proportion of the city rate to be imposed as herein-after provided corresponding to the respective heads of expenditure above specified and shall if the town council so resolve also show the proportion of the city rate applicable to any of the assessments mentioned in the city Acts.

City rate to
be imposed.

40. Subject to the provisions of this Act the town council shall annually impose and levy an assessment (herein-after called " the city rate ") sufficient to provide the sums of money estimated as aforesaid upon the owners or occupiers or owners and occupiers as the case may be of all lands and heritages within the city according to the yearly value of such lands and heritages as entered in the valuation roll and the city rate shall be imposed on and levied from such owners and occupiers respectively as nearly as may be in the proportions which the aggregate amounts estimated as payable by owners and occupiers respectively bear to each other and the rate so

fixed shall forthwith be intimated by the town council by advertisement in one or more newspapers published in the city. A.D. 1891.

41. Sections one hundred and one to one hundred and seven (both inclusive) of the Aberdeen Police and Waterworks Act 1862 section ninety-one of that Act so far as not repealed by the Aberdeen Municipality Extension Act 1871 section one hundred and thirty-nine of the last-mentioned Act and sections thirty-four and thirty-seven of the Aberdeen Corporation Act 1881 with respect to the levying payment and recovery of assessments shall (so far as the same are or may be applicable and not inconsistent with the express provisions of this Act) extend and apply to the levying payment and recovery of the city rate. Recovery of city rate.

42. (1) For the purpose of the city rate leviable upon occupiers the yearly value of the lands and heritages after specified shall except in so far as regards the expenditure under the local and public Acts referred to in the sixth head of the estimate be deemed to be the nearest aggregate sum of pounds sterling to one fourth of the yearly value of such lands and heritages as entered in the valuation roll viz. :— Lands &c. how to be valued.

- (A) All lands and works used exclusively as a railway or tramway constructed under the powers of any Act of Parliament for public conveyance excepting stations depôts and buildings connected therewith which shall be assessable to the same extent as other lands and heritages within the city ;
- (B) All underground gas and water pipes and underground works connected therewith ;
- (C) All woodland arable meadow and pasture land and other land used for agricultural purposes :

(2) For the purpose of the city rate leviable upon owners under the third and fourth heads of the estimate the yearly value of the lands and heritages above specified shall be deemed to be the nearest aggregate sum of pounds sterling to one fourth of the yearly value of such lands and heritages as entered in the valuation roll.

43. The following provisions shall apply and have effect with respect to the lands and heritages within the territory described in the Fourth Schedule to this Act :— Obligations as regards certain lands with respect to lighting &c.

- (1) The obligations imposed on the town council under the City Acts as applicable to the present burgh with respect to lighting cleansing water supply and the construction of sewers and drains shall not extend or apply to the lands and heritages within the said territory ;
- (2) For the purpose of the city rate leviable upon occupiers the yearly value of the lands and heritages within the said territory

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shall except in so far as regards the expenditure under the local and public Acts referred to in the sixth head of the estimate be deemed to be the nearest aggregate sum of pounds sterling to one fourth of the yearly value of such lands and heritages as entered in the valuation roll ;

(3) For the purpose of the city rate leviable upon owners the yearly value of the lands and heritages within the said territory shall except in so far as regards the expenditure under the fifth and sixth heads of the estimate be deemed to be the nearest aggregate sum of pounds sterling to one fourth of the yearly value of such lands and heritages as entered in the valuation roll ;

(4) The town council may at any time or times resolve that the owners and occupiers of the lands and heritages within the said territory or such part or parts thereof as may be defined in any such resolution shall from and after the term of Whitsunday immediately succeeding be rated and assessed according to the full annual value of such lands and heritages as entered in the valuation roll subject always to the provisions contained in the last preceding section ;

(5) Every such resolution shall be passed by an absolute majority of the town council and shall be passed at a meeting specially called with notice that such resolution will be proposed ;

(6) On the adoption of any such resolution due notice thereof shall be given by advertisement in one or more newspapers published in the city and the town council shall from the date on which such resolution is to take effect be under the same obligations as to lighting cleansing water supply and the construction of sewers and drains with respect to such lands and heritages or the part or parts thereof defined in such resolution as they are with respect to the present burgh ;

(7) Notwithstanding anything contained in this section the town council may at any time and from time to time make and carry into effect agreements with respect to water supply or the construction of sewers and drains with any person as regards any lands or heritages within the said territory.

Certain lands
&c. how to
be assessed.

44. In estimating and fixing the city rate applicable to the lands and heritages referred to in the two immediately preceding sections the town council may if they so resolve give effect to the deduction therein provided with respect to the yearly value of those lands and heritages by estimating and fixing the proportion of the city rate applicable to the appropriate heads of the estimate at one fourth of the amount of such rate and in such case shall impose and levy the

rate so fixed according to the full yearly value of such lands and heritages. A.D. 1891.
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45. If any surplus under any of the heads of the estimate included in the city rate shall remain at the end of any year after payment of the expenditure applicable to such head such surplus shall be applied in reduction in the year following of the estimate on which such surplus arose and if in any year any of the heads of the estimate included in the city rate shall not be sufficient for the purpose for which the rate was imposed and levied the town council shall in fixing the city rate for the succeeding year have regard to the state of the accounts for the year preceding and provide for any deficiency which may have arisen.

Application of surplus assessments and provision for deficiency.

46. Notwithstanding the date of commencement of this Act the town council may impose levy and recover the city rate and all other rates taxes and assessments including charges for water supply over and within the city as for the year commencing on the fifteenth day of May one thousand eight hundred and ninety-one. Provided always that the city rate and the other rates taxes and assessments and the charges for water supply for the said year may be imposed and levied by the lord provost magistrates and town council of the present burgh and that the county councils and the commissioners of the police burghs shall not impose or levy rates or assessments for the said year within the district added. Provided further that the county councils shall respectively be entitled to repayment from the town council of any expenditure by them in relation to the district added as regards the period between the said fifteenth day of May and the first municipal election under this Act.

Town council to levy rates for year from 15th May 1891.

47. During the period of five years from and after the term of Whitsunday one thousand eight hundred and ninety-one a deduction of twenty per centum shall be made from the rates and assessments imposed by the town council upon all lands and heritages within that portion of the district added which is comprehended within the Torry Ward but such deduction shall not apply to the domestic water rate leviable by the town council under the Aberdeen Corporation Water Act 1885 upon the occupiers of dwelling-houses and of such parts of shops and buildings as may be used as dwelling-houses.

Deduction from assessments for limited period.

48. The city rate and all other rates and assessments leviable by the town council shall in the case of bankruptcy insolvency or liquidation be preferable to all debts of a private nature due by the persons assessed.

City rate to form preferable claim.

A.D. 1891.
Provision as
to Freedom
Lands.

49. From and after the commencement of this Act the council of the county of Aberdeen shall have possess and exercise over and with respect to the lands and heritages beyond the city but within the territory known as the City Freedom Lands the same powers of imposing levying and collecting assessments as they have possess and exercise with respect to the remainder of the lands and heritages within the county and the town council shall not impose levy or collect any assessment under the Rogue Money Acts upon any lands or heritages beyond the city Provided always that nothing herein contained shall alter or affect any power of the town council to impose the land tax within the said Freedom Lands.

For protec-
tion of
Aberdeen
harbour.

50. Nothing in this part of this Act shall affect or alter the exemption of the harbour and docks of Aberdeen from general assessment under the provisions contained in section eighty-nine of the Aberdeen Police and Waterworks Act 1862 or impose any liability for any rate or assessment on the said harbour and docks to which the same would not have been liable at the date of the commencement of this Act.

PART IV.—BORROWING AND CORPORATION STOCK.

Appointment
of registrar.

51. (1) The town council (in this part of this Act referred to as “the Corporation”) may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as “the registrar”).

42 & 43 Vict.
c. 11.

(2) The Corporation in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act 1879.

Definition of
certain
terms.

52. (1) Any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any security representing or granted in lieu of consideration money for the time being existing under the City Acts or this Act or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed in relation to the city undertakings is for the purposes of this part of this Act a statutory borrowing power.

(2) Any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation other than the Corporation of Aberdeen or of any other local authority is for the purposes of this Act a statutory security. A.D. 1891:

53. The Corporation may from time to time continue on loan for the purposes of the city undertakings respectively or may borrow on all or any of the respective securities mentioned in the City Acts such sums of money not exceeding the sums which the Corporation are authorised to borrow for the purposes of the city undertakings respectively and may make and grant mortgages and assignations of such securities respectively and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by a sinking fund instalments or periodical repayments they may again borrow on the respective securities aforesaid the amount so paid off and so from time to time. Exercise of borrowing powers by the Corporation.

54. The moneys originally borrowed and any moneys from time to time re-borrowed in lieu thereof shall for the purposes of repayment be deemed to form the same loan so that the obligations of the Corporation with respect to the sinking fund to be provided or the instalments or periodical repayments to be made shall not be affected by such re-borrowing. Moneys borrowed and re-borrowed to be deemed same loan.

55. The Corporation in the exercise of their borrowing powers may 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 an officer to be appointed by the Corporation according to the usage of bankers in Scotland to the extent of the sums which they are authorised to borrow or any part thereof and may make and grant mortgages and assignations as aforesaid 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. Power to borrow on cash credit.

56. All money borrowed by the Corporation for the purposes of the city undertakings respectively shall be applicable and be applied only to the purposes for which capital is properly applicable under the City Acts respectively but the person lending such money shall not be concerned to inquire whether such borrowed money was or was not within the statutory borrowing powers of the Corporation. Application of money; borrowed

57. The Corporation may borrow such sum or sums of money not exceeding in the whole the amount of the debts and obligations of Power to borrow for

A.D. 1891. the commissioners of the police burghs and other authorities which by this Act they are required to take over and pay as such amount may be ascertained and determined by the Secretary for Scotland by a certificate under his hand which certificate shall specify the proportions of the sum so ascertained to be charged against the water sewerage or other department under the administration of the Corporation in respect of which the expenditure was incurred and the amount so ascertained and determined shall be dealt with and regarded as if such sum were specified in this section as the amount hereby authorised to be borrowed.

debts of
police
burghs.

The Corporation may also from time to time borrow such sum or sums of money as may be necessary for the construction of water sewerage or other works properly chargeable to capital within the district added and as may be authorised by the Secretary for Scotland by a certificate under his hand.

Any moneys so borrowed by the Corporation shall be deemed to have been borrowed under the powers of the City Acts respectively and shall form part of the moneys authorised to be borrowed under those Acts respectively and the maximum sum or sums which may be borrowed under those Acts is hereby increased accordingly.

Provision as
to sinking
fund.

58. The Corporation shall annually carry into the loans fund to be established as herein-after provided as a sinking fund on the amount continued on loan or borrowed by the Corporation a sum equivalent to the aggregate annual amount of the sinking funds required by the City Acts in respect of the money so continued on loan or borrowed which sinking fund shall from time to time be invested in the manner required by the City Acts or in statutory securities and shall with the accumulations thereof be applied by the Corporation in extinguishing debt and not otherwise.

Establish-
ment of
loans fund.

59. For payment of all interest dividends and sinking funds established by or payable under the City Acts and also of dividends on the Aberdeen Corporation Stock to be created in manner herein-after provided and for redemption and extinction or purchase and extinction of all Aberdeen Corporation Stock and also for payment of the principal moneys borrowed and remaining unpaid under the City Acts there shall be established and formed a fund herein-after called "the loans fund."

Providing
for contri-
butory pay-
ments into
loans fund.

60. In order to provide the moneys necessary for the payment by the Corporation of the interest dividends and sinking funds referred to in the last preceding section the Corporation shall from time to time in each year estimate and fix the proportion of money to be contributed to the loans fund by the city undertakings and shall pay into the loans fund the sums so estimated and fixed.

61. If at any time it shall appear to the Corporation requisite that any deficiency in respect of any contributory payment from any of the city undertakings which shall have been advanced by the corporation out of the loans fund as herein-before provided should be repaid to the loans fund out of moneys to be raised by means of the guarantee rate herein-after mentioned and the Corporation at a meeting specially called with notice of the object resolve so to repay any such deficiency the Corporation may and they are hereby empowered to impose assess and levy upon and from all lands and heritages situated within the city such annual assessment as they may consider necessary for the purpose of repaying any such deficiency which assessment shall be called the "guarantee rate" and the several sums so imposed assessed and levied shall be carried to and form part of the loans fund and be applied as herein provided with respect to contributory payments Provided always that any land used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and any railway or tramway constructed under the powers of any Act of Parliament for public conveyance and any gas or water pipes shall be assessed in respect of the same in the proportion of one-fourth part only of the annual value thereof as appearing in the valuation roll.

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Guarantee
rate.

62. The guarantee rate shall be imposed and assessed in equal moieties on the owners and occupiers of all lands and heritages within the city and shall be levied and recovered in the same manner and subject to the same provisions as the city rate.

Mode of
levying
guarantee
rate.

63. (1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation may from time to time by resolution exercise the power by creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price and to bear such half-yearly or other dividends as the Corporation by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and redeemable at the option of the Corporation at one and the same time not exceeding sixty years from the first creation of Corporation stock.

Creation of
Corporation
stock.

(2) All stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall

A.D. 1891. — also rank equally with all other securities of the Corporation at any time after the date of the first issue of any Corporation stock granted by the Corporation in pursuance of any statutory borrowing power.

(3) The resolution for the creation of Corporation stock shall provide that such stock shall be redeemable by the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(4) Stock so created shall be designated Aberdeen Corporation Redeemable Stock.

(5) All stock for the time being so created is comprised in the term "Corporation stock" when hereafter used in this part of this Act.

Borrowing
power to be
exercisable
for actual
sum raise-
able.

64. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raiseable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture debenture stock or other security granted or created by the Corporation.

Charge of
Corporation
stock.

65. (1) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this part of this Act charged indifferently on the whole revenues of the Corporation from time to time arising from or leviable under the City Acts and this Act.

(2) The dividends for the time being payable on all Corporation stock shall subject to all charges existing at the commencement of this Act rank equally with the interest on all other securities of the Corporation at any time after the date of the first issue of any Corporation stock created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall be the first charge on the revenues aforesaid all which revenues are comprised in the term "the revenues" when hereafter used in this part of this Act.

Extinction
of stock
redeemed or
purchased.

66. All Corporation stock redeemed or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished.

67. (1) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to—

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Account of
loans fund.

- (A) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them ; and
- (B) Each statutory borrowing power so exercised.
- (2) Those separate accounts shall distinguish and shew—
- (c) The amount borrowed or continued on loan chargeable to the city undertakings respectively ;
- (d) The portions of Corporation stock for the time being unextinguished and chargeable to each undertaking or purpose ; and
- (E) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.
- (3) Those separate accounts shall further distinguish and shew in relation to each undertaking or purpose—
- (F) All money being capital or in the nature of capital arising from any sale lease or other disposition of land or other property paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested ; and
- (G) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities ; and
- (H) All money from time to time received as rents and profits of any land and other property so as aforesaid acquired and not otherwise appropriated or made applicable ; and
- (I) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation ; and
- (J) All money paid into the loans fund as contributions from the revenues in respect of interest on money borrowed and dividends on the several portions of Corporation stock chargeable to that undertaking or purpose ; and
- (K) All money paid into the loans fund as contributions from the revenues in respect of redemption and extinction or purchase and extinction of those several portions of Corporation stock and of payment and extinction of debt ; and
- (L) All money being unclaimed dividends paid into the loans fund as herein-after provided.

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Determi-
nation as to
charge of
stock.

68. For the purposes of any contribution or account under this part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation stock was issued may from time to time determine and declare on which of the revenues arising under the City Acts any loan of the Corporation or any portion of Corporation stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation stock shall be apportioned as regards the charge thereof between or among any of the revenues arising under the City Acts and every such determination and declaration shall be effectual to all intents.

Payment off
or substitu-
tion for
existing
securities.

69. (1) Where any mortgage bond debenture debenture stock or other security granted or created before or after the passing of this Act under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(3) Where the holder of the security is one of the persons described in section seven of the Lands Clauses Consolidation Act 1845 or of the Lands Clauses Consolidation (Scotland) Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(4) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every

deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be. A.D. 1891.

70. On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows namely :— Extinction or suspension of power.

(A) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock or other security granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this part of this Act extinguished ; but

(B) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

71. Money raised by Corporation stock shall be applied for purposes for which money raiseable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise. General application of money from Corporation stock.

72. (1) The Corporation may from time to time invest temporarily on statutory securities (other than stock certificates to bearer and other than securities of the Corporation) money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund. Temporary investment of money raised by stock.

(2) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the revenues of the several city undertakings as are payable into the loans fund by the several city undertakings in respect of dividends on the respective portions of Corporation stock by the issue whereof that money is raised.

73. (1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this part of this Act referred to as “ the Corporation stock register ”). Corporation stock register.

(2) The Corporation stock register shall be primâ facie evidence of any matter entered therein in accordance with this part of this Act and of the title of the persons entered therein as holders of stock.

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Certificates
of proprie-
torship of
stock.

74. (1) On demand of a holder of Corporation stock the Corporation may give to him a certificate of the proprietorship thereof under their common seal and signed by the registrar specifying the amount of Corporation stock to which he is entitled (in this part of this Act referred to as a "stock certificate").

(2) A stock certificate shall be *prima facie* evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the person in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the person entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Corporation stock register.

Transfer of
corporation
stock.

75. (1) Every transfer of Corporation stock shall be by deed.

(2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(3) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called the register of transfers of Corporation stock and shall indorse on the deed of transfer a notice of that entry.

(4) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

(5) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on
transfer.

76. (1) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them

or him to make it expedient require evidence of the title of any person claiming a right to make the transfer. A.D. 1891.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar with the approval of the Corporation may require.

77. (1) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock close the register of transfers of Corporation stock on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than fifteen days. Closing of transfer books.

(2) The persons who on the day of such closing are entered as Corporation stockholders shall as between them and their transferees of Corporation stock be entitled to the dividend next payable thereon.

78. Unless the Corporation have compounded for stamp duty every deed of transfer of Corporation stock shall be duly stamped and the consideration shall be duly stated therein. Stamp duty on transfers.

79. (1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof. Transmission on death.

(2) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the confirmation or the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

80. (1) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than by deed or the death of a stockholder the transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require. Transmission on marriage &c.

(2) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Corporation or the registrar.

(3) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

[A.D. 1891.]

(5) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6) In this section the term transmission includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

Payment of dividends.

81. The Corporation may pay by the registrar the dividends on Corporation stock and such payments shall be made by warrant only.

Dividends to executors &c.

82. The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on Corporation stock held by their testator or intestate until the confirmation or probate of the will or the letters of administration has or have been left with the Corporation or the registrar for registration.

Evidence of title.

83. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or of such other nature as the Corporation or the registrar may require.

Dividends to joint holders.

84. (1) Where more persons than one are registered as joint holders of any Corporation stock the first person named in the register may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the registrar by any other of them.

(2) Where Corporation stock is standing in the name of a minor or infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged minority or infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend warrants by post.

85. (1) Unless where otherwise desired by a stockholder in writing his dividend warrant shall be sent to him by post to the address in the United Kingdom given by him to the Corporation or the registrar.

(2) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself. A.D. 1891.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

45 & 46 Vict.
c. 61.

86. (1) Corporation stock is personal property.

(2) No notice of any trust express implied or constructive in respect of any Corporation stock shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or affect the Corporation through the registrar or otherwise. Nature of Corporation stock Notice of trusts.

87. (1) If at any time the Corporation for two months after demand in writing fail to pay any principal sum due and payable in respect of Corporation stock or any dividend due on any Corporation stock the person entitled thereto may apply to the Court of Session in a summary way for the appointment of a judicial factor and the court may appoint a judicial factor on such terms as it thinks fit. Judicial factor.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this part of this Act.

(3) The court may at any time discharge the judicial factor and shall have full jurisdiction over him and all persons interested in his acts.

88. A person taking or holding Corporation stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this part of this Act or whether or not the Corporation or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Corporation were legal or regular or to see to the application of any money raised by Corporation stock or be answerable for any loss or misapplication thereof. Protection of holders of Corporation stock.

89. (1) Once in every year at a time appointed by the Secretary for Scotland the Corporation shall send to him an abstract of the accounts of the Corporation relating to Corporation stock and the Annual return to the Secretary for Scotland.

A.D. 1891. — loans fund in a form prescribed by him and verified by a statutory declaration of the town clerk if required by the Secretary for Scotland.

(2) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a penalty not exceeding twenty pounds and in case of wilful default therein by the town clerk the town clerk shall on each occasion be liable to a penalty not exceeding five pounds and every penalty under this section shall be recoverable summarily on the prosecution of the Secretary for Scotland and not otherwise.

(3) If by any such abstract or otherwise it appears to the Secretary for Scotland that the Corporation have failed to comply with any requisition of this part of this Act in relation to any payment application or investment or otherwise in relation to Corporation stock or the loans fund the Secretary for Scotland may notwithstanding any proceeding for the recovery of any penalty or any other proceeding taken by him by order require the Corporation to make good the default within a time therein limited.

Unclaimed
dividends.

90. (1) If at any time any dividend on any Corporation stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of five years from the day when the first dividend becomes payable on Corporation stock first issued after the commencement of this part of this Act the Corporation shall publish an advertisement in a newspaper circulating in the city stating what if any dividends on Corporation stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation stock register of the holders of the stock on which the dividends are unclaimed.

(4) At the end of every successive period of ten years from the day when the first dividend becomes payable on Corporation stock first issued after the commencement of this part of this Act the Corporation may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money

paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends. A.D. 1891.

91. The forms given in the Sixth Schedule to this Act may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. Forms.

92. (1) Fees not exceeding those specified in the Sixth Schedule to this Act may be taken by or on behalf of the Corporation in the cases therein mentioned. Fees.

(2) The proceeds of fees shall be paid by the Corporation into the loans fund and shall be applied in reduction of contributions out of the Corporation revenues payable into the loans fund in respect of dividends on such portions of Corporation stock as the Corporation having regard to the cases in which the fees are paid determine.

93. (1) The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued. Expenses.

(2) Expenses of bookkeeping and management and other current expenses from time to time incurred by the Corporation in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Corporation as a municipal body are or may be defrayed.

94. Corporation stock shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) “to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery” which Act has been extended to Scotland by the Forgery Act 1870. Forgery.

95. Notwithstanding anything in this part of this Act the Corporation may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the Corporation if and as far as the same has not been acted on by the issue of stock thereunder. Saving for power of revocation

96. Nothing in this part of this Act shall affect any power of the Corporation to raise under the City Acts and this Act otherwise than by Corporation stock any money which they do not think fit to raise by Corporation stock but whenever from time to time after the date of the first issue of Corporation stock the Corporation raise Saving for power to borrow otherwise.

A.D. 1891. money otherwise than by Corporation stock they shall cause to be given to each lender of money so raised notice in writing signed by an authorised officer of the Corporation of the equality of charge which Corporation stock has by virtue of this part of this Act.

Saving for other obligations.

97. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for power to sell lands &c.

98. (1) Nothing in or done under this part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Corporation stock or affect any claim of any person under such first-mentioned charge.

(2) Such land or property shall in the hands of the purchaser or other person taking the same under sale lease or other disposition be by virtue of this Act absolutely freed from the charge of Corporation stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or mis-application thereof.

Saving for existing securities.

99. Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable under any of the City Acts before and subsisting at the date of the first issue of any Corporation stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

PART V.—NEW WORKS.

Power to construct bridge at Persley.

100. Subject to the provisions of this Act the town council may in the lines and according to the levels shown on the deposited plans and sections construct the bridge across the River Don herein-after described with accesses thereto and all necessary and proper works connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The works authorised by this Act are :—

A bridge across the River Don near the existing Persley Ferry commencing in the parish of Newhills in the county of

Aberdeen at a point distant thirty-eight yards or thereabouts south-west of the junction of the Scatterburn with the River Don and terminating in the parish of Old Machar in the same county at a point distant twelve yards or thereabouts west of the north-west corner of the Persley Ferry boat-house; A.D. 1891.

A road of access thereto on the south side wholly in the parish of Newhills commencing at a point on the Mugiemooss Road distant two hundred and ten yards or thereabouts from the crossing of the Scatterburn by that road and terminating at the commencement of the intended bridge before described;

A road of access thereto on the north side wholly in the parish of Old Machar commencing at the termination of the intended bridge before described and terminating at the road leading past Persley Quarry to the Quarry Farm of Persley at a point on that road opposite the main cart entrance to Persley Quarry.

101. If there be any omission mis-statement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited books of reference the town council after giving ten days notice to the owners lessees and occupiers affected by such proposed correction may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final. Omission or mis-statement in plans or books of reference may be corrected.

102. The certificate of the sheriff shall be deposited in the office at Aberdeen of the principal sheriff clerk of the county of Aberdeen and a duplicate thereof shall be deposited with the session clerk of the parish in which the lands to which such certificate relates are situate and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the town council may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made. Certificates to be deposited.

103. The powers of the town council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act. Limiting period for compulsory purchase of lands.

A.D. 1891.

Power to deviate.

104. Subject to the provisions of this Act in executing the said works the town council may deviate laterally to any extent within the limits of deviation defined on the deposited plans and may also deviate from the levels of the said works as referred to the datum line shown on the deposited sections but not to any extent exceeding three feet.

Power to apply funds for construction of works.

105. The town council may apply for the purposes of the works authorised by this Act to which capital is properly applicable any corporate funds and any moneys which they now have or which they have power to raise by virtue of the City Acts or any of them and which may not be required for the purposes for which such moneys were authorised to be raised by the City Acts. or any of them.

Power to make agreements as to construction of bridge.

106. The town council may make and carry into effect agreements with reference to the construction of the said bridge and accesses with the council of the county of Aberdeen the Aberdeen district committee of the said county under the Local Government (Scotland) Act 1889 the owners of the lands authorised to be taken or with any one or more of those bodies and persons respectively.

Maintenance of bridge.

107. The council of the county of Aberdeen and the Aberdeen district committee of the said county under the Local Government (Scotland) Act 1889 may contribute out of the rates and assessments to be imposed and levied by them under the said Act and the Roads and Bridges (Scotland) Act 1878 such sum as they may deem proper towards the construction of the said bridge and accesses and on the completion of the same the said bridge and accesses shall thereafter be maintained and upheld by and at the expense of the said county council and district committee Provided always that as regards the said county council and district committee the obligation to add the said bridge and accesses to the county list and to uphold and maintain the same shall be subject to the provisions of the Roads and Bridges (Scotland) Act 1878 and the Local Government (Scotland) Act 1889.

Period for completion of works.

108. If the works shown on the deposited plans and authorised by this Act are not completed within seven years from the commencement of this Act then on the expiration of that period the powers by this Act granted to the town council for executing the works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Restriction on taking

109. The town council shall not under the powers by this Act granted without the consent of the Secretary for Scotland take ten

or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. A.D. 1891.
houses of
labouring
class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART VI.—MISCELLANEOUS.

110. The commissioners to be elected by the town council under the Aberdeen County and Municipal Buildings Act 1866 as amended by the Aberdeen Municipality Extension Act 1871 shall from and after the commencement of this Act be elected and appointed at the annual meeting of the town council for the election of magistrates and other office bearers in the council and so much of section fifteen of the first-mentioned Act as is inconsistent with this enactment is repealed. Election of
municipal
buildings
commis-
sioners.

111. The town council may stop up and discontinue as a public street or thoroughfare the roadway leading through the property belonging to the town council behind the Steam Yacht Hotel at Pocra Quay in the parish of St. Nicholas (St. Clement's parish) numbered "3,3" in that parish on the plans deposited with reference to the Aberdeen Corporation Act 1881. The land and soil of the roadway so stopped up and discontinued shall be and the same are hereby vested in the town council freed and discharged from the public use thereof and the town council may feu sell or dispose of the same. Street to be
stopped up.

112. The agreement entered into between the town council and the Aberdeen Harbour Commissioners dated the twelfth day of December one thousand eight hundred and ninety and set forth in the Seventh Schedule to this Act is hereby confirmed and made binding on the parties thereto. Confirming
agreement
with the
Aberdeen
Harbour
Commis-
sioners.

113. The agreement entered into between the town council and the Great North of Scotland Railway Company dated the fifteenth and twentieth days of October one thousand eight hundred and ninety and set forth in the Eighth Schedule to this Act is hereby confirmed and made binding on the parties thereto. Confirming
agreement
with the
Great North
of Scotland
Railway
Company.

A.D. 1891.

[Ch. cxxiv.] *Aberdeen Corporation Act, 1891.* [54 & 55 VICT.]

Repeal of
sections fifteen
and seventeen
of Great North
of Scotland
Railway Act
1877.

Provisions
as to fish
market.

Penalty on
sales else-
where than
in fish
market.

Recovery of
dues and
rates.

Market
inspectors
may be made
constables.

Porters to be
licensed.

114. From and after the eleventh day of November one thousand eight hundred and ninety-one sections fifteen and seventeen of the Great North of Scotland Railway Act 1877 shall be and are hereby repealed.

115. The town council may maintain improve enlarge and extend the existing fish market erected by them at Commercial Road within the city (herein-after referred to as "the fish market") and may levy demand and take in respect of the said market such tolls dues stallages rates and rents as they may from time to time appoint not exceeding the several tolls dues stallages rates and rents specified in the Ninth Schedule to this Act.

116. No person shall sell or expose for sale any fish otherwise than by retail in any public place within the city except in the fish market and every person who acts in contravention of this section shall for every such offence be liable to a penalty not exceeding forty shillings but nothing in this section contained shall extend or apply to salmon or fresh herrings or fish sold or exposed for sale in any private premises.

117. If any person liable to the payment of any tolls dues stallages rates or rents payable to the town council in respect of the fish market fails to pay the same when demanded the town council or any person authorised by the town council to collect the same may seize any fish or article in the fish market belonging to the person liable to pay the same or under his charge and if the tolls dues stallages rates or rents and the reasonable expenses of such seizure are not forthwith paid the town council may sell the fish or article seized and out of the money arising therefrom pay and retain the tolls dues stallages rates or rents and the expenses returning the overplus (if any) to the owner of the fish or article seized or such tolls dues stallages rates or rents and expenses may be recovered in any court of competent jurisdiction.

118. The town council may cause the superintendent of the fish market and the collectors and attendants in connexion therewith to be appointed police constables and the superintendent collectors and attendants so appointed shall have the same powers authorities and privileges and be liable to the same responsibilities as constables appointed for the city.

119. The magistrates may from time to time license porters to pay for hire within the fish market and may cause a register to be kept of such persons licensed and may from time to time suspend or revoke such licenses as they shall see cause.

120. Every person who shall ply for hire within the fish market as a porter without first obtaining a license from the magistrates or during the time his license is suspended or after it has been revoked or ceased to be in force shall for every such offence be liable to a penalty not exceeding twenty shillings. A.D. 1891.
Penalty for
plying as
porter with-
out license.

121. The town council may from time to time make byelaws with respect to the fish market:— Byelaws as
to fish
market.

For fixing and regulating the hours during which the market shall be open;

For regulating the use of the market and the stalls and offices therein;

For fixing the tolls dues stallages rates and rents to be payable to the town council in respect of the market and the stalls and offices therein and the time for and manner of collecting the same;

For regulating the conduct of porters plying within the market and determining whether such porters shall wear any and what badges and for regulating the hours within which they may exercise their calling;

For regulating and fixing the time and manner in which the licenses to porters shall be applied for and granted the period during which such licenses shall remain in force the time and manner of applying for and granting renewals of the same and the fee to be paid for any license or the renewal of a license:

And they may from time to time repeal alter or amend any such byelaws.

122. The town council may by order from time to time prohibit games on such parts or portions of the links of Aberdeen belonging to the town council as they may deem proper or set apart parts or portions of the links for particular games and for purposes of recreation or temporarily exclude the public from any portion of the links and for that purpose may enclose or fence off the same. Provided that on any such order being made the town council shall forthwith give notice thereof by affixing a copy of the order on a board on some conspicuous part of the links. Any person contravening any such order shall be liable to a penalty not exceeding forty shillings. Provisions
as to links.

123. The town council may from time to time make such byelaws as they think fit for the better preservation of the links of Aberdeen belonging to the town council and for regulating the use of the same and for ensuring good order in the use thereof and may from time to time repeal alter or amend any such byelaws. Byelaws as
to links.

A.D. 1891.

Park for
Woodside.

124. The town council shall as soon as conveniently may be after the commencement of this Act acquire by agreement a suitable piece of land situated conveniently for the district of Woodside and lay out and maintain the same as a park or place of public recreation under the Public Parks (Scotland) Act 1878 Provided always that the town council shall not be bound to expend a greater sum than three thousand pounds for that object.

Recreation
ground for
Torry.

125. The town council shall as soon as conveniently may be after the commencement of this Act acquire by agreement or take on lease a suitable piece of land situated conveniently for the district of Torry of an annual rent or value not exceeding twenty-five pounds and lay out and maintain the same as a place of public recreation under the Public Parks (Scotland) Act 1878.

Landing
beach at
Torry.

126. The town council shall as soon as conveniently may be after the commencement of this Act form a landing beach or creek at Torry for fishing boats inside the South Breakwater of the port and harbour of Aberdeen provided that the consent of the Aberdeen Harbour Commissioners to the formation of the said landing beach or creek shall previously be obtained and that the amount to be expended by the town council in connexion therewith shall not exceed the sum of one hundred and fifty pounds.

Application
of certain
provisions of
Aberdeen
Police and
Waterworks
Act 1862.

127. The provisions and enactments contained in Parts XXXII. and XXXIV. of the Aberdeen Police and Waterworks Act 1862 intituled respectively "Byelaws" and "Jurisdiction of police court" shall so far as applicable extend and apply to the provisions of this part of this Act.

Costs of Act.

128. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the town council out of moneys to be raised by them under the powers of this Act or out of any funds belonging to them.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Object of Loan.	Authority for Borrowing.	Amount Authorised.	Amount Borrowed.	Period allowed for Repayment from Date of Borrowing.	Amount Repaid on 30th September 1890.	Balance Outstanding on 30th September 1890.
		£ s. d.	£ s. d.	Years.	£ s. d.	£ s. d.
Aberdeen County and Municipal Buildings (Municipal).	Aberdeen County and Municipal Buildings Act 1866 - - -	20,000 0 0	20,000 0 0	Thirty	15,960 0 0	4,040 0 0
Aberdeen County and Municipal Buildings (Police).	Aberdeen Municipality Extension Act 1871 - - -	10,000 0 0	9,913 0 3	Thirty	2,713 0 3	7,200 0 0
City Improvements	Aberdeen County and Municipal Buildings Act 1866 - - -	7,500 0 0	5,938 14 6	Thirty	4,085 13 5	1,853 1 1
General Purposes (Streets)	Aberdeen Extension and Improvement Act 1883 - - -	125,000 0 0	124,546 5 10	Sixty	2,098 10 7	122,447 15 3
Water	The same - - -	20,000 0 0	20,000 0 0	Twenty	4,085 13 11	15,914 6 1
	Aberdeen Police and Waterworks Act 1862 - - -	130,000 0 0	130,000 0 0	Fifty	26,865 15 0	103,134 5 0
	Aberdeen Police and Waterworks Amendment Act 1867 - - -	40,000 0 0	40,000 0 0	Fifty	8,131 8 10	31,868 11 2
	Aberdeen Corporation Act 1881 - - -	30,000 0 0	30,000 0 0	Fifty	3,477 2 5	26,522 17 7
	Aberdeen Corporation Water Act 1885 - - -	80,000 0 0	53,056 2 8	Fifty	2,650 16 8	50,405 6 0
Sewerage	Aberdeen Police and Waterworks Act 1862—Aberdeen Provisional (Sewerage) Order 1866 - - -	No limit	116,653 7 4	Thirty-three and one-third	52,286 6 8	64,367 0 8
	Public Health (Scotland) Acts - - -	No limit	15,264 14 4	Fifty	2,772 13 11	12,492 0 5
City Hospital	Public Libraries Consolidation (Scotland) Act 1887 - - -	8,500 0 0	2,500 0 0	Fifty	200 0 0	2,300 0 0
Public Library	Aberdeen Improvement Confirmation Act 1884 - - -	No limit	15,843 13 3	Twenty	2,082 10 1	13,761 3 2
Shorelands Improvements	Aberdeen Municipality Extension Act 1871 - - -	25,000 0 0	25,000 0 0	Fifty	10,515 0 0	14,485 0 0
Gas	Aberdeen Corporation Act 1881 - - -	55,000 0 0	44,136 15 9	Fifty	16,529 0 0	27,607 15 9
			652,852 13 11	—	154,453 11 9	498,399 2 2

A.D. 1891.

THE SECOND SCHEDULE.

BOUNDARIES OF WARDS INTO WHICH THE CITY IS DIVIDED BY THIS ACT.

The several wards shall be and comprise those portions of the city within the following boundaries respectively videlicet:—

ST. CLEMENT'S WARD.

Commencing at a point in the centre of the navigation channel of the harbour opposite the seaward extremity of the North Pier and of the South Breakwater proceeding thence northward to the seaward extremity of the North Pier thence westward along the north side of that pier to the seashore thence northward along the seashore to a point opposite Cotton Street thence westward to Cotton Street thence along Cotton Street Summer Lane and Commerce Street to Park Street thence along Justice Street Castle Street and Union Street to Market Street thence along Market Street to the centre of the channel of the River Dee thence eastward along the centre of the said channel and the navigation channel of the harbour to the point of commencement.

ST. ANDREW'S WARD.

Commencing on the seashore at a point opposite Cotton Street proceeding thence westward to Cotton Street thence along Cotton Street Summer Lane and Commerce Street to Park Street thence along Park Street to Princes Street thence along Princes Street and Mealmarket Street to West North Street thence along West North Street and Causewayend to the boundary between the parishes of St. Nicholas and Old Machar thence northward and eastward along the said boundary to the seashore and thence southward along the seashore to the point of commencement.

GREYFRIARS WARD.

Commencing in Union Street opposite St. Nicholas Street proceeding thence northward along St. Nicholas Street George Street and North Broadford to the boundary between the parishes of St. Nicholas and Old Machar thence eastward along the said boundary to Causewayend thence southward along Causewayend West North Street Mealmarket Street and Princes Street to Park Street thence southward and westward along Park Street Justice Street Castle Street and Union Street to the point of commencement.

ST. MACHAR WARD.

Commencing at the seashore at the boundary between the parishes of St. Nicholas and Old Machar proceeding thence westward along the said boundary to North Broadford thence northward along North Broadford to Bedford Road thence eastward along Bedford Road to the east side of the Great North of Scotland Railway thence northward along the east side of that railway to Don Street (Woodside) thence northward along Don Street to the

[54 & 55 VICT.] *Aberdeen Corporation Act, 1891.* [Ch. cxxiv.]

centre of the channel of the River Don thence eastward along the centre of the said channel to the seashore thence southward along the seashore to the point of commencement. A.D. 1891.

WOODSIDE WARD.

Commencing in Powis Terrace opposite Bedford Road proceeding thence eastward along Bedford Road to the east side of the Great North of Scotland Railway thence northward along the east side of that railway to Don Street (Woodside) thence along Don Street to the centre of the channel of the River Don thence westward along the centre of the said channel to the Scatterburn thence southward along the boundary of the parliamentary burgh to the Old Skene Road thence eastward along the last-mentioned road to Long Walk Road thence northward along Long Walk Road to Low Stocket Road thence eastward along Low Stocket Road to the boundary of the present burgh thence northward and eastward along the boundary of the present burgh to Tanfield Road thence south-eastward along Tanfield Road and Powis Terrace to the point of commencement.

ST. NICHOLAS WARD.

Commencing in Union Street opposite St. Nicholas Street proceeding thence westward along Union Street to Chapel Street thence along Chapel Street to Skene Street West thence westward along Skene Street West to Esslemont Avenue thence along Esslemont Avenue to Leadsie Road thence along Leadsie Road and Baker Street to Gilcomston Steps thence along the boundary between the parishes of St. Nicholas and Old Machar to North Broadford thence southward along North Broadford George Street and St. Nicholas Street to the point of commencement.

ROSEMOUNT WARD.

Commencing in North Broadford at the point where the boundary between the parishes of St. Nicholas and Old Machar crosses that street proceeding thence westward and southward along the said boundary to Gilcomston Steps thence westward along Baker Street and Leadsie Road to Esslemont Avenue thence northward along Esslemont Avenue to Belvidere Place thence westward along Belvidere Place to Argyll Place thence northward along Argyll Place and the west boundary of the property of Westburn to the boundary of the present burgh thence northward and eastward along the boundary of the present burgh to Tanfield Road thence southward along Tanfield Road Powis Terrace and North Broadford to the point of commencement.

RUBISLAW WARD.

Commencing in Holburn Street opposite Union Grove proceeding thence westward along Union Grove to Forest Road South thence westward in a line drawn in continuation of the centre line of Union Grove to the west boundary of the lands of Rubislaw belonging or reputed to belong to the City of Aberdeen Land Association thence northward along the west boundary of the said lands of Rubislaw to Queen's Road thence westward along Queen's Road and the Skene Road to the boundary of the parliamentary burgh thence northward and eastward along the boundary of the parliamentary burgh to the Old Skene Road thence eastward along the last-mentioned road to Long Walk Road thence northward along Long Walk Road to Low Stocket Road thence eastward along

A.D. 1891. — Low Stocket Road to the boundary of the present burgh thence northward and eastward along the boundary of the present burgh to the west boundary of the property of Westburn thence southward along the said boundary of the property of Westburn to Argyll Place thence southward along Argyll Place and eastward along Belvidere Place to Esslemont Avenue thence southward along Esslemont Avenue to Skene Street West thence along Skene Street West to Chapel Street and thence along Chapel Street Union Street and Holburn Street to the point of commencement.

FERRYHILL WARD.

Commencing in Union Street opposite Holburn Street proceeding thence eastward along Union Street to Market Street thence along Market Street to the centre of the channel of the River Dee thence southward and westward along the centre of the said channel to a point opposite the road leading along the east boundary of Allenvale Cemetery thence northward along the last-mentioned road and Whinhill Road to Bloomfield Road thence westward along Bloomfield Road to Holburn Street and thence northward along Holburn Street to the point of commencement.

RUTHRIESTON WARD.

Commencing in Holburn Street opposite Union Grove proceeding thence westward along Union Grove to Forest Road South thence westward in a line drawn in continuation of the centre line of Union Grove to the west boundary of the lands of Rubislaw belonging or reputed to belong to the City of Aberdeen Land Association thence northward along the west boundary of the said lands of Rubislaw to Queen's Road thence westward along Queen's Road and the Skene Road to the boundary of the parliamentary burgh thence southward eastward and northward along the boundary of the parliamentary burgh to a point in the centre of the channel of the River Dee opposite the road leading along the east boundary of Allenvale Cemetery thence northward along the last-mentioned road and Whinhill Road to Bloomfield Road thence westward along Bloomfield Road to Holburn Street and thence northward along Holburn Street to the point of commencement.

TORRY WARD.

Commencing at a point in the centre of the navigation channel of the harbour opposite the seaward extremity of the North Pier and of the South Breakwater proceeding thence south-westward along the centre line of the said navigation channel and of the channel of the River Dee to the boundary of the city thence eastward northward and westward along the boundary of the city to the point of commencement.

THE THIRD SCHEDULE.

A.D. 1891.

REPRESENTATION OF WARDS BY PRESENT COUNCILLORS.

WARD.	COUNCILLORS.
St. Clement's - - - - -	{ George Reid. Daniel Mearns. John Robertson.
St. Andrew's - - - - -	{ William Findlay. William Thomson. George Maconnachie.
St. Machar - - - - -	{ Adam Pratt. John Crombie. William Collie.
Greyfriars - - - - -	{ James S. Anderson. John Morgan. James M. I. Scott.
St. Nicholas - - - - -	{ Alexander Lyon junior. Forbes Maitland Moir. James Tulloch.
Rosemount - - - - -	{ George Brown. George Nicol. Robert Simpson.
Rubislaw - - - - -	{ John Rust junior. Archibald Duff. George Kemp.
Ferryhill - - - - -	{ Archibald McKenzie. David Stewart. Alexander H. Taylor.

THE FOURTH SCHEDULE.

LANDS NOT FULLY ASSESSABLE.

So much of the district added as is comprehended within the following boundaries respectively :

(A) Commencing at the point where the boundary of the parliamentary burgh crosses the Walker Dam Road proceeding thence northward along the east side of the said road to the Springfield Road thence eastward and northward along the south and east sides of the last-mentioned road to the south side of the

A.D. 1891. — Skene Road thence across the last-mentioned road to the south boundary of the lands of Rubislaw belonging or reputed to belong to the City of Aberdeen Land Association thence westward northward and eastward along the boundary of the said lands of Rubislaw to the south side of the South Stocket Road thence eastward along the south side of the last-mentioned road to the east boundary of the lands of Stocket belonging or reputed to belong to the City of Aberdeen Land Association thence northward along the boundary of the said lands of Stocket to the south side of the Mid Stocket Road thence eastward along the south side of the Mid Stocket Road to the boundary of the present burgh thence northward and eastward along the boundary of the present burgh to the west boundary of the property of Westburn thence northward along the boundary of the said property of Westburn to the Cornhill Road thence eastward along the south side of the last-mentioned road to the Elmhill Road thence north-westward along the east side of the last-mentioned road and the continuation thereof to the Cairnery Road thence northward along the last-mentioned road to the Back Hilton Road thence eastward along the south side of the Back Hilton Road to the south boundary of the lands of Hilton thence eastward along the south boundary of the lands of Hilton for a distance of four hundred and forty yards or thereabouts thence north-westward in a straight line to the south-west corner of the playground attached to the Woodside Public School thence northward along the west boundary of the said playground to the boundary of the police burgh of Woodside thence westward northward and eastward along the boundary of the police burgh of Woodside to the east boundary of the property of Woodside House thence northward along the east boundary of the said property of Woodside House to the mill lade conveying the water to Woodside Works thence in a straight line drawn in continuation of the last-mentioned boundary to the centre line of the River Don forming the boundary of the parliamentary burgh thence westward southward and eastward along the boundary of the parliamentary burgh to the point of commencement.

(B) Commencing at a point in the boundary of the city opposite the fence or wall separating the private ground of Seaton House from the ground let to the Gordon's Mills Company Limited proceeding thence southward along an imaginary straight line to the said fence or wall and thence along the same to the Tillydrone Road thence eastward along the north side of the said road to the boundary of the police burgh of Old Aberdeen thence eastward and southward along the boundary of the police burgh of Old Aberdeen to the boundary of the present burgh thence southward and eastward along the boundary of the present burgh to the boundary of the city thence northward westward and southward along the boundary of the city to the point of commencement.

THE FIFTH SCHEDULE.

LIST OF CITY ACTS

- The Aberdeen Police and Waterworks Act 1862 (25 and 26 Vict. cap. 203).
 The General Police and Improvement (Scotland) Supplemental Act 1866 and the Aberdeen Provisional (Sewerage) Order thereby confirmed (29 and 30 Vict. cap. 93).
 The Aberdeen County and Municipal Buildings Act 1866 (29 and 30 Vict. cap. 104).

[54 & 55 VICT.] *Aberdeen Corporation Act, 1891.* [Ch. cxxiv.]

The Aberdeen Police and Waterworks Amendment Act 1867 (30 Vict. cap. 51). A.D. 1891.
The Aberdeen Municipality Extension Act 1871 (34 and 35 Vict. cap. 141). —
The Aberdeen Corporation Act 1881 (44 and 45 Vict. cap. 73).
The Aberdeen Extension and Improvement Act 1883 (46 and 47 Vict. cap. 60).
The Aberdeen Improvement Confirmation Act 1884 (47 and 48 Vict. cap. 108).
The Aberdeen Corporation Water Act 1885 (48 and 49 Vict. cap. 123).
The Public Health (Scotland) Act 1867 (30 and 31 Vict. cap. 101) and Acts
amending the same.
The Public Parks (Scotland) Act 1878 (41 Vict. cap. 8).
The Public Libraries Consolidation (Scotland) Act 1887 (50 and 51 Vict.
cap. 42).
The Housing of the Working Classes Act 1890 (53 and 54 Vict. cap. 70).

THE SIXTH SCHEDULE.

FORMS.

(A.)

FORM OF MORTGAGE OR ASSIGNATION.

By virtue of the Aberdeen Corporation Act 1891 we the lord provost magistrates and town council of the city and royal burgh of Aberdeen in consideration of the sum of _____ paid to us by _____
for the purposes of the said Act do hereby grant and assign to the said _____
his executors administrators and assigns such
proportion of the assessments rents rates profits charges revenues and moneys
arising or accruing by virtue of the said Act and the City Acts as therein defined
[or such of those Acts as may be specified] as the said sum of _____
doth or shall bear to the whole sum which is
or shall be borrowed upon the credit of the said assessments rents rates profits
charges revenues and moneys or any of them to hold to the said _____
and his foresaids from the _____
day of _____ one thousand eight hundred and _____
until the _____ day of _____ one thousand eight
hundred and _____ or until the said sum of _____
with interest at the rate of _____ per
centum per annum for the same shall be fully paid and satisfied and it is hereby
provided that the said principal sum shall be repayable on the
day of _____ one thousand eight hundred and _____
In witness whereof these presents written (in so far as not printed) by
are sealed with the city seal and subscribed by _____
being two members of the town council and by the registrar on behalf of the lord
provost magistrates and town council at Aberdeen upon the
day of _____ in the year one thousand eight hundred and _____
before these witnesses.

A.D. 1891.

(B.)

RESOLUTIONS ON CREATION OF STOCK.

At a special meeting of the town council of the city and royal burgh of Aberdeen held at Aberdeen within the town hall on the day of 189 .

Present :

(Here insert names of members of council.)

Resolved first—

That under the authority and subject to the provisions of the Aberdeen Corporation Act 1891 the Corporation do hereby in exercise of their several statutory powers create stock to be called Aberdeen Corporation Redeemable Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds :—

A. For raising the following sums (amounting in the aggregate to the sum of pounds which has not been raised) (that is to say) :—

(1) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for *[here specify objects]*.

B. For raising instead of re-borrowing the sum of pounds required by the Corporation for the purpose of paying off when due sums amounting to pounds which will fall due before the being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say) :—

and which sums the Corporation are under those Acts authorised to re-borrow.

C. For raising the sum of pounds for repaying the amount temporarily borrowed by the Corporation from in order to enable the Corporation to meet sums which amount to pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say) :—

and which sums the Corporation are under those Acts authorised to re-borrow.

D. For raising the sum of pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say) :—

E. For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):— A.D. 1891.

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends herein-after specified (that is to say):—

- A. The minimum price of issue to be £ per centum and the first dividend to be payable on the ;
- B. Tenders for stock to be made to the A deposit of 5 per centum on the amount of stock tendered for to be paid at at the time of the delivery of the tender ;
- C. The dates for the further payments on account of the said tenders when accepted to be as follows:—

In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture ;

D. Dividends at £ per cent. per annum payable [half-yearly or at such other period as the Corporation may fix] ;

E. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution ;

F. Stock to be issued in sums of not less than £ .

Resolved thirdly—

That such stock shall be redeemable as follows: (state terms.)

Resolved fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Customs and Inland Revenue Act 1887 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(C.)

CORPORATION STOCK CERTIFICATE.

City of Aberdeen.

Number

This is to certify that *A.B.* of is the proprietor of pounds of Aberdeen Corporation Redeemable Stock subject to the Acts of Parliament relating thereto.

Given under the city seal and signed by the registrar this day of 18 .

A.D. 1891.

(D.)

DEED OF TRANSFER.

I *A.B.* of _____ in consideration of the sum of _____ pounds paid to me by *C.D.* of _____ (herein-after called the said transferee) do hereby transfer to the said transferee the sum of _____ pounds *Aberdeen Corporation Redeemable Stock* standing [or part of the stock standing] in my name in the books of the lord provost magistrates and town council of the city and royal burgh of *Aberdeen* to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions As witness our hands and seals the [_____] day of [_____].

(E.)

FEEs.

	£	s.	d.
On original issue of stock receipt or stock certificate - - - - -	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer including certificate - - - - -	0	5	0

THE SEVENTH SCHEDULE.

MINUTE of AGREEMENT between the Lord Provost Magistrates and Town Council of the Royal Burgh and City of *Aberdeen* (herein-after called "the Town Council") on the one part and the *Aberdeen Harbour Commissioners* (herein-after called "the Commissioners") on the other part.

The said parties hereby agree as follows namely:—

First.—The town council shall sell by way of feu to the commissioners and the commissioners shall purchase from them the following portions of ground within the burgh of *Aberdeen* and county of *Aberdeen* namely (1) all and whole that piece of ground lying on the east side of and along *Pocra Quay* as proposed to be widened measuring four thousand seven hundred and twelve square yards or thereabouts and bounded as follows namely on the north by the public road leading from *Pocra Pier* in an easterly direction towards the *Fishers Squares Footdee* along which boundary it measures one hundred and fifty-one feet nine inches or thereby on the east by *New Pier Road* along which boundary it measures two hundred and eight feet or thereby on the south and south-east partly by property belonging or reputed to belong to *Messrs. L. Findlay & Son Fishcurers Aberdeen* and partly by property belonging or reputed to belong to *Charles Gordon* sometime merchant *York Place Footdee* now residing in *London* along which boundary it measures two hundred and three feet eight inches or thereby and on the west and north-west partly by the existing line of the east

A.D. 1891.
—

side of Pocra Quay and partly by Pocra Quay and the public road leading from Pocra Quay to York Street both as proposed to be widened along which boundary running partly in a straight and partly in a curved line it measures two hundred and forty-one feet two inches or thereby and (2) all and whole that triangular piece of ground lying on the west side of the said public road leading from Pocra Quay to York Street measuring seven hundred and eighty-seven square yards or thereabouts and bounded as follows namely on the north by property belonging to the town council along which boundary it measures one hundred and three feet ten inches or thereby on the east and south-east by the said public road leading from Pocra Quay to York Street along which boundary running partly in a straight and partly in a curved line it measures one hundred and forty-nine feet or thereby and on the west by property belonging to the commissioners along which boundary it measures one hundred and thirty feet two inches or thereby all as the said two pieces of ground are delineated and tinted red on a plan thereof hereto annexed and signed and sealed of even date herewith by the said parties as relative hereto.

Second.—The town council shall cede the portion of ground tinted blue on the said plan for the purpose of widening the street or roadway opposite to the first-mentioned piece of ground and the commissioners shall bear the whole expense of forming the said street or roadway in so far as this has not already been done. The materials of all buildings and erections on the said pieces of ground to be feued and on the said portion of ground to be ceded shall belong to the commissioners.

Third.—As one of the sewers belonging to the town council acting in the execution of the Aberdeen Police and Waterworks Act 1862 and Acts amending the same is carried through the first-mentioned piece of ground in the line coloured green on said plan it is hereby agreed that the feu disposition to be executed by the town council in favour of the commissioners shall be granted under the servitude right of wayleave for the said sewer and also under a servitude right of access in all time thereafter for inspecting clearing repairing renewing or otherwise improving the same and that free from payment on any ground whatever except in the event herein-after specially provided. Further the said feu disposition shall be granted with and under the conditions and provisions following namely that notwithstanding the provisions contained in the two hundred and eighty-ninth section of the said Aberdeen Police and Waterworks Act 1862 the commissioners shall not be prevented from at any time erecting a building or buildings over the said sewer provided due intimation of the intention to erect the same is given to the town council and that in the event of the commissioners at any time proposing to erect any such building or buildings the town council shall at their own cost and without the payment by them of any compensation be entitled to erect such works over the said sewer as they may consider necessary for its protection before the commissioners commence to build and further that in the event of the town council or any other persons by their authority entering at any time into or upon the said first-mentioned piece of ground or sewer or works for the purpose either of inspection or of clearing repairing renewing or otherwise improving or removing the said sewer or works they shall pay to the commissioners all surface damage or injury to the property of any kind thereby occasioned and also in the event of any building having been lawfully erected over the said sewer all damage thereby occasioned to such building and for loss of occupation if any as the said damage may in either case be fixed or valued by two men to be mutually chosen by the parties or by an oversman named by the said valuers.

A.D. 1891.

Fourth.—Entry to the said two pieces of ground shall be given by the town council as at the term of Whitsunday one thousand eight hundred and ninety notwithstanding the date of these presents or of the feu disposition to be granted as herein-before provided and the commissioners shall have right to the rents and profits of the same after said term.

Fifth.—The feu duty payable by the commissioners to the town council for the said pieces of ground to be feued as herein-before provided shall be one hundred and thirty-seven pounds nine shillings and sixpence payable at two terms in the year Whitsunday and Martinmas by equal portions beginning the first term's payment thereof as at the term of Martinmas one thousand eight hundred and ninety for the half year immediately preceding and the next term's payment thereof at Whitsunday one thousand eight hundred and ninety-one and so forth at the said two terms in the year in all time thereafter.

Sixth.—The town council shall not be bound to make any delivery or exhibition of writs and the commissioners shall not be entitled to require the town council to make up any new or additional title or titles to any part of the premises but in the feu disposition to be executed in favour of the commissioners the town council shall in their corporate capacity grant absolute warrandice.

Seventh.—This agreement which is made subject to such alterations as Parliament may see fit to make thereon shall be scheduled to and confirmed by the Aberdeen Corporation Bill which the town council intend to promote in the ensuing session of Parliament.

Eighth.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents (printed on this and the preceding page) are with the relative plan executed by the parties in duplicate as follows that is to say are subscribed by George Milne Cook shipowner and George Hutcheson merchant both in Aberdeen being two of the said Aberdeen Harbour commissioners acting by their direction and on their behalf and sealed with the common seal of the said commissioners all at Aberdeen on the twelfth day of December one thousand eight hundred and ninety before these witnesses Alexander Yeats depute town clerk of Aberdeen and George Strachan assistant in the town clerk's office Aberdeen and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the town council by David Stewart the lord provost John Crombie the senior baillie and William Gordon the town clerk all of the said royal burgh and city of Aberdeen and sealed with the common seal of the town council all at Aberdeen on the said twelfth day of December one thousand eight hundred and ninety before these witnesses the said Alexander Yeats and George Strachan declaring that this testing clause from and after the words "that is to say" is written by George Walker Smith Walker writer in Aberdeen.

ALEX. YEATS Witness.

GEORGE STRACHAN Witness.

DAVID STEWART Lord Provost.

JOHN CROMBIE Senior Baillie.

W. GORDON Town Clerk.

ALEX. YEATS Witness.

GEORGE STRACHAN Witness.

GEORGE M. COOK Commissioner.

GEO. HUTCHESON Commissioner.

THE EIGHTH SCHEDULE.

A.D. 1891.

AGREEMENT between the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Aberdeen (herein-after called "the Town Council") on the one part and the Great North of Scotland Railway Company (herein-after called "the Railway Company") on the other part.

The said parties hereby agree as follows viz.—

First.—The town council shall sell to the railway company and the railway company shall purchase from them the three pieces of ground at Rosemount Viaduct measuring together seven hundred and two and two thirds square yards or thereby as the said three pieces of ground are delineated and coloured pink on the plan marked A annexed and signed by the parties as relative hereto.

Second.—The said three pieces of ground shall be used by the railway company solely and exclusively as a passenger station and no part thereof shall at any time hereafter be used for any other purpose without the consent of the town council and this condition shall in the conveyance to be granted by the town council to the railway company and in all future title deeds of the premises be declared a real burden affecting the ground.

Third.—The railway company shall at their own expense rebuild or heighten and strengthen the existing retaining wall along the west side of Denburn Road between Woolmanhill Tunnel and Rosemount Viaduct so as to carry the new roadway to be formed by the town council. The said retaining wall shall be the property of the railway company and be upheld and maintained by them at their own expense in all time coming but the town council shall have right to construct and maintain a footpath over the top of the said retaining wall to the line of the east side of the fence wall to be erected as herein-after provided.

Fourth.—The railway company shall at their own expense erect along the west side of Denburn Road on the said retaining wall between the said tunnel and Rosemount Viaduct a fence wall of granite masonry five feet in height with gunn coping and take down and rebuild to a uniform height of five feet the existing boundary wall along the west side of Denburn Road for a distance of fifty yards south of the said viaduct.

Fifth.—The railway company shall at their own expense construct the stairway to the station in the position shown on the plan marked B annexed and signed by the parties as relative hereto and make such alterations on the parapet of Rosemount Viaduct as may be necessary for forming the entrance to the station and fit up a gateway and lamps all according to detailed drawings to be submitted to the town council for their approval by the railway company before the work is commenced.

Sixth.—The ashlar masonry of the station buildings shall be of the same description as Rosemount Viaduct the corners cornices mouldings copings and other dressed portions of the work shall be of granite similar in colour and quality to those of the viaduct and the rest of the ashlar work shall be of granite similar in colour and of equal quality to that of the viaduct. A coloured elevation and specification shall be submitted to the town council for their approval by the railway company before the work is commenced.

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Seventh.—The railway company shall have no servitude of light or access from the roadway forming the north entrance to Union Terrace Gardens from Skene Street and the town council shall be entitled to shut up the said roadway or to alter the level or gradient thereof when or to such extent as they may deem proper.

Eighth.—The town council shall also sell to the railway company and the railway company shall purchase from them for the purpose of erecting a locomotive turntable the piece of ground near the north side of Union Bridge measuring one hundred and thirty-six and a half square yards or thereby as the same is delineated and coloured green on the said relative plan marked A.

Ninth.—The railway company shall at their own expense cover over the said last-mentioned piece of ground build the necessary retaining walls bank up and soil the ground and lay out the same in an ornamental manner finish the north end with a gentle slope and construct a flight of granite steps to connect the walk between the two levels. The said covering and retaining walls shall be upheld and maintained by the railway company at their own expense in all time coming.

Tenth.—The town council shall be entitled to alter or divert their sewers and gas and water mains where rendered necessary by the operations of the railway company referred to in this agreement and the expense of such works shall be repaid to the town council by the railway company.

Eleventh.—The railway company shall take down the existing fence on the west side of the railway where rendered necessary by their operations and erect along their new boundary a railing and base of the same design as the present.

Twelfth.—The railway company shall pay to the town council at the term of entry after mentioned the sum of one thousand two hundred and fifty-two pounds fourteen shillings and ninepence as the price of the whole of said subjects and the said sum shall bear interest at the rate of five per cent. per annum from and after the said date of payment during the non-payment.

Thirteenth.—The railway company's term of entry to the subjects shall be at the term of Martinmas one thousand eight hundred and ninety.

Fourteenth.—The station turntable and the whole of the other works herein specified shall be completed and finished by the railway company by the first day of January one thousand eight hundred and ninety-two.

Fifteenth.—The whole of the works the execution or maintenance of which under this agreement is undertaken by the railway company shall be executed or maintained by them at the sight and to the satisfaction of the burgh surveyor for the time being.

Sixteenth.—The railway company and their servants shall be prohibited from firing the furnace or coaling the tender of any locomotive on the said turntable or on any part of the siding leading thereto and coloured yellow on the said relative plan marked A. The prohibition contained in this Article shall be inserted as a real burden in the conveyance by the town council to the railway company.

Seventeenth.—The town council shall be entitled to widen Union Bridge to an extent not exceeding fifteen feet on each side at any time when they may deem it expedient to do so provided that the west abutment on the south side shall not to any extent cover or encroach over any of the existing windows of the Palace Buildings and the railway company shall have no claim to any compensation for or in connexion with such widening beyond payment of the value of any land and buildings thereon required from the company for such purpose as

herein-after provided and of any damage to their adjoining buildings during or in executing such widening it being understood that before the works for this purpose are commenced the town council shall give due notice to the railway company and furnish them with drawings of the proposed works for their approval so far as they are interested that the whole of the scaffolding and temporary erections necessary and incidental to such widening shall be put up at the sight and to the satisfaction of the engineer of the railway company and that the whole of the said works shall be carried on at the risk of the town council and so as not in any way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway or with the traffic thereon it being further understood that the widened portion of the bridge shall be so constructed that the vertical headway shall coincide with the existing headway and that the abutments shall be extended in the same lines as the existing abutments of the bridge When the town council are ready to proceed with the widening of Union Bridge the railway company shall convey to the town council their right and interest in the two pieces of ground on the north and south sides respectively of the west abutment of Union Bridge required for the foundation of the extended abutments of the bridge (but for that purpose only) as the said two pieces of ground are coloured blue on the said relative plan marked A on payment of the price calculated at the rate of one pound twelve shillings and sixpence per square yard of the area thereof besides the value of any buildings thereon as herein-before provided.

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Eighteenth.—Neither party shall be bound to make any delivery or exhibition of writs to the other and neither shall be entitled to require the other to make up any new or additional title or titles to any part of the subjects.

Nineteenth.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents (printed on this and the two preceding pages) are with the relative plans executed by the parties in duplicate as follows (that is to say) are sealed with the common seal of the said railway company and subscribed by William Moffatt secretary for and on behalf of the said company at Aberdeen on the fifteenth day of October eighteen hundred and ninety before these witnesses James Ross and James Watson both advocates in Aberdeen and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the town council by David Stewart the lord provost John Crombie the senior baillie and William Gordon the town clerk all of the said royal burgh and city of Aberdeen and sealed with the common seal of the town council of the said burgh all at Aberdeen on the twentieth day of the said month of October before these witnesses Alexander Yeats depute town clerk of Aberdeen and Alexander Macdonald Munro assistant in the city chamberlain's office Aberdeen declaring that this testing clause from and after the words "In witness whereof" is written by George Walker Smith Walker writer in Aberdeen.

JAMES ROSS Witness.

JAMES WATSON Witness.

L.S.

W. MOFFATT Secretary.

ALEX. YEATS Witness.

ALEX. M. MUNRO Witness.

L.S.

DAVID STEWART Lord Provost.

JOHN CROMBIE Senior Baillie.

W GORDON Town Clerk.

A.D. 1891.

THE NINTH SCHEDULE.

TOLLS DUES STALLAGES RATES AND RENTS TO BE TAKEN FOR THE FISH
MARKET.

Dues payable on all fish other than fresh herrings brought into or sold in the market one penny per hundredweight and for every fraction of a hundredweight.

Dues payable on fresh herrings brought into or sold in the market one penny per cran and for every part of a cran.

For the use of the market wells for gutting or cleaning fish each hawker one penny per day.

Stallages to be charged in the market—

At a rate calculated on the superficial area of each stall or standing not exceeding sixpence per foot per week.

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