



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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*Cap. xlvi.*

An Act for extending the Royalty of the Burgh of *Dundee*, and for amending the Sett or Municipal Constitution of the said Burgh.

[23d *August* 1831.]

**W**HEREAS the Town of *Dundee* has of late Years greatly increased in Size and Population, and large Suburbs, in which a great Extent of Trade and Manufactures is carried on, and great Numbers of Persons reside, have been formed beyond the Boundaries of the ancient Burgh, and beyond the Territory over which the Jurisdictions, Civil and Criminal, of the Magistrates of the said ancient Burgh, extend: And whereas great Advantage would arise both to the ancient Burgh itself and also to the Suburbs and adjacent Territory if the whole were united and incorporated into One Burgh, with proper Regulations for the Election of the Magistrates and Council thereof, in place of those now in observance under the present Sett of the ancient Burgh, which has been found by Experience to be the Source of many Questions and Difficulties, and to be very defective and imperfect in its Provisions; but the same cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That from and after the passing of this Act all the Territory situated beyond the Boundaries of the ancient Royalty of the said Burgh,

[*Local.*]

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Additional  
Territory  
herein de-  
scribed an-  
and



nexed to the  
ancient  
Royalty of  
the Burgh  
of Dundee.

and locally comprehended within the Limits following; *videlicet*, within a Line commencing on the East at the River *Tay*, and running Northward, in the Line of the East March of *Mayfield* on the Lands of *Craigie*, to the Southern Extremity of that March; thence along that March to the Turnpike Road leading from *Dundee* to *Arbroath*; thence Eastward along that Turnpike Road until its Junction with the old *Craigie* Road; Northwards along that Road to the *Stobs Muir* Turnpike Road; across that Road, and from it along the old Road by the Back of *Stobs Muir* and *Cleington* till it reaches the East Road to the *Fair Muir*; around the March of the *Fair Muir* so as to include it until it joins the *Strathmartine* Turnpike Road; Southward along the *Strathmartine* Turnpike Road until its Junction with the Road which leads by the Back of the Law of *Dundee* from the *Strathmartine* Turnpike Road to the *Cupar* and *Meigle* Turnpike Road; along the Northern Boundary of that Road to the *Lochee* Toll Bar on the Turnpike Road from *Dundee* to *Cupar* and *Meigle*; from that Toll Bar Westward along the Road until it reaches the Stone Wall which runs on the West Side of the Houses and Garden Ground known by the Name of *Lark* or *Lerrick Hall*; across from the Turnpike Road to the March between the Estate of *Logie* and the Estate of *Balgay*; from the Turnpike Road Southward along that Stone Wall to the said March; thence along the March Southward to the Extremity of *Logie*; thence Southward to the *Blackness* Road, along the Dyke and Hedge which form the present Boundary between *Blackness* and *Balgay*; thence along the Northern Boundary of the *Blackness* Road Westward to the Line of the March which is on the South Side of that Road between *Blackness* and *Balgay*, and Southward along that March down to the River *Tay*, and thence along the Margin of the River *Tay* Eastward to the Point first above specified; shall be added and annexed to the Territory composing the ancient Royalty of the said Burgh; and the said Territory composing the ancient Royalty of the said Burgh, and the additional Territory comprehended within the Limits before described, so added and annexed as aforesaid, shall be and the same are hereby united and incorporated into One Royal Burgh, under the Name of the Royal Burgh of *Dundee*, and the Burgh so enlarged shall be in the Place of the ancient Burgh, and shall enjoy in every respect the same Rights and Privileges as the ancient Burgh now enjoys or is entitled to enjoy.

Exclusive  
Privileges of  
the ancient  
Burgh not  
to be in-  
fringed or  
altered.

II. Provided always, and be it enacted, That so far as relates to any exclusive Rights or Privileges, whether of trading or exercising Crafts, or other exclusive Rights or Privileges now belonging to or claimed by the Burgesses of the ancient Burgh, the Guild of Merchants, and the Freemen thereof, and the several Crafts of Workmen, and the Freemen thereof, no Change shall be made by this Act; and all such exclusive Rights and Privileges, without either Extension or Infringement, shall remain entire to those now entitled, or who shall hereafter acquire lawful Right thereto; and on the other Hand the annexed Territory, and every Part thereof not already subject to the Operation of such Rights and Privileges, and the Inhabitants of such Territory, shall remain as free from and unaffected by the same as if this Act had not been passed.

III. Provided also, and be it further enacted, That the feudal Tenure or Tenures by which the respective Parts and Portions of the Territory of the said Burgh, as enlarged, are at present held, shall not be altered by the Operation of this Act, and all Seisins, Renunciations, and Reversions of Lands, and all other Writs relating to Heritage lying within any Part of the said Territory shall be taken, expedite, and registered in the same Form and Manner as if the present Act had not been passed.

No Alter-  
ation of  
Tenures.

IV. Provided also, and be it further enacted, That nothing in this Act contained shall affect or alter, or be so construed as to affect or alter, the Imposition or Payment of Cess or Land Tax, or of any other Public Burdens imposed or to be imposed on the Shire of *Forfar*, for or in respect of the several Lands and Heritages forming the said annexed Territory; nor shall such Lands and Heritages be liable in any Cess or Stent levied or to be levied under the Authority of the Magistrates and Council of the said Burgh; and in ascertaining the Proportions of the Cess or Land Tax payable by the Royal Burghs in relation to each other, the said Lands and Heritages, and Trade there carried on, shall not be included or taken into account, or the Proprietors or Occupiers of the said Lands and Heritages subjected in any Part of the Cess or Land Tax payable by the said Royal Burghs; nor shall any petty Customs, or other local Burdens or Prestations to which the Territory annexed to the ancient Burgh is not at present subject, be by the Operation of this Act extended over such Territory; and generally no Rights or Privileges belonging by Law to the ancient Burgh, or to the Incorporations within the same, or to the Freemen or Inhabitants thereof, shall be infringed, nor shall any Burden or Restraint not at present in lawful Existence over the annexed Territory, or the Inhabitants thereof, be extended over it or them, excepting only in so far as is otherwise expressly provided in this Act: Provided always, that it shall not be imperative upon the Magistrates and Council of the said Burgh, acting under the Authority of this Act, to levy or exact the petty Customs in use to be levied within the said ancient Burgh; but nothing in this Act shall be held to injure or affect the Right to levy the same therein.

No new  
Burdens on  
annexed  
Territory.

V. Provided also, and be it further enacted, That nothing in this Act contained shall alter or affect, or be so construed as to alter or affect, the Obligations and Prestations at present existing, in virtue of any Act or Acts of Parliament or otherwise, to keep up and repair the Roads, Ways, and Bridges within the said annexed Territory.

Obligations  
as to keep-  
ing up  
Roads, &c.  
not to be  
altered.

VI. And be it further enacted, That from and after the passing of this Act the whole Rights, Powers, Privileges, Jurisdictions, and Authorities now belonging to or enjoyed by the Magistrates and Town Council of the ancient Burgh, or any of them, or by them and the Deacons of Crafts jointly, whether at Common Law, by Statutes, Royal Charters, or otherwise, shall be and the same are hereby vested in a Magistracy and Council consisting of Twenty-one Persons, *videlicet*, a Provost, Four Bailies, a Dean of Guild, a Treasurer, and Fourteen Common Councillors, named and to be

Municipal  
Government  
of the en-  
larged  
Burgh.



be appointed as hereinafter provided, who shall in all respects come in place of the Magistrates and Town Council, ordinary and extraordinary, of the ancient Burgh; and the common Good or Property which belonged or may belong to or be acquired by the said ancient Burgh, or the Burgh as now enlarged, shall be vested in and committed to and administered by the Magistrates and Council of the said Burgh as enlarged, acting under the Authority of this Act, in the same Manner as the common Good or Property of the ancient Burgh was vested in, committed to, or could have been administered by the Magistrates and Council, ordinary or extraordinary, of the ancient Burgh; and the Rights, Powers, and Privileges of the Magistrates and Council acting under the Authority of this Act shall be applied to and extend over the whole of the enlarged Burgh, including the ancient Burgh, equally and in all respects to as full Extent and Effect as those of the Magistrates and Council, ordinary or extraordinary, of the ancient Burgh extended over the Territory thereof: and the Magistrates and Council acting under the Authority of this Act shall (under the Exception herein-after mentioned) respectively have the same Jurisdiction, Powers, and Authorities over the enlarged Territory as are at present or might have been enjoyed or exercised by the Magistrates and Council, ordinary and extraordinary, of the ancient Burgh within the same, whether at Common Law or under any Act or Acts of Parliament, Local or General, Royal Charters, or otherwise.

Jurisdiction of Dean of Guild in new Territory not to be privative.

VII. Provided always, and be it further enacted, That the Jurisdiction of the Dean of Guild over the Territory annexed to the ancient Burgh shall not be privative or exclusive of the Jurisdiction of any Court of Law now competent to exercise Jurisdiction over the same; and nothing herein contained shall be construed to compel any Party or Parties to apply to the Dean of Guild Court for Leave to make Alterations on Property within the annexed Territory, or for any other Object or Purpose connected with the same.

Jurisdiction of Sheriff and other Magistrates reserved.

VIII. And be it further enacted, That nothing in this Act contained shall affect or alter, or be so construed as to affect or alter, the Powers and Jurisdiction competent to the Sheriff and Justices of the Peace for the County of *Forfar*, within the ancient Burgh or the Territory annexed thereto by this Act.

Town Council of ancient Burgh to be Town Council of enlarged Burgh.

IX. And be it further enacted, That the following Twenty-one Persons, who were elected to be the Magistrates and Council of the ancient Burgh in the Year now current; *videlicet*, Adam Symon, James Small junior, Aaron Lithgow, John Morton, Peter Kinmond, John Jobson, Alexander Keay, Alexander Kay, William Christie, John Anderson, Edward Baxter, William McGavin, James Pullar, George Gardiner, Robert Jobson, Peter Dron, Thomas Rattray, James Brown, William Lindsay, Robert Adamson, and William Bell senior, shall from and after the passing of this Act be the Magistrates and Council for the said Burgh as enlarged under this Act, in the respective Offices to which they were so elected; *videlicet*, the said Robert Jobson Provost; the said William Bell senior, John Morton, Alexander Keay, and James Brown, Baillies; the said Edward Baxter, Dean



Dean of Guild ; the said *William Christie*, Treasurer ; and the other Fourteen Persons above named as Common Councillors ; and shall continue in Office in the respective Characters above specified until the Fourth *Monday* of *September* One thousand eight hundred and thirty-one ; and for the Rotation after mentioned they shall be held to be on the List of the Members of Council in the Order in which they are first above enumerated ; and on the said Fourth *Monday* of *September* One thousand eight hundred and thirty-one the first Seven on the said List for Rotation shall go out of Office, but the remaining Fourteen shall continue in the Council as Councillors, (without Prejudice, however, to their being appointed to particular Offices in the Council for that Year, as after mentioned,) and shall, with Seven qualified Persons to be elected at the Time and in the Manner after mentioned, be for the ensuing Year the Magistrates and Council of the said Burgh as enlarged ; and the Names of the Seven Persons so to be elected shall be placed at the Foot of the said List for Rotation immediately after the Names of the Fourteen Members who are to continue in Council as aforesaid ; and in like Manner, on the Fourth *Monday* of *September* One thousand eight hundred and thirty-two, the Seven Persons then at the Head of the said List for Rotation shall go out of Office, but the remaining Fourteen shall continue in the Council as Councillors, (without Prejudice as aforesaid,) and shall, with Seven qualified Persons to be elected at the Time and in the Manner after mentioned, be the Magistrates and Council of the said Burgh for the subsequent Year ; and the Names of the Seven Persons so to be elected shall be placed at the Foot of the said List for Rotation, immediately after the Names of the Fourteen Members so continuing in Council ; and so forth yearly, on the Fourth *Monday* of *September* in each Year, the Seven Members of Council highest on the List for Rotation shall go out of Office, but the remaining Fourteen shall continue in the Council as Councillors, (without Prejudice as aforesaid,) and shall, with Seven qualified Persons to be elected at the Time and in the Manner after mentioned, be the Town Council of the said Burgh for the ensuing Year ; the Names of the Seven Persons so to be elected annually being always placed at the Foot of the said List for Rotation immediately after the Names of the Fourteen so continuing in Office.

X. And be it further enacted, That on the Third *Monday* of *September* One thousand eight hundred and thirty-one, and in like Manner on the Third *Monday* of *September* in every succeeding Year, it shall and may be lawful for the Persons qualified and entitled to vote as after mentioned, and they are hereby required, to assemble at Ten o'Clock in the Forenoon within the Town Hall or some other suitable Place within the said Borough, to be fixed by the Town Council in Office for the Time, and then and there elect and appoint Seven Persons, qualified and entitled to be elected as after mentioned, to be Members of Council to go into Office on the following *Monday*, so as then to complete the Town Council to the full Number of Twenty-one in manner before directed ; and at such Elections no Votes shall be received for any Person unless before the voting shall commence he be proposed as a Candidate by One

Election of  
Members of  
Council

[*Local.*]

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Elector,



Elector, and seconded by another; and the Period of One Hour shall be allowed for the Nomination of Candidates; at the Conclusion of which Hour the Town Clerk shall cause to be put up in some conspicuous Situation at or near the Place of Election a List of the Names of the Candidates duly nominated, which List shall be signed by him, and kept up during the whole Election; and in case more than Seven Persons be put in Nomination, the Seven who shall have the Majority of legal Votes, to be determined as herein-after provided, shall be the Persons duly elected, but they shall not enter upon Office until the following *Monday*, until which Day the Magistrates and Council in Office at the Time of the Election shall continue to act; and the Votes shall be recorded *seriatim* as they are given, in a Poll Book to be opened for that Purpose by the Returning Officer after named; and the Vote of each Elector shall be taken, in the Elector's Option, either by a signed List to be given in by him personally to the Returning Officer, or by his appearing in Person and stating to such Officer *viva voce*, and causing him to enter in the Poll Book his own Name and the Names of the respective Persons for whom he votes.

Re-election  
of Members  
competent.

XI. And be it further enacted, That at such Elections it shall be lawful to elect all or any of the Seven Members of Council (if duly qualified in other respects) who in Terms of the Rotation herein-before established are appointed to go out of Office on the *Monday* following the Election, such Persons if elected taking their Place at the Foot of the List for Rotation as before provided.

Chairman at  
Election of  
Councillors.

XII. And be it further enacted, That the Provost, and in his Absence the Senior Baillie present, and in the Absence of the Provost and Baillies the Dean of Guild, and in the Absence of all these Magistrates the Treasurer, or in his Absence the Councillor present whose Name stands highest on the List for Rotation, shall be the Chairman at the said Meetings for the Election of Councillors, and shall, besides his Vote as an Elector, have a casting Vote in case of an Equality of Votes for any Two or more of the Candidates.

Opening and  
Duration of  
Poll.

XIII. And be it further enacted, That at the said Elections the Poll shall open immediately after the Nomination of the Candidates shall have been made and seconded as aforesaid, and shall be continued, subject to the Provisions after mentioned, for that and the following Day between the Hours of Ten in the Forenoon and Five in the Afternoon, and shall finally close at the Hour of Five in the Afternoon of the last-mentioned Day: *Provided always*, that if not more than Ten Electors have voted, or appeared and claimed a Right to vote, during the last Hour of the first Day, the Poll shall then be finally closed; and if at any other Time during the next Day there be not at the least Five Votes given or tendered within an Hour the Returning Officer shall give Notice by an Entry in the Poll Book signed by him, that unless at least Five Votes shall be given or tendered within the Hour next ensuing after such Notice, he will at the Expiration of that Hour declare the Poll finally closed; and in case Five Votes are not so given or tendered he shall close the Poll accordingly.



XIV. And be it further enacted, That such Persons as are qualified in manner following, but no others, shall have a Right to vote for or be elected as Members of Council ; (that is to say,) Persons who have been duly admitted as Burgesses of the ancient Burgh before the passing of this Act, or who shall from Time to Time hereafter be duly admitted as Burgesses of the enlarged Burgh, whether such Persons so admitted or to be admitted be Burgesses of the First or Second Class herein-after specified, provided such Persons shall have resided or carried on Business (either personally or as acting Partners of a Company) within the Burgh as extended by this Act for some Period of Time not being less than Three Calendar Months immediately preceding the last *Monday* of *August* in the Year in which such Person shall vote or be elected: Provided always, that no honorary Burgess, Pauper, or Pensioner of any of the Corporations within the said Burgh shall have a Right to vote or be elected.

Qualification  
of Electors  
and Elected.

XV. And be it further enacted, That all Persons who have prior to the passing of this Act been admitted Burgesses of the ancient Burgh shall and they are hereby declared to be Burgesses of the enlarged Burgh ; but they shall not thereby, or by virtue of any other Provision in this Act contained, acquire any exclusive Right or Privilege within the Territory annexed to the ancient Royalty as aforesaid ; and any Person who shall reside or carry on Business by himself, or as acting Partner of a Company, within the Burgh as by this Act enlarged, shall be entitled to demand Admission as a Burgess of the enlarged Burgh, and the Magistrates and Council of the said Burgh are hereby required to admit him accordingly on Payment of the legal Fees of Admission ; and the Burgesses of the enlarged Burgh shall be divided into Two Classes ; *videlicet*, the First Class consisting of Persons being Burgesses of the ancient Burgh, admitted prior to the passing of this Act, who are hereby declared to be Burgesses of the enlarged Burgh, and such Persons as shall hereafter be admitted as Burgesses of the enlarged Burgh, with such exclusive Rights or Privileges within the Limits of the ancient Burgh as prior to the passing of this Act were or might have been enjoyed by a Burgess of the ancient Burgh ; and the Second Class consisting of all those who shall after the passing of this Act be admitted to be Burgesses of the said Burgh as enlarged, without such exclusive Rights or Privileges.

Who shall be  
Burgesses of  
the enlarged  
Burgh.

XVI. And be it further enacted, That the Powers of and Obligations on the Magistrates and Council of the enlarged Burgh to admit, and to regulate and fix the Fees of Admission of Burgesses of the First Class, shall be the same as those possessed by or incumbent on the Magistrates and Council of the ancient Burgh before the passing of this Act, except in so far as the said Obligations may be altered or affected by the Provisions of this Act ; but the Fees of Admission of the Second Class of Burgesses shall not exceed in any Case the Sum of Five Pounds Sterling, or be less than Three Pounds Sterling : Provided always, that it shall be lawful to and in the Power of any Person in the Second Class of Burgesses to become a Burgess of Class First if otherwise qualified as required by this Act, on Payment of such

Fees of Ad-  
mission as  
Burgesses.

a Sum



a Sum as with the Fees paid upon his Admission to Class Second shall amount to the Fees which if he had not been before a Burgess of Class Second he would have been bound to pay for his Admission to Class First.

Election of  
Magistrates  
and other  
Office  
Bearers.

XVII. And be it further enacted, That the Fourteen Members of Council of the preceding Year who are appointed to continue in Office for the following Year, and the Seven Persons elected to complete the full Number of the Council, shall assemble in the Town Hall of the said Burgh, or other the usual Place of Meeting of the Town Council thereof, on the Fourth *Monday* of *September* One thousand eight hundred and thirty-one, and in like Manner on the Fourth *Monday* of *September* in all future Years, at Ten o'Clock in the Forenoon, and shall then elect from out of their own Number, without Distinction, and without regard to their having previously been Members of Council or not, and without regard to any Office which they may have previously held in the Council, One Person to be Provost, One Person to be first or senior Baillie, another Person to be second Baillie, another Person to be third Baillie, and another Person to be fourth or junior Baillie; One Person to be Dean of Guild, and One Person to be Treasurer; all for the ensuing Year; electing them One by One in their Order.

Penalty for  
Nonaccept-  
ance.

XVIII. And be it further enacted, That if any Person who shall for the first Time be elected into the Council shall not within Ten Days after his Election accept of the Office of Councillor, or of such other Office as he may be appointed to hold in the Council, he shall be liable in a Penalty of Twenty Pounds, to be recovered and applied as by this Act directed.

Any Mem-  
ber of Coun-  
cil ceasing  
to reside,  
&c. shall  
retire.

XIX. And be it further enacted, That if any Member of Council shall cease to reside or carry on Business within the enlarged Burgh he shall likewise cease to be a Member of Council, and the Vacancy arising by his thus becoming disqualified shall be filled up in manner after provided.

For supply-  
ing Vacan-  
cies in the  
Council.

XX. And be it further enacted, That in case of the Death, Non-acceptance, or Disqualification of any Person or Persons herein named, or who may in virtue of the Provisions of this Act be elected as Members of Council, or, in case of any Vacancy otherwise arising in Council, the remaining Members of Council, shall have Power, and they are hereby required, within One Calendar Month after the Vacancy shall have occurred or become known to the Council, to fill up the Vacancy so occasioned, by appointing as Councillor or Councillors a Person or Persons duly qualified to complete the Council to the full Number of Twenty-one, and the Person or Persons so appointed shall in the List for Rotation take the Place of the Person or Persons whose Place he or they is or are elected to supply: Provided always, that in case any Person whose Place is so supplied shall have held Office as a Magistrate of the said Burgh, *videlicet*, as Provost, Baillie, or Dean of Guild, or shall have held Office as Treasurer, the Council as thus completed shall not be bound to appoint the new Councillor to the same Office in the Council which may have been filled by the



the Person whose Place is so supplied, but may and shall appoint to such Office either the said new Councillor or (under the Provisions and Restrictions after specified) any of the Persons already in Council, whether holding any of the said Offices or not; and in case any Person so appointed shall have previously held any of the said Offices, the Office which he so previously held shall thereby become vacant, and another Member of the Council shall within One Calendar Month thereafter be appointed by the Council to fill such Office: Provided always, that if by filling up any vacant Office in the Council another Office should become vacant by reason of the Person thereto appointed holding at the Time of his Appointment another Office in the Council, the Council shall within One Calendar Month thereafter appoint another Member of Council to fill the Office so becoming vacant: Provided always, that in such Cases or any of them it shall not be lawful to appoint the Provost to fill any other Office in the Council than that of Provost, or to appoint any of the Baillies to be the Dean of Guild, or the Dean of Guild to be a Baillie, or to appoint any of the Baillies or the Dean of Guild to be Treasurer; and provided also, that in case the Office of First, Second, or Third Baillie shall become vacant, the Baillies remaining in Office, who, as such, were senior in Rank to the Baillie whose Office has become vacant, shall, according to their Seniority in Rank as Baillies at the Time, be advanced one Degree higher in Rank as Baillies; and the Office of Junior Baillie thus becoming vacant shall be filled up in manner before provided; but such Changes shall in no respect affect the Rotation of going out of Council as before provided.

XXI. And be it further enacted, That at all Meetings of the Town Council for the Election from among their own Number of a Provost and other Office Bearers the Councillors present shall elect a Preses, who, in case of an Equality of Votes, shall have a casting Vote, in addition to his Vote as a constituent Member of the Meeting, the Member of Council present whose Name stands highest on the said List for Rotation having, in case of an Equality of Votes for Preses, a casting Vote over and above his Vote as Councillor; and at all other Meetings of the Council the Provost, or in his Absence the Senior Baillie present, or in the Absence of the Provost and Baillies the Dean of Guild, whom failing, the Treasurer, or in his Absence the Member of Council present whose Name stands highest on the said List for Rotation, shall be Chairman, and shall have a casting Vote in case of Equality, in addition to his Vote as a constituent Member of the Meeting; and all Questions at any Meeting of the Council shall be determined by a Majority of Votes of those present: Provided always, that if at any Meeting all the Members of the Council be not present at the appointed Hour, no Business shall be proceeded in until a Quarter of an Hour at least after that Time, and then only if Eleven Members of Council be present; and in case Eleven Members of Council be not then present, the Meeting shall be adjourned until the next lawful Day at Noon, and so on from Day to Day until Eleven Councillors shall assemble at the appointed Time, or within a Quarter of an Hour thereafter.

Who shall  
be Preses of  
Meetings of  
Council.

Regulations  
as to Meet-  
ings.

[*Local.*]

8 K

XXII. And



Town Clerk  
to be Return-  
ing Officer;

XXII. And be it further enacted, That the Town Clerk of the Burgh shall be Returning Officer at the Elections of Councillors, assisted by Four Persons, to be named by the Council then in Office, and shall within Twenty-four Hours after the closing of the Poll make and subscribe a Memorandum in Writing in the Poll Book, immediately under the Name of the Person who voted last, of the Names of the Seven Persons having the Majority of legal Votes whom he shall in such Memorandum declare to be the Persons duly elected as Councillors at such Election, and shall permit and suffer any Person who voted or was entitled to vote at such Election to inspect such Poll Book and Memorandum at any Time within One Week after the Expiry of the said Twenty-four Hours, betwixt the Hours of Ten o'Clock in the Forenoon and Five o'Clock in the Afternoon, without Fee or Reward; and if the said Town Clerk shall fail to make and subscribe such Memorandum within the Time before provided, or shall wilfully insert therein the Name of any Person not duly elected, or omit to insert therein the Name of any Person duly elected, or shall refuse to allow any Person who voted or had a Right to vote as aforesaid to inspect such Poll Book or Memorandum in manner before provided, he shall for each Offence be liable in a Penalty of Ten Pounds, to be recovered and applied as after mentioned.

and to give  
Notice of  
Elections,  
&c.

XXIII. And be it further enacted, That the Town Clerk shall annually give public Intimation by Advertisement to be inserted in some One or more Newspaper or Newspapers published at the Time in *Dundee*, and also by printed Notices affixed to the Walls of the Town House and the Doors of the Parish Church of the Burgh, stating the Time when and the Place where such Election is to take place, at least Two Weeks previous to the Time appointed for the same; and such Advertisement and Notices shall also state the Place where and the Period during which the Two Rolls of Electors, to be made out as after directed, will lie for the Inspection of all concerned, such Period not being less than Ten Days.

Rolls of  
Electors to  
be made out.

XXIV. And be it further enacted, That the Magistrates and Council of the said Burgh shall make out or cause to be made out and deposited under the Charge of the said Town Clerk, for the Inspection of all concerned, during a Period of Time not less than Ten Days immediately preceding the Third *Monday of September* in this and every subsequent Year, in some convenient Place to be appointed by them, and specified in the Advertisement and Notices to be inserted and affixed as before provided, Two Rolls of Electors, the one consisting of *Burgesses of the First Class qualified to vote*, and the other of *Burgesses of the Second Class qualified to vote*; and all Persons whose Names appear on either of the said Rolls, and to whose Right to vote no Objection shall be made to the Town Clerk, as after provided, but no other Person or Persons, except as hereinafter provided, shall be entitled to vote in the Election of Members of Council: Provided always, that if the Town Clerk shall at any Time, being more than Two lawful Days previous to the first Day of the Election, receive specific Objections in Writing from any Person whose Name stands on either of the said Rolls against the Qualification of any Person whose



whose Name appears on either of the said Rolls, he shall, within One Day after he receives such Objections, intimate the same by a Letter sent through the Post Office, addressed to the Person whose Qualification is objected to; and if such Person so objected to do not satisfy the Returning Officer as to his Qualification, his Vote shall be rejected; and if any Person whose Name does not appear on either of the said Rolls shall consider himself entitled to vote, it shall be lawful for him to claim such Right to vote by Letter addressed and delivered to or left at the Office of the Town Clerk not less than Seven Days before the first Day of the Election at which he claims to vote, such Letter stating the Grounds upon which he claims such Right to vote; and the said Town Clerk shall immediately annex to one or other of the said Rolls, according to the Description of the Claim made, a Memorandum of the Name of such Person, and the Nature of his Claim; and if such Person shall appear at the Poll and demand to vote, and shall satisfy the Returning Officer that he has such Right to vote, his Vote shall be taken, but otherwise it shall be rejected; but provided always, that in case the Returning Officer shall reject the Vote of any Person in either of the Cases before provided for, he shall nevertheless note in the Poll Book the Name of such Person, and the Names of those for whom he tenders his Vote, in order that the Vote of such Person may be afterwards counted, and Effect given thereto, if it shall afterwards be found that the Vote of such Person should have been taken.

XXV. And be it further enacted, That the Vote of any Person whose Name shall appear on either of the said Rolls, and to whose Right to vote no Objection shall have been made as aforesaid, shall not be liable to Question in any manner or way; but the Fact of the Name of such Person appearing on such Roll shall be conclusive Proof of his Right to vote, in so far as regards the Election immediately subsequent: Provided always, that if any Person shall vote at any Election of Councillors without being a Burgess qualified in respect of Residence, or carrying on Business as before provided, he shall, whether his Name be contained in either of the said Rolls of Electors or not, be liable in a Penalty of Five Pounds, to be recovered and applied as after directed, but his Vote shall be good.

Roll of  
Electors to  
be conclu-  
sive of Title  
to vote.

Penalty for  
improperly  
voting.

XXVI. And be it further enacted, That if the said Town Clerk shall refuse to allow any Burgess of the said Burgh to inspect the said Rolls of Electors, or either of them, or to make Extracts therefrom, or shall not in manner before provided intimate the Objection made to the Qualification of any Person whose Name appears on either of the said Rolls, or shall omit to make the Memorandum hereinbefore directed to be made of the Names of Persons claiming a Right to vote, and of the Nature of the Claim, or shall reject the Vote of any Person whose Name appears on either of the said Rolls, and to whose Right to vote no Objection has been made as aforesaid, or shall wilfully reject the Vote of any qualified Person whose Name appears on either of the said Rolls, but whose Right to vote has been objected to as aforesaid, or of any qualified Person whose Name does not appear on either of the said Rolls, who has claimed a Right to vote as before provided, he shall for each Offence be liable in a Penalty

Penalties on  
Town Clerk  
for refusing  
Inspection  
of Roll of  
Electors,  
&c.



a Penalty of Ten Pounds, to be recovered and applied as after directed.

Objections  
to Election  
how to be  
determined.

XXVII. And be it further enacted, That it shall be lawful for any Person who voted or had and claimed a Right to vote in manner before provided, or to any Candidate at any annual Election of Councillors, who considers himself aggrieved by the Proceedings in any such Election, but to no other Person, to question the same, by giving in his Objections in Writing, to be delivered to the Town Clerk personally, or left at his Office at any Time within Three Days after the Close of the Poll, but not thereafter, stating the Grounds upon which he objects to such Election; and on the *Saturday* following the Town Council acting for the Time shall assemble, and decide the Matter of such Objections, and declare who is or are the Councillor or Councillors (if any) who being duly qualified, and having the greatest Number of legal Votes, was or were duly elected, and ought to have been returned, specifying at the same Time the Grounds of such Decision; and the Decision then to be given by the said Council shall be and is hereby declared to be subject to Question or Review in manner only hereinafter provided: Provided always, that no Member of Council shall have any Vote in Council on any Question relating to his own Election.

Errors not  
to annul the  
whole Elec-  
tion.

XXVIII. Provided also, and be it further enacted, That any Error or Errors committed in any Election of Councillors shall not vitiate the whole Election of Councillors of that Year, but only that of the particular Person to whose Election such Error or Errors relate: Provided always, that if the Town Council shall by their Decision, to be given as before provided, find that there are not Seven qualified Persons duly elected at such Election, they shall elect such a Number of Persons duly qualified to be Councillors as, with those (if any) duly elected at such annual Election, will complete the Number of Council to Twenty-one: Provided always, that they shall not in such Case elect any of the Seven Persons who, according to the List for Rotation, are appointed to go out of Office on the following *Monday*.

Appeal.

XXIX. And be it further enacted, That it shall be lawful for any Person who at any annual Election of Councillors voted, or had and claimed a Right to vote, in manner before provided, or any Candidate at any such Election who shall consider himself aggrieved by any Decision given by the said Town Council relating to such Election in manner before provided, but to no other Person or Persons, to appeal against the same by Petition and Complaint to be presented to the Court of Session within Two Calendar Months next after such Decision shall be given, and the said Court shall thereupon grant Warrant for summoning the Magistrates and Council pronouncing such Decision, and also every Elector whose Right to vote is in dispute, upon Fifteen Days Notice, and shall hear and determine the said Complaint summarily without abiding the Course of any Roll; but in the event of the said Court coming to a different Decision from that complained of, such Decision by the said Court shall not void the whole Election of  
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Magistrates



Magistrates and Councillors for that or any subsequent Year, nor affect or injure the Right to continue in Office of any of the Members of Council of the Year preceding the Election complained of, who did not then go out of Office, or of those Members of Council who were duly elected at such Election, or who prior to such Decision may by the Council *de facto* in Possession of Office have been elected to supply Vacancies; and it shall only be competent to the said Court to appoint any Person whom they shall find to have been duly elected to take the Place as Councillor, and on the List for Rotation of such Person as the Court shall find not to have been duly elected, or to declare that a Vacancy has occurred in the Council, whereupon the remanent Members of Council shall fill up the same in the Manner before provided; and the said Court shall allow to the Party who shall prevail their full Costs of Suit.

XXX. And be it further enacted, That the Dean of Guild to be elected under Authority of this Act shall not by such Election be entitled to be Chairman of the Meetings of the Guildry Incorporation of the Burgh, nor shall he be entitled in any respect by such Election to interfere with the Affairs of the Guildry Incorporation, or the Admission of Members of the said Incorporation: Provided always, that in all Cases where, by any Act or Acts of Parliament, Royal Charters, or Deeds of Trust or Mortification, the Dean of Guild of the ancient Burgh is appointed to hold any Office or exercise any Trust, the Dean of Guild of the Burgh acting under the Authority of this Act shall hold such Office and exercise such Trust: Provided always, that nothing herein contained shall prevent the said Incorporation from electing the Dean of Guild chosen under this Act to be their Chairman.

Guildry to appoint their own Chairman.

XXXI. And be it further enacted, That the Common Councillor whose Name shall for the Time stand highest on the List for Rotation shall exercise all the Functions and be vested with all the Rights and Powers conferred by any Act or Acts of Parliament on the Councillor to the Guild of the ancient Burgh.

Who to come in Place of Councillor to the Guild.

XXXII. And be it further enacted, That it shall be lawful to the Magistrates and Town Council of the said Burgh acting under and by virtue of this Act, and they are hereby empowered, to make Bye Laws and Regulations for the better conducting of the Business of the Burgh and their own Proceedings, as well as the said annual Elections; such Bye Laws and Regulations not being inconsistent with the Laws of the Land nor the special Provisions of this Act or any of them.

Power to make Bye Laws.

XXXIII. And be it further enacted, That, without Prejudice to the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of Scotland*, the Magistrates and Council acting under the Authority of this Act shall and they are hereby required, within Six Weeks prior to the annual Election of Councillors, to make up an Abstract of the Receipts and Expenditure of the Town, and of the Trusts under

Accounts to be made up and circulated.

[Local.]

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their



their Management and Controul for the previous Year, with a detailed Statement of the Debts and Assets belonging to or due by the Town, and the other Trusts under their Charge, specifying on what Accounts charged, when incurred, and distinguishing the different Funds liable in Payment thereof, as nearly as can be ascertained; which Abstract and Statement shall be printed, and a printed Copy of the same shall, not less than Three Weeks before the annual Election, be sent by the Town Clerk to the Chairman of the Guildry Incorporation, the Convener and each of the Deacons of the Nine Incorporated Trades, to the Convener and each of the Deacons of the Three United Trades, to the Box Master of the Fraternity of Masters and Seamen, to the Preses of the Incorporated Society of Writers, and to the Deacon or Visitor of the Maltmen Incorporation of *Dundee*, for the Use of their respective Incorporations; and every Person who voted at the last Election under this Act shall be entitled to One Copy of the said Abstract and Statement by applying to the Town Clerk, who shall be bound to furnish such Copy without Fee or Reward.

Penalties,  
how to be  
recovered  
and applied.

XXXIV. Provided always, and be it enacted, That all or any of the Penalties imposed by this Act shall and may be sued for and recovered at the Instance of any of the Persons whose Names shall be contained in either of the Rolls of Electors at the Time the Penalty shall have been incurred, or at the Instance of the Procurator Fiscal of the said Burgh, by summary Action in the Sheriff Court of *Forfarshire*, brought within Three Calendar Months after the Time when the Penalty shall have been incurred, and when recovered shall be applied to and become Part of the Common Good of the said Burgh; and the Sheriff, and any Court which shall review his Decision, shall award Costs to the successful Party or Parties in such Action or Suit.

Expences,  
how to be  
paid.

XXXV. And be it enacted, That the Expence of preparing and passing this Act shall be borne and defrayed out of the Funds of the Burgh.

Public Act.

XXXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially noticed as such by all Judges, Justices, and others, without being specially pleaded.

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