CHAPTER ciii.

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An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley. [4th July 1878.]

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the General Police and Improvement (Scotland) Act, 1862, duly made the Provisional Order which is contained in the schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed:

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:

Provisional Order in Schedule confirmed.

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act.

Short title.

2. This Act may be cited as the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1878.

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SCHEDULE.

PAISLEY.

General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vict. cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, (herein-after called "the Act of 1862,") it is, inter alia, provided (clause 79) that whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of the said Act in whole or part, or for the future application and execution of any Acts in force therein having relation to the purposes of that Act, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts or any exemptions from rating therefrom derived, or that any Provisional Order applying the said Act thereby authorised to be made, should be wholly or partially repealed or altered, the magistrates and council or the commissioners of such burgh may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any of such things; and that, after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his hand and seal of office, in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite:

And whereas the powers and provisions of the Act of 1862 were adopted in whole in the parliamentary burgh of Paisley, in the county of Renfrew, by virtue of a resolution of a meeting of the householders in the said burgh, held under the provisions of that Act upon the 24th day of March 1864, and of a deliverance by the sheriff of the said county following thereon, dated and recorded in the books of the said burgh on the 26th day of same month and year, and also recorded in the sheriff court books of the said county, at Paisley, on the 2nd day of April following; and the provost, magistrates, and town council of the said burgh are under the said Act the commissioners for carrying the same into operation as regards such burgh:

And whereas the provost, magistrates, and town council of the said burgh, as commissioners of police thereof under the provisions of the Act of 1862 (herein-after called "the commissioners"), and also as the municipal corporation of the burgh (herein-after called "the corporation"), have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth that by Part V. section XIII. (clauses 358 to 363 inclusive) of that Act, it is, inter alia, provided that the commissioners acting for the purposes of that Act in any burgh by which it has been adopted may provide and establish fit shambles or slaughterhouses for the purpose of slaughtering cattle, and for that purpose

may borrow such sums of money as they shall find necessary on the security of the police assessment, and of the rates to be taken and levied for the use of such shambles or slaughterhouses, and of the shambles or slaughterhouses and ground on which the same are erected, or on any one or more thereof, and may demand and take for the use of the said slaughterhouses such reasonable rate or sum as may be agreed on and fixed between them and the persons using the same, and, in case of difference, as shall, upon the application of either party, and after seven days' previous notice to the other party of such intended application, be fixed and determined by the sheriff of the county in manner provided by the said Act; and that it is also provided by that Act (clause 125) that such commissioners may from time to time purchase any buildings or land, and may convert, repair, furnish, and fit up such buildings, or build on such land, for the purposes of the said Act; and further setting forth that by a Provisional Order, dated the second day of June one thousand eight hundred and seventy-five, issued by me under my hand and seal of office in virtue of the provisions of the Act of 1862, and confirmed by the General Police and Improvement (Scotland) Act, 1862, Orders Confirmation Act, 1875, I, on the recitals therein contained, directed, inter alia, that, as soon as conveniently might be after the passing of an Act of Parliament confirming the said Provisional Order, the value of the existing slaughterhouse of the burgh of Paisley (including the pertinents thereof and the ground on which the same was erected) which belonged to the corporation should be ascertained by a valuator appointed by the sheriff, upon the joint application of the corporation and of the commissioners, or upon the application of either of these parties after notice to the other party; and that a price equal to such value should be paid into the funds of the corporation by the commissioners out of the funds in their hands as such commissioners; and that the receipt for such price, under the common seal of the corporation, and stamped with the ad valorem stamp duty applicable to a conveyance in consideration of such price, should be recorded in the division of the General Register of Sasines applicable to the county of Renfrew, and also in the Register of Bookings for the burgh of Paisley; and that upon payment of such price and recording of such receipt as aforesaid, the said slaughterhouse (including as aforesaid) should, by force of the said Order and of the Act confirming the same, be vested in and should thereafter belong to the commissioners; and that the commissioners might thenceforth hold and maintain, and from time to time thereafter enlarge and improve, the said slaughterhouse, and might levy such reasonable rates for the use thereof as might be agreed on or fixed and determined under the provisions of the Act of 1862, and might from time to time let the said rates by public roup or private bargain for such period, not exceeding three years, as they might think fit, and might borrow such sums of money as might be necessary for payment of the said price, and for the other purposes aforesaid, on the security of the police assessment leviable by them, and of the said rates to be levied for the use of the said slaughterhouse, and of the said slaughterhouse (including as aforesaid), or on any of such securities, and might exercise all the other powers contained in Part V. section XIII. of the Act of 1862; and that the transfer of the

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said slaughterhouse from the corporation to the commissioners should be held equivalent to a sale of the said slaughterhouse (including as aforesaid) by the corporation under the provision therein recited of the Paisley Burgh and Cart Navigation Act, 1872; and that, from and after the vesting of the said slaughterhouse in the commissioners as aforesaid, the corporation should be free from any obligation that might have been previously incumbent on them to provide or maintain a slaughterhouse in or for the said burgh; and further setting forth that under the provisions of the said Order the value of the said slaughterhouse (including the pertinents thereof and the ground on which it was erected) had been ascertained by a valuator appointed by the sheriff upon the joint application of the corporation and the commissioners to be five thousand three hundred and forty-two pounds sterling, subject to an annual feu duty of seven pounds eleven shillings and fivepence payable for a portion of the said ground, which feu duty was to remain a burden thereon, and to be payable by the commissioners to the corporation as superiors thereof; as also that the commissioners had no funds out of which to pay the value or price so ascertained, or to enlarge and improve the said slaughterhouse as provided by the said Order, and that the slaughterhouse had accordingly remained as previously in the hands of the corporation, who were still receiving the rates leviable for the use thereof; and further setting forth that if the whole of the money required for paying the said price and enlarging and improving the slaughterhouse were borrowed by the commissioners, the interest thereof and the amount required to be appropriated in each year for paying off the principal would form a very heavy annual burden; and that the corporation had agreed to convert the said price into an annual payment at the rate of four per cent. thereon, redeemable at twenty-five years purchase, in the option of the commissioners, at the term of Whitsunday in any year upon three months notice, and that such annual payment should be charged solely upon the said slaughterhouse (including as aforesaid) and the rates leviable for the use thereof as herein-after mentioned; as also that the commissioners considered that the said feu duty and annual payment to the corporation, and the expense of managing and maintaining the slaughterhouse, ought to be defrayed out of the said rates, and should not be made a burden upon the police assessment; and that the interest of the money to be borrowed for enlarging and improving the slaughterhouse, and the amount to be annually appropriated by way of annual instalments and of sums to be set apart as a sinking fund for paying off the principal of such borrowed money, should also be defrayed out of and charged upon the said rates, with a subsidiary charge therefor upon the police assessment, for the better security of the lenders, and in order that the money might be borrowed at as low a rate of interest as possible; as also that the rates for the use of the slaughterhouse should be fixed so as to meet the expense of managing and maintaining the slaughterhouse, the said feu duty and annual payment to the corporation, the interest of such borrowed money, and the amount to be annually appropriated as aforesaid for paying off the principal thereof; and that the sheriff should have power to revise the said rates periodically, so as to adjust them to the said annual expenditure; and therefore praying that I

should issue a Provisional Order for the purposes and to the effect herein-before mentioned, or with such modifications or alterations as might appear to me to be requisite:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof:

Now, therefore, in pursuance of the powers vested in me by the Act of 1862, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1. Instead of the said price of five thousand three hundred and forty-two pounds, the commissioners shall, in addition to the said feu duty of seven pounds eleven shillings and fivepence, pay annually to the corporation in all time coming the sum of two hundred and thirteen pounds thirteen shillings and sevenpence (being four per cent. on the said price), by two equal instalments at the terms of Martinmas and Whitsunday in each year, commencing at the term of Martinmas one thousand eight hundred and seventy-eight, for the half-year preceding, with interest at the rate of five per cent. per annum upon each such instalment from the day on which it becomes due till paid; which annual payment and interest shall, by virtue of this Order, form a charge upon the said slaughterhouse, (including the pertinents thereof, and any enlargement and improvement of the same, and the ground on which such slaughterhouse and enlargement and improvement are or may be erected,) and upon the rates leviable for the use thereof as herein-after provided, postponed only to the said feu duty of seven pounds eleven shillings and fivepence, and to the expense of managing and maintaining the slaughterhouse, and ranking pari passu with the interest of the money to be borrowed for enlarging and improving the slaughterhouse, and with the annual instalments and sums to be set apart as a sinking fund for paying off the principal of such borrowed money.

2. The said annual payment of two hundred and thirteen pounds thirteen shillings and sevenpence shall be redeemable, in the option of the commissioners, at the term of Whitsunday in any year, after not less than three months previous notice in writing to the town clerk of the said burgh, upon payment by the commissioners to the corporation of the said sum of five thousand three hundred and forty-two pounds, with all arrears of the said annual payment and interest thereon which may be due at the time, or in the event of the corporation refusing to receive the said sums, then upon consignation thereof, in name of the corporation, in any bank in Paisley established by Act of Parliament or Royal Charter.

3. The corporation shall, on the first day of August one thousand eight hundred and seventy-eight, or as soon as may be thereafter, execute under their common seal a conveyance in favour of the commissioners, in the manner provided by the Act of 1862 (clause 391), of the said slaughterhouse (including as aforesaid), under the real burden of the said feu duty and annual payment to the corporation, ranking as herein-before mentioned; and the commissioners

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shall forthwith procure the said conveyance to be recorded in the Register of Bookings for the burgh of Paisley, and in the division of the General Register of Sasines applicable to the county of Renfrew; and thereupon the commissioners may enter into possession of the said slaughterhouse (including as aforesaid), and collect the rates leviable from time to time for the use thereof: Provided always, that the corporation shall account for and pay to the commissioners the amount of the said rates for the period from the fifteenth day of May one thousand eight hundred and seventy-eight until the date of the commissioners so entering into possession, under deduction of all necessary charges against the same, as the respective amounts of such rates and charges shall be adjusted and fixed by the corporation and the commissioners.

4. The commissioners may borrow from time to time, and if paid off may re-borrow, such sum or sums of money, not exceeding in the whole at any time four thousand five hundred pounds, as they may consider necessary for enlarging and improving the said slaughterhouse, provided that the same shall be borrowed in such manner that the whole amount so borrowed shall be paid off within a period not exceeding fifty years after the passing of the Act confirming this Order, either by paying to the lenders such equal annual instalments as will keep down the interest and extinguish the principal within the said period, or by paying the interest as it falls due and setting apart annually as a sinking fund such a sum as will, by accumulation with compound interest thereon at the rate of four per cent. per annum, be sufficient to pay off within the said period the whole of such principal, or partly in one of these ways and partly in the other; and such annual instalments, interest, and sums to be set apart as a sinking fund shall, by virtue of this Order, form a charge upon the said slaughterhouse (including as aforesaid), and upon the rates leviable for the use thereof as herein-after provided, postponed only to the said feu duty of seven pounds eleven shillings and fivepence, and to the expense of managing and maintaining the slaughterhouse, but ranking pari passu with the said annual payment of two hundred and thirteen pounds thirteen shillings and sevenpence to the corporation; and shall also by virtue of this Order form a charge upon the police assessment leviable by the commissioners under the Act of 1862, provided that any sums which may be taken from such assessment for the purposes of this Order shall, as soon as may be thereafter, be replaced out of the surplus, if any, of the rates leviable for the use of the said slaughterhouse after satisfying the annual charges thereon.

5. Part VI. section II. of the Act of 1862 shall not apply to the sums to be borrowed by the commissioners under this Order, excepting sections 387 and 388 of that Act, which shall apply to the said sums; and the bonds to be granted for such sums may be in the form of the schedule to this Order, or to the like effect, and shall be signed by two of the commissioners and their treasurer; but no commissioner, or treasurer, or other officer acting under the commissioners, shall be personally liable for any of the sums therein contained.

6. From and after the recording of the conveyance by the corporation in favour of the commissioners as aforesaid, and until the expiration of one year

after the time when the commissioners shall, by advertisement in the Edinburgh Gazette and in two newspapers published in Paisley, declare that the enlargement and improvement of the slaughterhouse are completed, the commissioners may levy and recover the rates now leviable for the use of the said slaughterhouse; and from and after the expiration of the said period of one year the commissioners may levy and recover, for the use of the said slaughterhouse, such new rates as they shall estimate to be necessary for meeting in each year the expense of managing and maintaining the slaughterhouse, the said feu duty of seven pounds eleven shillings and fivepence and annual payment of two hundred and thirteen pounds thirteen shillings and sevenpence, the interest of the money to be borrowed as aforesaid, and the annual amount applicable towards paying off the principal thereof, together with such sum as may be necessary for repaying to the commissioners the costs incurred by them in obtaining this Order and incident thereto, and any deficiency which may have occurred in the revenue of the slaughterhouse as compared with the annual expenditure thereon prior to the commencement of such new rates: Provided always, that the commissioners shall publish a table of the new rates proposed to be levied by them as aforesaid in the Edinburgh Gazette and in two newspapers published in Paisley, at least one month before commencing to levy such rates; and that any person or persons who shall during the year next preceding such publication have paid not less than four pounds of rates for the use of the slaughterhouse may, during the said period of one month, appeal to the sheriff of Renfrew and Bute, or his substitute at Paisley, against all or any of the new rates so proposed to be levied; and the said sheriff, or sheriff substitute, after hearing parties in a summary way, shall determine whether the said proposed rates are likely to yield a larger amount than is necessary for the purposes aforesaid, and may, if he think fit, modify the same, so as to be sufficient in his judgment for such purposes during the period of three years next following.

7. The said new rates shall be revised by the said sheriff, or sheriff substitute, at the expiration of every period of three years, if required either by the commissioners, or by any person or persons having paid not less than five pounds of rates for the use of the slaughterhouse within any one of such years, and in that event shall be regulated by such sheriff, or sheriff substitute, so that the same may thereafter in his judgment yield an annual amount equal, as nearly as may be, to the annual charges thereon as aforesaid, together with the amount required to replace any sums previously taken from the police assessment as aforesaid.

8. The moneys borrowed for enlarging and improving the slaughterhouse, and the sums expended upon such enlargement and improvement, as also the rates levied for the use of the slaughterhouse, and the expenses of maintaining and managing the same, and all other sums received and expended in relation thereto, shall be kept separate from the other receipts and expenditure of the commissioners, and be recorded in separate books; and no sums borrowed or received by the commissioners in respect of the slaughterhouse shall be applied to any other purposes of the commissioners, nor shall the police assessment

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or other funds of the commissioners be applied, except to the extent herein-before provided, to the purposes of the slaughterhouse.

9. Whenever and from time to time as the commissioners complete any enlargement of the slaughterhouse, such enlargement may, subject only to the byelaws of the commissioners, be used for the slaughtering of cattle, notwithstanding anything contained in section 30 of the Public Health (Scotland) Act, 1867.

10. Except as altered by this Provisional Order, the Order herein-before recited shall remain in full force and effect.

Given under my hand and seal at Whitehall, this twentieth day of April, one thousand eight hundred and seventy-eight.

Rd. Assheton Cross. (L.S.)

SCHEDULE to the preceding Order.

No. _____

By virtue of the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1878, we, the Commissioners of Police of the burgh of Paisley, in consideration of the sum of [*insert sum in words*] paid to our treasurer for the purposes of the Order by that Act confirmed, by [*insert name and designation of lender*], do hereby bind and oblige the Commissioners of Police of the said burgh for the time being to pay to the said [*insert name of lender*], his executors or assignees, [*either* (1) *if the loan is to be paid off by equal annual instalments*] during each of the [*insert number of years not exceeding fifty*] years next following the date hereof, an instalment of [*insert sum in words*], in two equal portions at the terms of Martinmas and Whitsunday in each such year, commencing at the term of one thousand eight hundred and , on payment of all which instalments the said loan shall be extinguished; which annual instalments shall form a charge upon the subjects, rates, and assessment, and shall rank in the manner, specified in the said Order; [*or* (2) *if the loan is to be paid off by a sinking fund*] the said principal sum of [*insert sum in words*] at the term of [*insert term of payment*], with interest thereon at the rate of [*insert rate of interest*] per centum per annum from the date hereof till the said principal sum is paid, such interest being payable half-yearly at the terms of Martinmas and Whitsunday in each year, commencing at the term of one thousand eight hundred and ; which interest, and the sums to be set apart in pursuance of the said Order as a sinking fund for paying off the principal, shall form a charge upon the subjects, rates, and assessment, and shall rank in the manner, specified in the said Order. In witness whereof [*insert testing clause according to the law of Scotland*].

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1878.