XCIX. In all Cases within Sections Ninety-eight and One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, it shall not be necessary to obtain any Direction of the Court or a Judge that the Amount for which final Judgment shall be marked shall be ascertained by the Master, but it shall be lawful for the Master without any such Direction to ascertain such Amount, and the Proceedings for that Purpose shall be in all respects as if a Direction to the Master by the Court or a Judge had in pursuance of the said Sections been made; and it shall be lawful for the Court or a Judge, in any Case in which the Venue shall be laid elsewhere than in the County or County of the City of *Dublin*, instead of a Writ of Inquiry to the Sheriff to ascertain the Amount of Damages, to direct that the Amount for which final Judgment shall be marked shall be ascertained by the Master, and thereupon such Proceedings shall be had as if the Case had been within Section One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, and a Direction to the Master under the said Section had been obtained, provided that the Jury shall be a Jury of the County of the City of *Dublin*, and shall be summoned accordingly.

Master may proceed under Sections 98. and 101. of 16 & 17 Vict. c. 113. without Order of Court.

Court may direct Master to hold Inquiries when Venue not in Dublin.

C. In case the Plaintiff in Replevin shall neglect to file the Summons and Plaint, or Copy thereof, within Ten Days after Service, unless the Time shall have been extended, or to proceed to Trial within One Term from that in which or the Vacation of which the Defence or other subsequent Proceeding is filed, the Defendant may proceed to enter such Rules as are in Sections Thirty-eight and One hundred and six of the Common Law Procedure Amendment Act (*Ireland*), 1853, in Cases of such Default respectively provided.

Provision in case Plaintiff in Replevin shall delay to file the Summons and Plaint and proceed to Trial.

CI. In all Actions for a Replevin of a Distress made for Rent, when the Amount of Rent in arrear at the Time of making such Distress shall have been ascertained as provided by Section Two hundred and thirty of the Common Law Procedure Amendment Act (*Ireland*), 1853, the Defendant shall have Judgment and Execution to recover against the Plaintiff the Arrears of Rent, whether the Value of the Goods and Chattels distrained shall amount to so much or not, anything in the said Act to the contrary notwithstanding.

Judgment in Replevin for Amount of Arrears.

CII. In all Cases where Money shall have been lodged in Court in lieu of Security for Costs, and the Party lodging shall become entitled to be repaid the said Money or any Part thereof, such Party may, without any Rule or Order for that Purpose, apply to the Master of the Court to draw on the Bank of *Ireland* in favour of such Party or his Attorney upon Record for such Money or such Part thereof, and the said Master, on being satisfied by Affidavit or otherwise that the Party applying is so entitled to be repaid, shall thereupon draw accordingly.

Master may draw for Money lodged as Security for Costs.

CIII. The Provisions of this Act shall come into operation on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-six.

Commencement of Act.

CAP. CIII.

An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in *Scotland*. [29th *July* 1856.]

'WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, so far as relates to *Scotland*, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses and for the Health of Towns in *Scotland*:' Be it therefore 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:

11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

I. This

Short Title.

I. This Act may be cited for all Purposes as "The Nuisances Removal (*Scotland*) Act, 1856."

Recited Acts repealed, but saving Proceedings in progress.

II. From and after the passing of this Act the said Acts are hereby repealed, in so far as they apply to *Scotland:* Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for *Scotland*, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of certain Terms.

III. In this Act the following Words and Expressions shall have the Meanings hereinafter assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in *Scotland;* the Word "Sheriff" shall include Sheriff Substitute; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Threepence *per* Night for each Person, whether the same be paid nightly or weekly, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

As to Local Authorities to execute this Act.

IV. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *Scotland:*

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned, the Town Council, or in Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees, except as herein-after provided:

In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish.

Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

V. Where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, or of one or other of them, the Board of Supervision shall, on the Application of either of these Bodies or of the Parochial Board, determine whether the Town Council or the Police Commissioners or Trustees, as the Case may be, or the Parochial Board, shall be the Local Authority within the Limits of such Parish; and where any Burgh or Town shall be situated in more than One County the Board of Supervision shall, on Application being made to them by any Person having Interest, determine in which one of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final.

Committee may be appointed.

VI. The Local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority.

Local Authority to appoint Sanitary Inspectors.

VII. The Local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common

Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit.

PART I.

Removal of Nuisances.

Description of Nuisances under this Act.

VIII. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation or Deposit within Fifty Yards of any Dwelling House within the Limits of any Burgh, or offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood.

Power of Entry to Local Authority or their Officer.

IX. If the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such Local Authority or Inspector may demand to be admitted to inspect the same at any Hour between Nine in the Morning and Six in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority or Inspector; and if such Occupier or Person refuse to obey such Order he shall, on Conviction of such Offence, be liable to a Penalty not exceeding Five Pounds; and if no such Occupier or Person can be discovered, the Local Authority or their Officers may enter the Premises.

Proceedings by Local Authority when Nuisances are ascertained to exist.

X. In any Case where the Existence of a Nuisance is ascertained on Examination by the Local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, or to any resident Magistrate or Justice of the Peace, by Summary Petition, in manner herein-after directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Head marked (e) in Section Eight such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XI. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance may be ordained to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice

Interdict against future Nuisance.

of the Peace is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

XII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a), (b), (c), and (d), in Section Eight of this Act, to a Penalty of not more than Ten Shillings *per* Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such Infringement; and in the Case of Nuisances specified in Clause (e) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff or other Magistrate that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

XIII. When it shall appear to the Sheriff or other Magistrate that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out, under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he shall, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

XIV. In case of Noncompliance with or Infringement of any Decree aforesaid, the Local Authority may apply to the Sheriff or other Magistrate for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

Manure, &c. to be sold.

XV. Any Thing removed by the Local Authority in pursuance of this Act may be sold by public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing, by whom the Balance of such Expenses shall be defrayed if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XVI. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any Public Road or Street shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required to lay down such

such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such Local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

XVII. Nothing in this Act contained shall enable any Local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Penalty on Sale of unwholesome Meat.

XVIII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty for causing Water to be corrupted by Gas Washings, &c.

XIX. Any Person or Company engaged in the Manufacture of Gas, Naphtha, Vitriol, or Dye Stuffs, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

XX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXI. In addition to the said Penalty of Fifty Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Five Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or

Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section, shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Prevention of Diseases.

XXII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in *Scotland*, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

Power to appoint a Medical Officer and additional Clerks.

XXIII. When any such Order has been issued, the Board of Supervision in *Scotland* shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in *Scotland* other than *Renfrew*, *Perth*, or *Ross*, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred Pounds *per Annum*, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding Two hundred Pounds *per Annum*, to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Board may issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the *Edinburgh Gazette*, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct: Provided that the Board may, if that shall be judged necessary, direct any Inspector to apply to the Sheriff, who shall thereupon give such Orders as to him shall seem right, with a view to carry into effect such Directions and Regulations.

XXV. Every

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament. Orders of Council, &c. to be laid before Parliament.

XXVI. The Board, by such Directions and Regulations, may provide Matters to be provided for by such Regulations.
For the speedy Interment of the Dead:
For House-to-House Visitation:
For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:
And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations. Local Authority shall execute and may direct Prosecutions for violating Regulations.

XXVII. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations. Power for Local Authority, &c. to enter Premises.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses. When Houses to come under Common Lodging Houses Provisions.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue under the said Orders, Directions, and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters. Order in Council to extend to Parts and Arms of the Sea.

XXX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges. Medical Officer of Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain. In case Charge not paid, Medical Officer may bring an Action.

PART III.

Regulation of Common Lodging Houses.

XXXI. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the Local Authority, and the Situation of every such House, and the Number Common Lodging Houses to be registered.

Number of Lodgers authorized according to this Act to be kept therein; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXII. After the Expiration of One Month from the Date of the passing of this Act, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIV. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority; and the said Local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Rules, &c. not to take Effect until confirmed by Secretary of State.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.

XXXV. All Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of Twopence each for the same; and a Copy of such Rules and Regulations, purporting to be signed

signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

XXXVI. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the Local Authority served on such Keeper or Person, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments authorized by this Act, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within Five Years or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART

PART IV.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not, within Fourteen Days after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills for Relief against the Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final.

XLVII. No

XLVII. No Appeal shall be competent, save in Cases so certified. No Appeal otherwise.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority, exercise the Jurisdiction vested in them under this Act. Justices, &c. may act.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever. Proceedings under this Act not subject to Review.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises. Service of Notices, Summonses, and Orders.

LI. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same. Proof of Resolutions of Local Authority.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law. One or more joint Owners may be proceeded against alone.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal. Penalty for obstructing Execution of Act.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject. Penalty on Occupier obstructing Owner.

LV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due. Expenses due by Owners may be recovered from Occupiers, and deducted from Rent.

LVI. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council, or Police Commissioners shall resolve, where the Local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor. As to Expenses incurred in executing this Act.

LVII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor. As to Forms to be used.

Police Constables to aid in executing Act.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

13 & 14 Vict. c. 33.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more "effectual Provision for regulating the Police of Towns and populous Places in Scotland, "and for paving, draining, cleansing, lighting, and improving the same."

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Re-construction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding Sixpence in the Pound *per Annum* of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

Power to borrow Money for the Construction of Sewers.

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money bor-

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such

such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to Five Pounds *per Centum per Annum* upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in *Scotland*, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional Assessment to be levied by them under Section Three hundred and forty of the said Act.

rowed for constructing Sewers.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within One Month after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Drains may be made to discharge below High-water Mark.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding Sixty Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed Sixty Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed Ninety Days.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be exempted from or to be made liable only for a Portion of the Rate of Assessment leviable from other Property within such Burgh for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Inducie of Ten Days, and after hearing Parties, and taking such Evidence as he may think necessary,

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

shall determine to what Extent such Property is agricultural, and what Proportion of the Rate of Assessment so leviable within such Burgh shall thereafter be assessed and levied on such agricultural Property so long as the same shall continue to be used for agricultural Purposes; but it shall be lawful to the Sheriff at any future Time, on a Petition presented to him by the Commissioners, to find that any Part of such Property has ceased to be used for such Purposes, and to direct that the same shall thereafter be liable in Assessment at the same Rate as other Premises in the Burgh.

Judgments, &c. under this Act not to be subject to Review.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in Section 2., to comprehend several Parishes as One united Parish.

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws concerning the Burial of the Dead in* Scotland, so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That, in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act: Provided always, that any Parish in which any School, Church, Chapel, or Preaching Station is maintained by the Kirk Session, or the Kirk Session and Heritors, out of the Funds derived from such Burying Grounds, shall be excepted from the above Provision, unless sufficient Provision for permanently maintaining the same, to the Extent of the Funds so derived, shall be made by the Town Council to the Satisfaction of the Sheriff of the County within which such Parish is situated.

Power to rectify Errors committed by Sheriffs in defining Boundaries under 13 & 14 Vict c. 33.

LXX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or Town or populous Place, under the Powers conferred by the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, it shall be lawful for any Heritor or Ratepayer having Interest to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said last-recited Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

SCHEDULE OF FORMS.

FORM (A.)

Order of Justice of Peace for Admission of Local Authority or their Officer to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the Local Authority*], [*or* the Officer of the said (*Local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM

FORM (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Police Commissioners of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the County of
[*as the Case may be*].

WE [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (*describing him*) of the Parish *or* Burgh of ,] do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [Dwelling House, Yard, *&c., as the Case may be,*] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* the Dwelling House *or* Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or* so out of Repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be*], cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of in the said County [*or* Burgh, *&c.*] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said Dwelling House (*or* Building), *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(*Date.*) *E.F.*