CAP. XXVII.

An Act for altering and amending an Act passed in the present Session of Parliament, for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or *Indian* Cholera, in *Scotland*.

[9th *April* 1832.]

'WHEREAS an Act was passed in this present Session of Parliament, intituled *An Act for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or* Indian *Cholera, in* Scotland: And whereas it has been found that certain of the Provisions in the said Act contained are defective, and that it is expedient that the same be altered and amended;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Expences which may be reasonably and properly incurred in carrying into effect any Order or Orders of His Majesty's Most Honourable Privy Council, so to be made as is in the said Act provided, or sanctioned after they are incurred by any such Order, shall, whenever the Occasion of such Expence has arisen within any City, Burgh, or Town, or adjacent Districts, having a local Establishment of Police, be levied and defrayed by a special Assessment to be made from Time to Time, and as Occasion may require, for this Purpose, by Authority of the Magistrates of such City, Burgh, or Town, upon the Persons or Properties within the same, or within the adjacent Districts, which are now assessed for Purposes of Police, and that according to the Rules, Methods, and Proportions hitherto observed in such Places in collecting such Police Assessments; provided always, that the Bounds of the *Edinburgh* Police shall not for the Purposes of this and the said recited Act be held to extend over any Part of the Parish of *South Leith;* and that whenever the Occasion of Expence shall arise in any Burgh not having a local Assessment for Police, (whether the same shall be a Royal Burgh or Burgh of Regality or Barony, provided it have a local Magistracy regularly constituted,) or Managers legally authorized to act in place of such Magistrates, the Sums necessary for defraying the same shall be levied by a special Assessment to be made from Time to Time, as the Emergency of the Case may require, by Authority of the said Magistrates, upon all Dwelling Houses within the same, rated to any general or local Tax or Assessment whatsoever at a yearly Value of Five Pounds or upwards, and upon all Houses, Shops, Warehouses, Counting-houses, and manufacturing Premises not rated to any such Tax or Assessment as shall either be let for a Rent of Seven Pounds or upwards, or proved or admitted, where not so let or rated, to be of that yearly Value; one Half of all such Assessments to be paid by the Occupants, and the other Half by the Owners of all such Tenements.

2 W. 4. c. 11.

Assessments for defraying necessary Expences how to be levied within Burghs.

II. Provided always, and be it further enacted, That where the Occasion of Expence shall arise in any Landward Parish (or in the Landward Part of any Parish containing any Burgh or Part of

Assesments how to be levied within Landward Parishes.

of a Burgh) the Sums necessary for defraying the said Expences shall be levied by a special Assessment, to be from Time to Time made by the Heritors, or their special Mandatories, of such Parish or Landward Part of a Parish, upon the Owners and Occupants of the Lands, Houses, and other Heritages within the said Parish or Landward Part of a Parish, at a Meeting to be called by the said Heritors or any Two of their Number, or by the Minister of the Parish, or by the Secretary or other Officer of any Board of Health established or authorized to act within the said Parish by His Majesty's Most Honourable Privy Council, upon a Notice of Seven free Days, to be intimated within the Parish Church on the *Sunday* while the Congregation is assembled, and also by affixing a written Notice on the Doors of the said Church; which Heritors (or their special Mandatories) shall, at their first or at any adjourned Meeting, make the necessary Assessment upon the real Rent or annual Value of the said Lands, Houses, and other Heritages, Two Thirds of the Assessment upon Lands and other Heritages (except Houses) to be made on the Owners, and One Third on the Occupants, and One Half of the Assessment in Houses to be made on the Owners, and One Half on the Occupants: Provided always, that no such Assessment shall be charged or levied upon any House within such Parish (being the only Heritable Property owned or occupied within the same by the Parties), unless the same be either rated to some public or local Tax, at a yearly Value of Five Pounds, or be let for a Rent of Six Pounds or upwards, or be proved or admitted where not so rated or let to be of the Value last mentioned: Provided also, that the whole Assessments herein-before mentioned may be levied in the first instance from the Occupants of the Premises in question (if the Rent payable by them for the current Term shall not have been paid at the Time of such Levy), the said Occupants being entitled to retain the Owners Proportion of the same from the Rents then due to the said Owners: Provided also, that notwithstanding the Existence of certain Burghs or Parts of Burghs, and of local Assessments for Police, within the Barony Parish of *Glasgow*, the whole of that Parish shall for the Purposes of this and the said recited Act be held to be one Landward Parish, and shall be liable to be assessed as such, and not otherwise.

Authority upon which Charge may be made, and Diligence issued.

III. And be it enacted, That the Assessment List or Table of particular Charges, duly signed by the acting Chief Magistrate of any Burgh, or by the Preses or Secretary of any Meeting of Heritors, shall be a sufficient Warrant to the Collectors appointed by them respectively to demand and levy the Sums specified in such Lists from the Individuals there charged respectively with the same; and the Return or Certificate of any such Collector, purporting that such Payment, though demanded, has not been made, shall, when exhibited to any Magistrate of a Burgh by the Collector for that Burgh, or to the Sheriff or Sheriff Substitute of any County by the Collector for any Landward Parish or Part of a Parish in such County, be an Authority to such Magistrate or Sheriff to issue his Warrant for Poinding and other Diligence against the Person or Moveables of the Individuals so failing to pay, within Ten Days after the issuing of such Warrant, in the same

same Manner and to the same Effect in all respects as is now competent for the levying of Assessed Taxes.

Power to appeal.

IV. Provided always, and be it further enacted, That it shall be competent to any Person who may think himself aggrieved by any such Assessment to appeal against the same to the next ensuing Quarter Session of the Justices that may be held for the County not less than Six Days after the lodging of such Appeal, and Notice thereof to the Collector, who shall there hear and finally determine upon the Merits of any such Appeal, and whose Sentences shall not be liable to any Process of Review.

Power to levy and collect Assessments in the Manner of Assessments for the Relief of the Poor.

V. And be it enacted, That in all Burghs and Parishes where there are Assessments for Relief of the Poor it shall be competent to the Magistrates of such Burghs, and to the Heritors of such Parishes respectively, to levy and collect the Assessments authorized by the former and by this present Act, from the same Persons and Properties, and in the same Way and Manner, and by the same Rules and Methods, in all respects, as have been used and observed within the same for levying and collecting such Assessments for the Poor, whenever it shall appear to the said Magistrates or Heritors to be more just and expedient to adopt such Rules and Methods than to put in execution any of the Modes of Assessment herein-before allowed or directed.

Instead of the Mode in which Assessments are authorized to be made under this or recited Act, Heritors may make the Assessments in the Manner herein mentioned.

VI. Provided always, and be it further enacted, That in all Landward Parishes and Landward Parts of Parishes containing any Burgh or Burghs, or any Part or Parts of any Burgh or Burghs, it shall be competent to the Heritors of such Parishes or Landward Parts of Parishes, or their special Mandatories, (in case it shall appear to such Heritors, or their special Mandatories, just or expedient so to do,) instead of putting in execution any or either of the Modes by which the Assessments authorized to be made by this or the said recited Act are herein-before allowed or directed to be made, to make the same Assessments in manner following; (that is to say,) upon Land according to the valued Rent of the same, and upon Houses according to the yearly Value set on such Houses by the latest Assessment of the House Tax; and in the following Proportions; *videlicet*, for every such Assessment to the Amount of One Shilling Sterling upon One hundred Pounds *Scots* of valued Rent an Assessment shall be laid upon the Rent or yearly Value of Houses so ascertained at the Rate of Two-pence Sterling in the Pound of such Rent or yearly Value, and so in proportion for any greater or less Sum.

Correct Lists of Houses and Roll of valued Rent to be furnished by Assessors and Collectors.

VII. 'And whereas it is necessary, for levying such Assessment, 'to obtain a correct List of Houses assessed to the House Tax, 'and a correct Roll of the valued Rent, within the said Landward 'Parishes or Parts of Landward Parishes;' be it enacted, That the Collectors of the Cess and the Assessors of the House Tax shall, if required by the Heritors aforesaid, furnish the said Heritors with a Copy of the Roll of valued Rent, and the List of Houses assessed to the House Tax, within the Landward Parishes or Parts of Landward Parishes aforesaid.

Certain Persons may be exempted from Assessments.

VIII. And be it enacted, That it shall be in the Power of the Magistrates and Heritors hereby authorized to make the Assessments herein-before mentioned to exempt, either wholly or in part, from their Operation, such Persons as from their Circumstances seem

seem entitled to such Exemption, and also such Persons in the said Burghs or Parishes as may have already voluntarily advanced and contributed Sums of Money for the Objects and Purposes by this Act contemplated, beyond other Persons in the said Burghs or Parishes, and that according to the sound Discretion of such Magistrates or Heritors: Provided always, that in case of any alleged Abuse or erroneous Exercise of such Power of Relief or Exemption it shall be competent to any Person aggrieved to apply to His Majesty's Most Honourable Privy Council, who shall forthwith issue their Orders correcting and rectifying such Error or Abuse.

Burghs and Parishes may combine and act in concert with other Burghs or Parishes.

IX. And be it enacted, That nothing herein contained shall be held to prevent the Heritors of any Parish, or the Magistrates of any Burgh, from concerting and acting in conjunction with the Heritors of any adjoining Parish or Parishes, or with the Magistrates of any Burgh lying wholly or partly within or contiguous to any such Parish or Parishes, for the Purpose of taking Measures for their common Relief or Protection from the Disease or Infection above mentioned, and raising a joint Fund by means of the Assessments herein-before provided for defraying the Expences of such Measures as it may be proper and expedient for them thus to adopt in common.

Magistrates, &c. may borrow Money to carry into effect Orders of Privy Council.

X. And be it enacted, That it shall be lawful for the Magistrates and Heritors, and others, hereby authorized to impose and levy the Assessments herein-before mentioned, to borrow such Sums of Money as may be indispensably necessary for carrying into effect the Orders of the said Most Honourable Privy Council, and for that Purpose to assign and impledge the said Assessments to the Lenders thereof in Security for their Repayment.

Former Act to subsist, unless where altered.

XI. And be it enacted, That the Provisions of the said recited Act, except in so far as altered or superseded by this present Act, shall continue and remain in force, to all Intents and Purposes, and as fully in all respects, as if this Act had not been passed.

Assessments made under it may be carried into effect.

XII. Provided also, and be it further enacted, That where any Assessment shall have been actually made under the said recited Act it shall be lawful for the Parties by whom such Assessment had been so made to follow out and make effectual the same; any thing herein contained to the contrary notwithstanding.

CAP. XXVIII.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[9th *April* 1832.]

'WHEREAS the raising or keeping a Standing Army within 'the United Kingdom of *Great Britain* and *Ireland*, in 'Time of Peace, unless it be with the Consent of Parliament, is 'against Law: And whereas it is adjudged necessary by His Ma- 'jesty, and this present Parliament, that a Body of Forces should 'be continued, for the Safety of the United Kingdom, the Defence 'of the Possessions of His Majesty's Crown, and the Preservation

Number of the Forces.

'of the Balance of Power in *Europe*, and that the whole Number 'of such Forces should consist of Eighty-nine thousand four hun- 'dred and seventy-eight Men, exclusive of the Officers and Men