ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

C A P. LXXXVII.

An Act to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*.

[15th *August* 1834.]

WHEREAS by an Act passed in the Third and Fourth Years of His present Majesty's Reign, intituled *An Act to alter and amend the Laws for the Election of the Magistrates and Councils in the Royal Burghs,* Scotland, it was, *inter alia,* provided, that certain Royal Burghs contained in the Schedule marked (C.) thereunto annexed should be divided into Wards or Districts, which, together with the Number of Councillors to be chosen by each such Ward or District, should be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the Condition of the several Burghs and Towns of *Scotland:* And whereas, in pursuance of the said Enactment, the Subdivision of the said Royal Burghs into Wards or Districts, and the Number of Councillors to be annually elected in each of such Wards or Districts, was duly reported by the said Commissioners to His Majesty's Privy Council, and thereafter pub-

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lished by Royal Proclamation, bearing Date the Sixteenth Day of *October* One thousand eight hundred and thirty-three, in Terms of the aforesaid Act: And whereas by the said recited Act it was further enacted, that upon the First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, the Electors in such Burghs, *videlicet*, the Burghs contained in the said Schedule (C.), in their several Wards or Districts, should assemble and elect One Third Part, or as nearly as might be One Third Part of the Council of such Burghs in the Place of the Third thereof who should, as therein-after directed, go annually out of Office, the Wards or Districts into which the Burghs contained in the said Schedule (C.) are divided then electing such Number of Councillors as by the said Royal Commissioners such Wards or Districts should be directed to elect at such annual Election subsequent to the first Election: And whereas it was thereby further enacted, that upon the said First *Tuesday* of *November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third, or a Number as near as might be to One Third of the whole Council of each such Burgh, should go out of Office, and in the said Year One thousand eight hundred and thirty-four the Third who should go out should consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in the Year One thousand eight hundred and thirty-three; and in the succeeding Year One thousand eight hundred and thirty-five the Third of the Councillors first elected under this Act who should go out should consist of the Councillors who at such First Election under the said recited Act had the next smallest Number of Votes (the Majority of the Council always determining, where the Votes for any such Person should have been equal, who should be the Persons to retire); and thereafter the Third of the Councillors so annually going out of Office should always consist of the Councillors who had been longest in Office; provided always, that any Councillors so going out of Office should be capable of being immediately re-elected: And whereas Doubts have been entertained as to the true Meaning and legal Effect of the above last-recited Provision of the said Act, and it is fit that all Hazard of Dispute and Litigation thereon arising should be removed: 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 at the Second Election of Councillors, to take place on the First *Tuesday* of *November* next after the passing of this Act, in each of the Wards or Districts, in Terms of the said recited Act and the said Royal Proclamation, there shall go out of Office an equal Number of Councillors with those then to be elected, which Councillors so going out shall be those who at the First Election in such Wards or Districts respectively had the smallest Number of Votes; and that at the Third Election of Councillors, to take place on the First *Tuesday* of *November* One thousand eight hundred and thirty-five, in each of such Wards or Districts, in Terms of the said recited Act and Royal Proclamation, there shall go out of Office an equal Number of Councillors with those then to be elected, which

Regulation as to Councillors going out of Office at the Second and Third Elections of Councillors.

which Councillors so going out shall be those who in such Wards or Districts respectively had the next smallest Number of Votes at the said First Election.

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