

[26 GEO. 5. &
1 EDW. 8.]

Perth Corporation
Order Confirmation Act, 1936.

[Ch. vii.]



CHAPTER vii.

An Act to confirm a Provisional Order under the
Private Legislation Procedure (Scotland) Acts
1899 and 1933 relating to Perth Corporation.

A.D. 1936.

[19th March 1936.]

WHEREAS a Provisional Order relating to Perth Corporation has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is expedient that the said Order should subject to amendment be confirmed by Parliament:

62 & 63 Vict.
c. 47.
23 & 24
Geo. 5. c. 37.
16 & 17
Geo. 5. c. 18.

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 as follows:—

1. The Provisional Order so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Perth Corporation Order Confirmation Act 1936.

Short title.

A.D. 1936.

SCHEDULE.

PERTH CORPORATION.

Provisional Order to extend the boundaries of the city and royal burgh of Perth to authorise the establishment of a burgh fund to authorise certain street works to empower the creation of redeemable stock and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation" and "the burgh" respectively) are vested with the municipal and police administration of the burgh and are the local authority within the burgh under the Public Health (Scotland) Acts 1897 to 1907 and also the local authority under the Housing (Scotland) Acts 1925 and 1930 and subsequent Housing Acts and also the road authority within the burgh :

And whereas the boundaries of the burgh were last extended by the Perth Corporation Order 1908 :

And whereas since the confirmation of the said Order the population of the burgh has increased and there has been considerable building development within the burgh and lands available for the erection of dwelling-houses within the burgh have become very limited and it is necessary to arrange for the erection of houses on lands outwith the burgh boundaries for the accommodation of persons employed in the burgh :

And whereas lands situate within the districts proposed to be added to the burgh (hereinafter referred to as "the districts annexed") will be required for such purposes and it is expedient that such lands should be included within the boundaries of the burgh :

And whereas persons engaged in business or employed in the burgh reside in various parts of the districts annexed and persons engaged in business or employed in the districts annexed reside in the burgh :

And whereas the districts annexed are supplied with gas and water by the Corporation and certain parts of the said districts are supplied with electricity and with drainage facilities and other communal services by the Corporation : A.D. 1936.

And whereas there are situated in the districts annexed certain properties belonging to the Corporation and it is expedient that such properties should be included within the boundaries of the burgh :

And whereas it is expedient that the municipal and police boundaries of the burgh should be extended so as to comprise and include the districts annexed all as shown on the map hereinafter mentioned and that all franchises rights privileges and immunities of the burgh and the powers jurisdictions authorities and privileges of the Corporation should extend over and apply to the lands and territory comprised in the districts annexed and the inhabitants thereof and that the provisions of all public and general and local and personal Acts and Orders relating to or in force for the time being within or applicable to the burgh should as the same are amended by this Order be made applicable to the burgh as extended by this Order :

And whereas it is expedient that the districts annexed should be added to the existing wards of the burgh :

And whereas it is expedient that the limits of the Perth Water Acts 1877 to 1926 for the purposes of water supply and the limits of those Acts for the compulsory supply of water by the Corporation and the area of supply by the Corporation of electrical energy under the Perth Electric Lighting Order 1898 should be extended as by this Order provided :

And whereas it is expedient and would be to local and public advantage that the Corporation should be authorised to take over certain streets as public streets and to acquire certain properties for street widenings and to make and maintain such widenings and improvements of streets all hereinafter in this Order described :

And whereas the Corporation are the owners of the gas undertaking the electricity undertaking the harbour undertaking the water undertaking and the transport undertaking within the burgh :

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And whereas it is expedient that further and better provision should be made with reference to the finances of the burgh and the application of revenue from the said undertakings that the powers of the Corporation in relation thereto should be enlarged and extended and that the Corporation should be authorised to issue redeemable stock :

And whereas it is expedient that the Corporation should be authorised to borrow and raise money for the purposes of this Order and to levy rates and assessments :

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

| | |
|---|-------|
| For the purchase of lands and properties | £ |
| for widenings and improvements of streets - - - - - | 5,610 |
| For widenings and improvements of streets - - - - - | 730 |

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred and made as by this Order provided :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and the lands proposed to be taken for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited with the sheriff clerk of Perthshire at his office in Perth and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 :

Now therefore in pursuance of the powers contained in the last mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

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1. This Order may be cited for all purposes as the Perth Corporation Order 1935. Short title and citation of Acts.

The Perth Water Acts 1877 to 1926 and this Order so far as relating to water and water purposes may be cited together as the Perth Water Acts 1877 to 1935.

The Perth Gas Acts 1871 to 1921 and this Order so far as relating to gas and gas purposes may be cited together as the Perth Gas Acts 1871 to 1935.

The Perth Electric Lighting Order 1898 and this Order so far as relating to the supply of electricity may be cited together as the Perth Electricity Orders 1898 and 1935.

2. This Order shall (except as otherwise in this Order provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter in this Order referred to as "the commencement of this Order." Commencement of Order.

3. This Order is divided into Parts as follows :— Division of Order into Parts.

- Part I.—Preliminary.
- Part II.—Boundaries extension.
- Part III.—Corporation stock.
- Part IV.—Works and lands.
- Part V.—Financial.
- Part VI.—Miscellaneous.

PART I.

PRELIMINARY.

4. The Lands Clauses Acts are so far as the same are applicable for the purposes and are not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order. Incorporation of Acts

This Order shall be deemed to be a special Act within the meaning of those Acts.

5. In this Order terms and words or expressions to which meanings are assigned by the Lands Clauses Acts shall subject to the provisions of this Order have the Interpretation.

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same respective meanings unless there be something in the subject or context repugnant to such construction Further the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context inconsistent with or repugnant to such construction (that is to say) :—

“ Assessor ” means the assessor and the registration officer of the existing burgh or of the burgh as the case may be acting under the Valuation Acts and the Election Acts ;

“ The Election Acts ” means the Acts in force for the time being relating to the registration of parliamentary and local government electors and the election of town councillors ;

“ The existing burgh ” means the city and royal burgh of Perth within the municipal and police boundaries thereof as existing immediately previous to the commencement of Part II of this Order ;

“ The burgh ” means the city and royal burgh of Perth as the municipal boundaries and the police boundaries are extended by this Order ;

“ The Corporation ” means the lord provost magistrates and councillors of the existing burgh or of the burgh as the case may be ;

“ The districts annexed ” means the districts annexed to the existing burgh by this Order ;

“ The Order of 1908 ” means the Perth Corporation Order 1908 ;

“ The county ” means the county of Perth or the combined county of Perth and Kinross as the case may be ;

“ The county council ” means the county council of the county of Perth or the joint county council of the combined county of Perth and Kinross as the case may be ;

“ The district council ” means the Perth District Council of the county council of the county of Perth ;

“ The Harbour Acts ” means the Perth Burgh and Harbour Act 1856 and any Acts and Orders extending and amending the same ;

“The sheriff” means the sheriff of the sheriffdom of Perth and Angus and includes his substitute at Perth; A.D. 1936.

“Public utility undertakings” means the gas undertaking the electricity undertaking the harbour undertaking the water undertaking and the transport undertaking of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed.

PART II.

BOUNDARIES EXTENSION.

6. This Part of this Order shall except as otherwise provided commence and have effect as on and from the fifteenth day of May one thousand nine hundred and thirty-six which date is hereinafter in this Part of this Order referred to as “the commencement of this Part of this Order.” Commencement of Part II of Order.

7. The municipal and police boundaries of the existing burgh shall be and are hereby extended so as to include and shall include and comprehend the whole of the several districts comprised within the limits and boundaries thereof respectively described in the First Schedule to this Order and the lands and heritages therein Provided that the description of the said boundaries shall be subject to the rules of construction laid down in the Representation of the People (Scotland) Acts. Extension of municipal and police boundaries.

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Deposit of
map of
burgh.

8. A map of the burgh showing the municipal and police boundaries thereof as extended by this Order of which eleven copies have been signed by Philip Francis Wood counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 shall within one month after the commencement of this Order be deposited as follows (that is to say) one copy with the town clerk of the city and royal burgh of Perth at his office one copy with the sheriff clerk of Perthshire at his office in Perth one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office Whitehall London one copy with the Registrar-General of Births Deaths and Marriages in Scotland one copy with the Minister of Agriculture and Fisheries one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Electricity Commissioners and one copy with the Minister of Transport.

Districts
annexed dis-
joined from
county of
Perth.

9. The districts annexed shall subject to the provisions of this Order be and the same are hereby for the purposes of this Order disjoined from the county.

Abolition
of special
districts.

10.—(1) Any special lighting drainage or scavenging districts of the county council or the district council so far as such districts are included in the districts annexed shall be and are hereby abolished and to that extent all resolutions of the county council or the district council and all orders and decrees of the sheriff or of any other authority constituting or relating to the said special districts shall be of no force or effect and the county council and the district council shall be relieved from all obligations in respect of the said special districts so far as such districts are included in the districts annexed.

(2) The Corporation shall not in respect of such special districts be under any obligations nor except by agreement with the local authorities of such districts exercise any powers in such districts so far as these are beyond the burgh.

Districts
annexed
and wards
of burgh.

11. The district annexed which is first described in the First Schedule to this Order and the district annexed which is second described in the said schedule shall be added to and form part of the sixth ward of the burgh The district annexed which is third described in the

said schedule shall be added to and form part of the second ward of the burgh The district annexed which is fourth described in the said schedule shall be added to and form part of the third ward of the burgh The district annexed which is fifth described in the said schedule shall be added to and form part of the fourth ward of the burgh The district annexed which is sixth described in the said schedule shall be added to and form part of the fifth ward of the burgh The wards of the burgh as so described and extended shall be as described in the Second Schedule to this Order.

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12. The provisions of the Town Councils (Scotland) Acts 1900 to 1923 relating to the election of town councillors in burghs divided into wards or districts shall subject to the provisions of this Order apply to the elections in and to the wards of the burgh and to the election qualification continuance in office declinature resignation and retirement of town councillors and to supplying vacancies in the town council by death disability resignation or other causes or otherwise.

Application
of Acts to
municipal
elections.

13. In the event of circumstances arising in connection with the first election under this Order of councillors which may render it necessary or expedient to fix postpone alter or vary any date or any procedure prescribed by or in pursuance of the provisions of the Election Acts or this Order or any other matter arising thereunder the sheriff may on a summary application by the town clerk sanction such postponement alteration variation or procedure as may in his judgment be best fitted to meet the circumstances of the case and the whole procedure following such sanction and any order made by the sheriff shall be valid and unchallengeable.

Power to
sheriff to
sanction
procedure.

14. Subject to the provisions of this Order all property heritable and moveable (including all means revenues and income of every description arising therefrom) belonging to or leviable within the existing burgh or to which the existing burgh is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be and the same is hereby vested in and shall be held by the Corporation for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the

Property
of burgh
vested in
Corporation.

A.D. 1936.

community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh and all debts due to the Corporation of the existing burgh by any person prior to the commencement of this Part of this Order may be demanded and recovered from such person and received and applied by the Corporation for behoof of the burgh.

Property
and
liabilities in
districts
annexed
vested in
Corporation.

15.—(1) Subject to the provisions of this Order and except as otherwise provided in this Order the lands heritages works depots drains sewers lamps lamp-posts pipes mains cables wires apparatus plant and all other property and assets of every description in the districts annexed vested in held by or due or belonging to the county council or the district council are by virtue of this Order transferred to and vested in and shall be held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of such county council or district council and shall be received held and enjoyed by the Corporation accordingly.

(2) All the powers duties liabilities contracts and agreements of the county council or the district council in relation to the districts annexed are by virtue of this Order transferred to and shall attach to the Corporation and shall form part of the powers duties liabilities contracts and agreements of the Corporation and be enjoyed performed paid and discharged by them.

(3) Except as otherwise provided in this Order the Corporation shall determine any question which shall arise as to the department of the Corporation to which any part of such lands heritages and other property ought to belong and any question as to the fund of the Corporation out of which such liabilities and obligations shall be defrayed.

Roads &c.
in districts
annexed.

16. The roads streets lanes courts bridges foot pavements and footpaths within the districts annexed so far as the same are vested in and managed maintained and repaired by the county council or district council or other local authority shall after the commencement of this Part of this Order be and are hereby transferred to and vested in and shall be managed maintained and repaired by the Corporation along with and in the same

way and manner and to the same extent as the roads streets lanes courts bridges foot pavements and footpaths within the existing burgh are managed maintained and repaired by them and the county council district council or other local authority and all committees thereof shall be freed and relieved of and from the repair and maintenance of all such roads streets lanes courts bridges foot pavements and footpaths so far as within the districts annexed in all time coming.

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17. Subject to the provisions of this Order all jurisdictions rights powers and authorities exercised or exerciseable by any county council district council of the county council or any committee thereof or other local authority within or over the districts annexed or any part or parts thereof respectively shall cease and determine Provided that nothing in this Order shall affect any jurisdiction judicial or administrative appertaining or relating to inland revenue.

Powers of local authorities to cease in districts annexed.

18. Every rate toll or assessment (except education rates) authorised to be collected and levied by the county council or other local authority having jurisdiction over the districts annexed or any part thereof but which shall not have been actually imposed previous to the commencement of this Part of this Order shall on the commencement thereof cease and determine within the districts annexed and all burgh and other assessments and rates imposed upon or leviable within the existing burgh under all public general Acts and all local Acts and Orders applicable to and within the existing burgh and under this Order shall thenceforth be leviable and be levied on and within the burgh in the same way and manner as the same are leviable and levied on and within the existing burgh.

Assessments on burgh.

19. Every rate toll or assessment which shall have been actually imposed by the county council or other local authority who had jurisdiction within the districts annexed or any part thereof before the commencement of this Part of this Order shall continue to be due and payable and may be collected and levied by the authority who respectively imposed the same and by the same ways and means and under the same restrictions and regulations as if this Order had not been made and shall be received and applied by such authority respectively to and for the purposes for which the same were authorised to be levied.

Recovery of arrears of assessments &c. within districts annexed.

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Books to be
evidence.

20.—(1) All books documents maps and plans directed or authorised to be kept by the county council or the district council in the districts annexed or any of them by any Act or otherwise shall so far as they relate solely to the districts annexed belong and be transferred to the Corporation and in so far as they would at the commencement of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or the district council.

(2) This section shall not apply to the books documents maps and plans kept by the county council or the district council which relate to parts of the county other than the districts annexed but the Corporation and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the districts annexed and the respective clerks or other officers of the county council or the district council shall afford all reasonable facilities for that purpose.

Actions &c.
not to
abate.

21. No action arbitration prosecution or proceeding commenced pending or existing by or against the county council or the district council in relation to any powers liabilities or property by this Order transferred to the Corporation shall in any wise abate or be discontinued or prejudicially affected by reason of the passing of the Act confirming this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as successors of the county council or the district council as fully and effectually as they could have been continued prosecuted and enforced by or in favour of or against the county council or the district council if the Act confirming this Order had not been passed.

Extension
of water
limits.

22. The limits for the purpose of water supply by the Corporation under the Perth Water Acts 1877 to 1926 shall comprise and include the burgh and also the district comprised within an area extending one mile in all directions beyond the municipal and police boundaries of the burgh as extended by this Order and such limits as by this section defined shall be the water limits referred to in the said Acts and section 36 (Extension of water limits) of the Order of 1908 is hereby repealed.

23. The limits for the compulsory supply of water by the Corporation under the Perth Water Acts 1877 to 1926 shall comprise and include the burgh and such limits as by this section defined shall be the compulsory water limits referred to in the said Acts and section 37 (Extension of limits for compulsory water supply) of the Order of 1908 is hereby repealed.

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Extension of limits for compulsory water supply.

24. Subject to the provisions of the Perth Electric Lighting Order 1898 the area of supply for the purposes of the said Order shall be extended to embrace the burgh so that the area of supply (under the said Order and this Order) shall be co-terminous with the burgh.

Extension of limits of electricity supply.

25. The provisions of all local and personal and public general Acts and of all Orders byelaws rules regulations and determinations made under the same which apply to the existing burgh or the inhabitants thereof shall subject to the provisions of this Order extend and apply in the same way and to the like extent to the burgh and the inhabitants thereof.

Extension and application of Acts &c. to extended burgh.

26. The magistrates the burgh court the dean of guild court and the Corporation respectively shall have and possess and may exercise in and over the burgh and the inhabitants thereof all the jurisdictions powers rights and authorities which the magistrates the burgh court the dean of guild court and the Corporation respectively of the existing burgh now have and possess over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates assessments dues and charges as the same are amended and extended by this Order and all rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the magistrates the burgh court the dean of guild court the Corporation or the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the magistrates the burgh court the dean of guild court the Corporation and the inhabitants of the burgh.

Powers of magistrates &c. in extended burgh.

27. The sheriff shall continue to hold use and exercise all and every jurisdiction of whatever kind or nature civil as well as criminal which he had or is in any way entitled to hold use and exercise in the same way and

Saving jurisdiction of sheriff.

A.D. 1936. — manner as if this Order had not been made without prejudice to the extended application of the jurisdiction of the burgh court provided by this Order.

Register of
electors.

28. After the commencement of this Part of this Order and notwithstanding anything to the contrary in any Act contained the following provisions shall apply and have effect with respect to the registration of electors in the burgh (that is to say):—

- (i) The duties falling to be performed by any registration officer acting under the Election Acts in the districts annexed shall be performed by the assessor;
- (ii) Whatever is necessary to be done to or by the registration officer acting under the Election Acts in relation to the list or register of electors for parliamentary and local government purposes for the existing burgh shall be done to or by the assessor in relation to the list or register of electors for parliamentary and local government purposes for the districts annexed;
- (iii) In order to enable the assessor to make up for the districts annexed the register of electors for the year commencing the fifteenth day of October one thousand nine hundred and thirty-six he shall be entitled to access to the books and schedules of the registration officers acting under the Election Acts for the county so far as they relate to the districts annexed and those registration officers shall give the assessor all necessary and reasonable facilities for that purpose; and
- (iv) All rights and liabilities under any contracts entered into prior to the date of the commencement of this Part of this Order by the county council or by any registration officer as to the printing of the list or register of parliamentary and local government electors shall so far as applying to the districts annexed be transferred to and vested in the assessor and the Corporation and all expenses connected with the making up of the register of such electors for the districts annexed shall be borne in accordance with and in terms of the provisions of the Election Acts.

29. The Secretary of State may in order to meet the circumstances arising from the extension of the existing burgh under this Order by order vary the procedure prescribed by or in pursuance of the Temperance (Scotland) Act 1913 in connection with the taking of polls under the last-mentioned Act or otherwise including any dates fixed in connection with such procedure.

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Variation of procedure under Temperance (Scotland) Act 1913.

30. The powers of the Department of Health for Scotland (hereinafter in this section referred to as "the department") shall operate for the purpose of reconstituting by order made by the department the insurance committees for the county and for the burgh as from the commencement of this Order or such subsequent date as shall be determined by the department and that in such manner and to such extent if any as the department may deem necessary in consequence of the provisions of this Order and for the adjustment consequent on the said provisions of the boundaries of the areas and the financial rights and obligations of the said committees and any such order made by the department may contain such incidental supplemental and consequential provisions as may appear to the department necessary or expedient for carrying the order made by them into effect and for adapting thereto the provisions of the National Health Insurance Acts 1924 to 1935 provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

National insurance committees.

31.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the districts annexed shall be deemed to have a settlement within the burgh.

Poor law settlement.

(2) Every person who at the commencement of this Part of this Order is resident in the districts annexed and is in course of acquiring a settlement in the county by reason of such residence shall for the purposes of his settlement be deemed to have resided within the burgh during the period during which he has prior to the commencement of this Order resided within the districts annexed.

(3) Where at the commencement of this Part of this Order a person has a settlement within the county by reason of residence partly in the districts annexed and partly in another part of the county the burgh or the

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county as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the districts annexed or within another part of the county.

(4) The foregoing provisions of this section shall subject to the necessary modifications apply as respects the status of irremovability under the Poor Law (Scotland) Act 1934 as they apply as respects settlement.

Saving for
registrars
of births
deaths and
marriages.

32. Notwithstanding anything contained in the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1934 any registrar of births deaths and marriages whose district at the annexation includes any part of the districts annexed may have his known place of business or office at such place outside such district as may be approved by the Registrar-General for Scotland.

Saving for
county
councillors.

33. Notwithstanding anything contained in the Local Government (Scotland) Act 1889 or any Act extending or amending that Act or this Order any member of the county council who at the annexation represents any electoral division situated partly within and partly without the districts annexed shall continue to be a member of such county council (unless he resigns) until the next election of county councillors after the commencement of this Part of this Order.

Saving of
election of
members to
serve in
Parliament
teinds &c.

34. Nothing in this Order contained shall affect—

- (1) the county of Perth or the limits thereof or the electors thereof so far as regards the election of members to serve in Parliament and the county shall for parliamentary purposes remain the same as if the Act confirming this Order had not been passed;
- (2) the teinds payable out of the lands situated within the burgh or the rights privileges and emoluments of the ministers kirk sessions and session clerks of the parishes within the same or any other ecclesiastical arrangements or jurisdictions;
- (3) the holdings or tenure of any lands or heritages;

(4) the right of any superiors owners or other persons by whom or by whose predecessors roads streets lanes courts bridges foot pavements footpaths sewers and drains in the districts annexed shall have been formed to recover the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the parties respectively. A.D. 1936.

35. Nothing in this Order contained shall transfer or be deemed or construed to transfer to the Corporation— Saving for certain powers &c. of county council.

(a) any jurisdiction power or right hitherto exercised or exerciseable by the county council within the districts annexed which was also exercised or exerciseable within the existing burgh by the county council previous to the commencement of this Part of this Order;

(b) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right; or

(c) any property officer or servant held or employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability debt duty or obligation.

36. The financial adjustments as between the Corporation and the county council or district council consequent upon the inclusion within the boundaries of the burgh of the districts annexed shall be made upon the basis of the provisions of the Local Government (Adjustments) (Scotland) Act 1914 and in accordance with the rules contained in the schedule to that Act and section 50 of the Local Government (Scotland) Act 1889 shall apply and have effect on the extension of the boundaries of the existing burgh by this Order and any dispute or difference arising in connection with such adjustments shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Corporation or the county council. Financial adjustments.

37.—(1) Subject and without prejudice to the provisions of this Order the Corporation the county council district council or other authorities or any of them Corporation may enter into agreements.

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before or after the commencement of this Part of this Order may make and carry into effect agreements with respect to the transfer to the Corporation of the property liabilities or powers from such councils or other authorities or any of them and for settling and adjusting any doubt or difference arising in relation thereto and generally with respect to the execution of the provisions of this Order to which any such agreement may relate.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and of the county council district council or such other authorities or any of them respectively and shall be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property liabilities or powers of the county council district council or other authorities or any of them shall be determined by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of any of the parties concerned.

(4) If any question of law shall arise in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the court of session and the said court shall determine such question.

PART III.

CORPORATION STOCK.

Creation of
Corporation
redeemable
stock.

38.—(1) Subject to the provisions of this Order the Corporation may from time to time by resolution create redeemable stock for the purpose of raising moneys which they are authorised to borrow under any statutory borrowing power and such stock may be issued from time to time for such amount within the limit of the borrowing power at such price and to bear such half-yearly or other dividends as the Corporation may direct.

(2) Stock so created shall be designated "Perth Corporation three per cent. (or such other rate of dividend per cent. as shall be payable thereon) redeemable stock" (in this Part of this Order referred to as "Corporation stock").

(3) The resolution for the first creation of any class of redeemable stock shall provide that such stock shall be redeemed by the Corporation at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of redeemable stock and subject to the provisions of the section of this Order of which the marginal note is "Provisions respecting stock certificates with coupons to bearer" the stock shall be transferable by deed only. A.D. 1936.

39. All Corporation stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Order extinguished. Extinction of stock redeemed or purchased.

40.—(1) Where any security granted or created before or after the commencement of this Order by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security. Payment off or substitution for existing securities.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 or in section 7 of the

A.D. 1936.

Lands Clauses Consolidation Act 1845 and thereby enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(5) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Application
of Bankers'
Books
Evidence Act
1879.

41. The Corporation in relation to the provisions of this Part of this Order in regard to stock shall be deemed a banker within the Bankers' Books Evidence Act 1879.

Corporation
stock
register.

42.—(1) The Corporation shall keep a register in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this Part of this Order referred to as "the Corporation stock register").

(2) The Corporation stock register shall be prima facie evidence of any matter entered therein in accordance with this Part of this Order and of the title of the persons entered therein as stockholders.

Certificates
of proprie-
torship of
stock.

43.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof specifying the amount of Corporation stock to which he is entitled (in this Part of this Order referred to as a "stock certificate").

(2) Every stock certificate shall be sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk.

(3) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assignees to the stock therein specified but the want of a stock certificate if

such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same. A.D. 1936.

(4) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(5) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the stock certificate lost or destroyed.

(6) An entry of the issue of a stock certificate or a substituted stock certificate as the case may be shall be made in the Corporation stock register.

44. Subject to the provisions of this Order every stockholder may transfer all or any part of his stock. Power for stockholder to transfer.

45. The provisions of this section shall apply to transfers of Corporation stock :— Transfer by deed.

(1) Every transfer of Corporation stock shall be by deed and the consideration shall be duly stated therein ;

(2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever but this provision shall not prevent any of the parties to the transfer being described as a trustee or as possessing any official character ;

(3) The deed of transfer when duly executed shall be delivered to the Corporation and the Corporation shall cause the deed of transfer to be preserved in a book to be called " the register of transfers of Corporation stock " ;

(4) The Corporation shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation shall be equivalent to a new stock certificate ;

A.D. 1936.

(5) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence
of transfer.

46.—(1) The Corporation before allowing any transfer of stock may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

Closing of
transfer
books.

47.—(1) The Corporation may as regards any portion of Corporation stock close the register of transfers of Corporation stock on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than twenty-one days.

(2) The persons who on the day of closing are registered as stockholders shall as between them and the transferees of Corporation stock be entitled to the dividend next payable thereon.

Trans-
mission on
death &c.

48.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) The Corporation shall not be required to allow any executors or administrators to transfer any stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation for registration.

(3) If the interest in any Corporation stock has been transmitted in consequence of the bankruptcy of a stockholder or by any lawful means other than a transfer by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation may require.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5) Until the transmission has been so authenticated the Corporation shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock. A.D. 1936.

(6) In this section the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

49. The Corporation shall not be required to allow any executors or administrators to receive any dividend on Corporation stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation for registration. Dividends to executors &c.

50. The Corporation before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require. Evidence of title.

51.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation by any other of them. Dividends to joint holders.

(2) Where Corporation stock is standing in the name of a minor pupil infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand of the person not under disability attested by two or more credible witnesses but the Corporation before acting on the letter of attorney may if they think fit require proof to their satisfaction of the alleged minority pupil-arity or infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

52.—(1) Unless where otherwise desired by a stockholder in writing his dividend warrant shall be sent to him by post to the address given by him to the Corporation. Dividend warrants by post.

A.D. 1936.

(2) The posting by the Corporation of a letter containing a dividend warrant addressed to a stockholder at the address so given by him shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the stockholder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Provisions
respecting
stock
certificates
with
coupons to
bearer.

53.—(1) On demand of a stockholder the Corporation may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock.

(2) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed under and according to the provisions of this Order.

(3) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable by deed and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(4) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(5) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(6) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation from all liability in respect of that coupon and the dividend represented thereby. A.D. 1936.

(7) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(8) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(9) All coupons issued under this Order in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(10) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable by deed.

54.—(1) Corporation stock is moveable or personal property. Nature of Corporation stock

(2) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or be receivable by the Corporation or shall affect the Corporation but this provision shall not prevent any stockholder from being described as a trustee or as possessing any official character. Notice of trusts.

55. Notwithstanding anything in this Order the Corporation may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the Corporation if and as far as the same has not been acted on by the issue of stock thereunder. Saving for power of revocation.

A.D. 1936.

Forgery.

56.—(1) Corporation stock shall be deemed capital stock of a body corporate within the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870.

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Forms.

57. The forms given in the Third Schedule to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

58. Fees not exceeding those specified in the Fourth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned.

PART IV.

WORKS AND LANDS.

Power to make works.

59. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the widenings and improvements of streets hereinafter described or some of them or some part or parts thereof respectively with all proper works and conveniences connected therewith (all in this Order called "street works").

Description of works.

60. The street works hereinbefore referred to and authorised by this Order are wholly within the burgh and the parish of Perth and are as follows (that is to say):—

- (1) A widening and improvement (marked "Work No. 1" on the deposited plans) of South Methven Street on the east side thereof commencing at a point in South Methven Street twelve yards or thereby north from the extended line westwards of the north side of South Street and terminating at a point in South Methven Street twelve and one-third yards or thereby northwards from the said point of commencement:

(2) A widening and improvement (marked "Work No. 2" on the deposited plans) of South Methven Street on the east side thereof and of Mill Street on the south side thereof commencing at a point in South Methven Street seven yards or thereby southward from the line of the south side of Mill Street and terminating at a point in Mill Street two yards or thereby eastward from the junction of Mill Street with the east side of South Methven Street. A.D. 1936. —

61. The street works authorised by this Order shall after the completion thereof be and become vested in the Corporation to the same extent and effect as the public streets in the existing burgh are now vested in them. Ownership of street works &c.

All lamp posts paving metalling and other materials in or under any street or part of a street widened or improved and all materials obtained in the alteration of or interference with any sewers drains channels gas or water mains or pipes wires or apparatus shall by virtue of this Order vest in the Corporation who may appropriate and use or sell or dispose of the same or any of them.

62. The following sections of the Order of 1908 shall so far as the same are applicable in that behalf and are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the street works (that is to say):— Application of certain sections of Order of 1908.

Section 42 (Lateral and vertical deviations);

Section 43 (Power to cross roads &c.);

Section 44 (Corporation empowered or may be required to underpin or otherwise strengthen houses near street works).

63. The street works hereinbefore described and authorised by this Order shall be completed within eight years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

A.D. 1936.

Power to
take lands
for works.

64. Subject to the provisions of this Order the Corporation may compulsorily or by agreement enter upon take and use such of the lands houses and property shown on the deposited plans and specified and described in the deposited book of reference as may be required for or in connection with the street works authorised by and described in this Part of this Order.

Application
of further
sections of
Order of
1908.

65. The following sections of the Order of 1908 shall so far as the same are applicable in that behalf and are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the lands and other property to be acquired under the powers of this Order (that is to say) :—

Section 66 (Correction of errors in deposited plans and books of reference);

Section 67 (Power to take down buildings and lay out lands of new);

Section 68 (Purchase of land by agreement);

Section 69 (Power to take servitudes &c. by agreement).

Owners may
be required
to sell parts
only of
certain
lands and
buildings.

66. And whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and property shown on the deposited plans and numbered thereon 2 6 and 9 of Work No. 1 in the parish of Perth may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and property and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the said properties so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required

by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise. A.D. 1936.

67. The powers of the Corporation for the compulsory purchase of lands houses and property for the purposes of this Order shall cease on the first day of October nineteen hundred and forty. Limitation of time for compulsory purchase of lands.

PART V.

FINANCIAL.

68.—(1) The Corporation (in addition to any moneys they are now authorised to borrow) may from time to time borrow at interest such sum as may be necessary for satisfying paying and discharging all obligations imposed upon or undertaken by them under Part II of this Order and for exercising any of the powers conferred upon them by the said Part II as may be ascertained and determined by the Secretary of State by a certificate under his hand. Power to borrow for Part II of Order.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may reborrow the same and so on from time to time Provided that all moneys so reborrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made.

(4) All moneys required for the purpose of paying the interest on and sinking fund charges for the repayment of money borrowed by the Corporation under this section shall be paid out of any assessment payable equally by owners and occupiers.

(5) The foregoing provisions of this section shall not apply to the electricity undertaking or affect the provisions of the Electricity (Supply) Acts 1882 to 1935 in

A.D. 1936. — regard to the borrowing of money for the purposes of an electricity undertaking.

Power to
borrow for
street
works.

69.—(1) The Corporation (in addition to any moneys they are now authorised to borrow) may from time to time borrow at interest such sums of money as shall be necessary for the purchase of lands and properties and widenings and improvements of streets by this Order authorised not exceeding in the whole the sum of six thousand three hundred and forty pounds.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may reborrow the same and so on from time to time. Provided that all moneys so reborrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made.

(4) All moneys required for the purpose of paying the interest on and sinking fund charges for the repayment of money borrowed by the Corporation under this section shall be paid out of any assessment payable equally by owners and occupiers.

Periods of
repayment
of moneys.

70. The Corporation shall pay off all moneys borrowed by them under the powers of this Order within the respective periods following (that is to say):—

(1) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow for Part II of Order" within thirty years from the date or dates of the borrowing of the same. Provided that in the event of the Corporation taking over from the county council any existing loans in respect of lands or heritages or other property or assets which are transferred to the Corporation by

virtue of this Order such loans shall be repaid within the respective periods applicable to such loans : A.D. 1936.

- (2) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow for street works" within twenty years from the date of the borrowing of the same.

71. The following sections of the Order of 1904 shall mutatis mutandis be and are hereby made applicable to all moneys borrowed or raised by the Corporation under the powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 (that is to say) :— Application of sections of Order of 1904 to borrowings under this Order.

- Section 46 (Mode of repayment);
- Section 47 (Sinking fund);
- Section 48 (Power to Corporation to borrow on cash account);
- Section 49 (Protection of lenders from inquiry);
- Section 50 (Order not to restrict borrowing powers of Corporation).

72. In relation to any sanction to be given by the Secretary of State to the borrowing of money by the Corporation under this Order the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 : Powers of Secretary of State in relation to borrowing.

Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

73.—(1) The Corporation shall establish and administer a fund to be called the "burgh fund" to which shall be carried and credited in each year the moneys grants and revenues following which shall form part of the burgh fund (that is to say) :— Establish-ment of burgh fund.

- (a) The total moneys raised on account of the consolidated rate;
- (b) The total amount of Government grants received by the Corporation;
- (c) All moneys received by the Corporation on account of the revenues of the public utility

A.D. 1936.
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undertakings of the Corporation (including the revenues of any reserve depreciation or renewal fund of such undertakings) and on account of all other undertakings or services carried on by the Corporation out of or on the security of the consolidated rate; and

(d) The revenues of any insurance or other fund and all other revenues of the Corporation other than the revenues of the common good.

(2) There shall be defrayed out of the said fund all expenditure of the Corporation payable out of the consolidated rate and all expenditure of the Corporation in respect of the public utility undertakings of the Corporation and in respect of all other undertakings or services carried on by the Corporation out of or on the security of the consolidated rate.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable and in an equitable and reasonable manner apportion between these accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Accounts.

74.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation for the time being (each of which is in this section separately referred to as the “undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) The working and establishment expenses and cost of maintenance;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(d) All other expenses (if any) of the undertaking properly chargeable to revenue including any sums appropriated to the reserve fund of the undertaking; A.D. 1936.

(e) Any money applied out of the revenues of the burgh fund to any of the purposes mentioned in the section of this Order the marginal note of which is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

75. If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being exceed the moneys expended by the Corporation in respect of the expenses of that undertaking mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Order of which the marginal note is "Accounts" the Corporation may in that year (if they think fit) apply out of the burgh fund a sum equal to the amount of such excess in any of the following ways:— Application of revenue of undertakings.

(a) In reduction of capital moneys borrowed for the purposes of the undertaking;

(b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking.

76. In lieu of the provisions of section 52 (Application of revenue) of the Perth Electric Lighting Order 1898 as read with section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking in addition to the provisions of the section of this Order the marginal note of which is "Application of revenue of undertakings":— Provisions as to electricity reserve fund and surplus.

(1) The Corporation may provide a reserve fund for the electricity undertaking by setting aside such sums as they may from time to time think

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—

reasonable and investing such sums in government securities or in any other securities in which trustees are by law for the time being authorised to invest until the fund so formed amounts to one-tenth of the aggregate capital expenditure of the electricity undertaking. The fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the electricity undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the said undertaking and so that if the fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as the reduction happens :

- (2) If in any year the accounts of the electricity undertaking kept under the section of this Order the marginal note of which is "Accounts" shall show that the revenue of the electricity undertaking in respect of that year (including (if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking) the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking an amount equal to such excess shall be deemed for the purposes of the section of this Order of which the marginal note is "Accounts" to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for

electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess; A.D. 1936.

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure such amount as the Corporation may think fit (not being less (in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking) than the difference between the said excess and that sum) shall be deemed for the purposes of the section of this Order of which the marginal note is "Accounts" to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue:

- (3) The Corporation shall in every year so long as the electricity reserve fund provided by the Corporation is less than the prescribed maximum transfer to that fund out of the burgh fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the electricity reserve fund and carried to the burgh fund.

77. Where the Corporation or the magistrates or any number of them are the sole trustees for any charity foundation or mortification then and in every such case the accounts relative to the same shall be kept distinct from the other accounts kept by the Corporation. Trust funds under management of Corporation.

78. The Corporation shall keep a separate account of the common good and in such account shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts and on the other side all payments and expenses. Account of common good.

A.D. 1936.

PART VI.

MISCELLANEOUS.

Supply of
water to
houses
partly used
for trade &c.

79. The Corporation shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any public institution mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or
- (c) any boarding house capable of accommodating twelve or more persons including the persons usually resident therein.

Charges for
horses and
washing
vehicles.

80.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a stand-pipe or tap be fixed on such premises charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first Provided that if a hose-pipe or other similar apparatus be used in connection with the said stand-pipe or tap the Corporation may charge such additional sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates or assessments levied for the supply of water for domestic purposes.

(3) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes

and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter. A.D. 1936.

81. Where a person who takes a supply of water for domestic purposes from the Corporation desires to use any water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleaning cooling regenerating or for motive power or similar purposes) depending while in use upon a supply of continuously running water the Corporation shall be entitled to require that all water so used shall—

Charges for supplies for refrigerating apparatus &c.

- (a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water (exclusive of meter rent) shall be such sum not exceeding ten shillings as the Corporation may from time to time fix; or
- (b) be paid for at such rates as may be agreed between the consumer and the Corporation.

82.—(1) The Corporation may make byelaws for safeguarding from contamination the water in any of their service reservoirs and incidentally for prohibiting any unauthorised person from entering within the boundary wall or fence of any such reservoir. Protection of service reservoirs.

(2) Sections 183 to 187 of the Public Health (Scotland) Act 1897 shall apply to byelaws made in pursuance of this section.

(3) Nothing in this section shall affect the application of section 61 (Penalties for causing the water of the undertakers to be fouled &c.) of the Waterworks Clauses Act 1847 to the waterworks undertaking of the Corporation.

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Nuisance
by dogs.

83. Every person in charge of a dog in any street and having the dog on a lead who shall allow or permit such dog to deposit its excrement upon a public pavement or footway shall be liable to a penalty not exceeding forty shillings.

Amendment
of Town
Councils
(Scotland)
Act 1900
relating to
casual
vacancies
in Corpora-
tion.

84. Notwithstanding anything in the Town Councils (Scotland) Act 1900 contained in case of any vacancy occurring in the Corporation from any cause (other than retirement in ordinary rotation at an annual election) between the eighteenth day of October in any year being the last day for the issue of the notice referred to in section 42 (Notice of vacancies and dates of nomination and election) of the Town Councils (Scotland) Act 1900 and the first day of October in the following year the vacancy so occurring shall subject to the provisions of the following section of this Order be filled up by a special election by the electors of the ward in respect of which such vacancy has occurred and the following provisions shall apply and have effect (that is to say):—

- (1) The election shall be conducted and the costs and charges thereof defrayed in the same manner as in the case of an annual election :
- (2) The town clerk of the burgh as soon as may be after the occurrence of the vacancy shall subject to the approval of the Corporation fix the date of the election and the dates for the issue of all necessary notices and for lodging and withdrawing nomination papers so that the intervals between such respective dates shall be the same as in the case of an annual election and such notices and papers shall be in or as nearly as may be in the forms respectively used in the case of an annual election :
- (3) The town clerk shall by notice to be affixed to the outside wall of the city chambers and also to be published by handbills posted up throughout the ward in respect of which the vacancy has occurred or by insertion at least once in some newspaper or newspapers published within the burgh intimate—

(1) the cause of the vacancy (2) the ward in which the vacancy falls to be filled up

(3) the date and place for lodging and with- A.D. 1936.
drawing nomination papers (4) the date of the
election in the event of there being a poll and
(5) the polling place :

(4) If more than one candidate is nominated for the
vacancy the town clerk shall by notice to be
affixed and published as aforesaid give the
names of all persons so nominated and not
withdrawn :

(5) The person elected at the election shall hold the
office of town councillor during the period for
which the person vacating such office might
lawfully have held the same.

85. In case of any such vacancy as is referred to in the last preceding section occurring within the three months immediately preceding an annual election the Corporation may resolve that such vacancy shall not be filled up until such annual election. Vacancy within three months of annual election.

86. The Corporation may at any time from and after the commencement of this Order take down and remove the barricades in Balhousie Street and Hay Street respectively and as and from such taking down and removal of such barricades such streets shall be deemed to become public streets repairable by the Corporation. Removal of barricades in Balhousie Street and Hay Street.

87.—(1) The harbour-master may within the harbour and the river Tay and the entrances to the harbour raise and remove or if necessary destroy break up take away and sell any wrecked stranded abandoned or sunken vessel seaplane hydroplane airship or other aircraft or other wreck or thing (all of which are in this section included in the expression " vessel ") and the cargo goods and property therein or any obstruction or floating timber and the expense of raising removing destroying breaking up taking away and selling any such vessel cargo goods property obstruction or floating timber shall be repaid by the master or owner of the same and the harbour-master may detain such vessel cargo goods property obstruction or floating timber in security of such expense and on non-payment of such expense on demand may sell the same and out of the proceeds of such sale may pay the expense incurred in raising removing or Power to remove wrecks &c.

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destroying breaking up or taking away such vessel cargo goods or property obstruction or floating timber and the charges of detention and sale rendering the overplus if any to the person entitled to the same and if from such proceeds a sufficient sum to pay such expense shall not be obtained the deficiency shall be recoverable from the master or owner of such vessel cargo goods property or obstruction or floating timber as damages or expenses such damages and expenses to be recovered by the Corporation as a civil debt Provided always that the Corporation shall before selling any such cargo goods or property as aforesaid pay all duties which may be payable to His Majesty in respect of the cargo goods or property to be sold and they may retain the amount of the duties so paid out of the proceeds arising from the sale of such cargo goods or property.

(2) For the purposes of this section and of giving effect to and in furtherance of the powers conferred on the Corporation and the harbour-master by sections 56 and 57 of the Harbours Docks and Piers Clauses Act 1847 and the powers conferred upon the Corporation by the Merchant Shipping Act 1894—

(a) the words “expense” “expenses” and “charges” in those sections and that Act respectively shall include all expenses incurred by the Corporation in lighting watching detaining advertising marking buoying raising removing destroying breaking up taking away and selling any vessel cargo goods or property therein or any obstruction or floating timber wrecked stranded abandoned or sunken within the harbour and river Tay and the entrances to the harbour or any part thereof or otherwise for any purpose in respect of such vessel cargo goods property obstruction or floating timber and also all expenses incurred by the Corporation or the harbour-master under this section or section 57 of the Harbours Docks and Piers Clauses Act 1847 or section 530 of the Merchant Shipping Act 1894; and

(b) the word “owner” shall include the owner of any vessel cargo goods property obstruction or floating timber at the time of the wreck

stranding abandonment or sinking of such vessel or others within the harbour or river Tay and the entrances to the harbour and also the owner of the same at any time thereafter. A.D. 1936.
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(3) The powers conferred on the harbour-master by this section and by sections 56 and 57 of the Harbours Docks and Piers Clauses Act 1847 may be exercised by the Corporation or by the harbour-master and all notices or directions which the harbour-master is authorised to give under the Harbour Acts or the Harbours Docks and Piers Clauses Act 1847 or under any byelaws made thereunder may be signed by the harbour-master or by the town clerk.

(4) The powers of the Corporation under subsection (1) of this section shall not be exercised in respect of a vessel if the owner thereof within twenty-four hours after the sinking stranding or abandonment of the vessel takes such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and does all things necessary to raise and remove the vessel as speedily as possible to the satisfaction of the harbour-master.

(5) Notwithstanding anything contained in the Harbour Acts the master of any vessel who fails to comply with any notice or direction given in pursuance of the Harbour Acts or of the Harbours Docks and Piers Clauses Act 1847 shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

(6) Except for the purpose of removing any obstructions to the harbour nothing in this section shall entitle the Corporation to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Corporation shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such overplus of the proceeds of sale thereof as is referred to in subsection (1) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

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(7) The provisions of this section shall extend and apply to the whole area of the river Tay over which the Corporation have jurisdiction by royal charter or Act of Parliament.

Vesting of
property
transferred
to Corpora-
tion.

88. All property transferred to or vested in the Corporation by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

Repeal of
sections of
certain
former
Acts and
Orders.

89. After the commencement of this Order the sections of the Acts and Orders mentioned in the Fifth Schedule to this Order set out in the first column of that schedule are hereby repealed to the extent mentioned in the second column of that schedule.

Recovery
and applica-
tion of
penalties.

90. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or under any byelaws orders or regulations made under this Order shall be proceeded with in any court of summary jurisdiction and be conducted under and in conformity with the Summary Jurisdiction (Scotland) Act 1908 and any Acts extending or amending the same.

Crown
rights.

91. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

92. The Corporation shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

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Works below high-water mark not to be constructed without consent of Board of Trade.

93. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation out of moneys which the Corporation are hereby authorised to borrow for the purpose and any money so borrowed shall be repaid within five years from the borrowing of the same.

Costs of Order.

A.D. 1936. The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

DISTRICTS ANNEXED TO THE EXISTING BURGH OF PERTH
BY THIS ORDER.

I. DISTRICT No. 1.

(TO BE ADDED TO THE EXISTING SIXTH WARD.)

The area and lands and heritages therein situate partly in the parish of Scone and partly in the parish of Kinnoull in the county of Perth and within the following boundaries (namely) :—

Commencing at a point in the boundary of the existing burgh at the fence dividing the field numbered 759 from the field numbered 762 on the Ordnance survey map (scale 1/2500 edition of 1933) thence north-eastwards following the line of the said fence till it meets the fence separating the field numbered 760 on the said map from the said fields numbered 759 and 762 thence south-eastwards along the said last-mentioned fence to its junction with the fence between the fields numbered 760 and 738 on the said map thence north-eastwards along the last-mentioned fence and continuing along the fence separating the field numbered 740 from the field numbered 739 on the said map to the north-east corner of the said field numbered 739 thence south-eastwards along the fence separating the said field numbered 739 from the roadway numbered 735 on the said map to the north-west side of the Perth-Coupar Angus Road thence across the said road and continuing south-eastwards along the fence separating the field numbered 736 from the field numbered 731 to the parish boundary dividing the parish of Scone from the parish of Kinnoull thence south-westwards along the said parish boundary to the fence dividing the northmost feus at Gannochy Edge from the field numbered 32 on the said map thence south-eastwards along the last-mentioned fence and continuing in the same line through the said field numbered 32 to the fence on the south-east side of the footpath in continuation of Gannochy Road thence south-westwards along the south-east side of the said footpath and Gannochy Road to a point where it joins the boundary of the existing burgh.

II. DISTRICT No. 2.

A.D. 1936.

(TO BE ADDED TO THE EXISTING SIXTH WARD.)

The area and lands and heritages therein wholly situate in the parish of Kinnoull and county of Perth and within the following boundaries (namely) :—

Commencing at a point in the boundary of the existing burgh on the north side of Muirhall Road at the corner of Murray House grounds thence eastwards along the north side of Muirhall Road thence southwards across the said road and along the east side of the road numbered 330 on the Ordnance survey map (scale 1/2500 edition of 1932) thence eastwards along the north side of Mount Tabor Road to a point in the fence between the road numbered 336 and the field numbered 337 on the said map thence along the south-west corner of the said field numbered 337 on the said map to the east boundary of the lands known as Kinnoull Hill belonging to the Corporation of Perth thence following the eastern and northern boundaries of the said Kinnoull Hill lands to the boundary between Kinnoull parish and Kinfauns parish thence generally south-westwards along the said boundary to where it joins the boundary of the existing burgh.

III. DISTRICT No. 3.

(TO BE ADDED TO THE EXISTING SECOND WARD.)

The area and lands and heritages therein wholly situate in the parish of Perth (landward) in the county of Perth and within the following boundaries (namely) :—

Commencing at a point in the boundary of the existing burgh at the junction with the centre line of the river Tay and the Willowgate thence in a south-easterly direction to the mouth of the burn on the south bank of the Tay thence in a southerly direction along the centre line of the said burn running between the fields numbered 238 and 242 and the fields numbered 237 and 263 on the Ordnance survey map (scale 1/2500 edition of 1932) and thence continuing southwards to the south side of the service road leading to the farm of Easter Tarsappie thence in a south-westerly direction along the east side of the said service road to a point on the south side of Rhynd Road thence in a south-westerly direction along the east boundary of the cottage on the south side of Rhynd Road to a point about 67 yards south of the south side of Rhynd Road thence in a westerly direction through the field numbered 294 on the Ordnance survey map (scale 1/2500 edition of

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1933) and the fields numbered 294 and 300 on the Ordnance survey map (scale 1/2500 edition of 1932) in a line parallel with the said Rhynd Road to a point on the east side of Edinburgh Road thence across the said road thence in a northerly direction along the west side of Edinburgh Road to the north-east corner of the field numbered 303 on the said map (scale 1/2500 edition of 1932) thence in a south-westerly direction along the northern boundary of the said field numbered 303 on the said last-mentioned map thence around the east boundary of the field numbered 305 on the said last-mentioned map thence westwards along the north boundary of the said field numbered 305 to a point in the said field over the centre line of the Moncrieffe Tunnel of the London Midland and Scottish Railway thence northwards along the centre line of the said Moncrieffe Tunnel through the field numbered 233 on the said map of 1932 and the fields numbered 233 and 214 on the said map of 1933 and across Edinburgh Road above the centre line of the said tunnel until it joins the boundary of the existing burgh on the east side of Edinburgh Road.

IV. DISTRICT No. 4.

(TO BE ADDED TO THE EXISTING THIRD WARD.)

(a) The area and lands and heritages therein situate in the parish of Perth (landward) in the county of Perth and within the following boundaries (namely):—

Commencing at a point in the boundary of the existing burgh on the east side of Edinburgh Road above the centre line of Moncrieffe Tunnel thence southwards across the said Edinburgh Road above the centre line of the said tunnel and through the fields numbered 214 and 233 on the Ordnance survey map (scale 1/2500 edition of 1933) and the field numbered 233 on the Ordnance survey map (scale 1/2500 edition of 1932) in line with the centre of Moncrieffe Tunnel to the north boundary of field numbered 305 on the said last-mentioned map thence along the north boundary of the said last-mentioned field to the north-west corner thereof thence northwards along the east boundary of the ground numbered 306 on the said last-mentioned map to the north-east corner thereof thence westwards along the north side of the stone dyke forming the south boundary of the fields numbered 214 and 219 on the said map of 1933 thence north-westwards across the road to St. Magdalene's Hill numbered 220 on the said last-mentioned map thence in a north-westerly direction along the fence dividing the ground numbered 229 222 and 187 and the field numbered 185 from the fields numbered 190 190A and the ground numbered 188 on the said

last-mentioned map until it reaches the north-east corner of the said field numbered 185 thence in a westerly direction along the north side of the footpath leading from St. Magdalene's Farm to Buckie Braes which footpath forms the southern boundary of the fields numbered 175 180A and 180 and the Craigie Hill golf course numbered 132 on the said last-mentioned map until it reaches the south-west corner of Craigie Hill golf course thence in a northerly direction along the west boundary of Buckie Braes thence in a westerly direction along the fence dividing the fields numbered 124 and 115 from the fields numbered 122A 121 and 116 on the said map of 1932 thence northwards along the east side of the wall dividing the field numbered 114 from the field numbered 116 on the said map of 1932 to a point on the south side of the Perth-Aberdalgie Road thence northwards in a straight line across Aberdalgie Road and through the field numbered 108 on the said last-mentioned map to the westmost point of the boundary of the existing burgh on the south side of Glasgow Road. A.D. 1936.

(b) The area and lands and heritages therein situate in the parish of Tibbermore in the county of Perth and within the following boundaries (namely):—

Commencing at a point in the boundary of the existing burgh on the west side of Hillend Road at the boundary between the parish of Aberdalgie and the parish of Tibbermore thence north-westwards along the said parish boundary for a distance of 67 yards thence north-eastwards through the fields numbered 580 and 489 on the Ordnance survey map (scale 1/2500 edition of 1932) in a line parallel to the west side of Hillend Road to a point in the said field numbered 489 84 yards south of the south side of Old Gallows Road thence eastwards in a straight line through the said field numbered 489 to a point on the west side of Hillend Road opposite the centre line of the road numbered 500 on the said map at which last-mentioned point it joins the boundary of the existing burgh.

V. DISTRICT No. 5.

(TO BE ADDED TO THE EXISTING FOURTH WARD.)

The area and lands and heritages therein situate in the parish of Tibbermore in the county of Perth and within the following boundaries (namely):—

Commencing at a point in the boundary of the existing burgh on the west side of Hillend Road opposite the centre line of the road numbered 500 on the Ordnance

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survey map (scale 1/2500 edition of 1932) and proceeding westwards in a straight line through the field numbered 489 on the said map to a point in the division fence between the fields numbered 489 and 488 a distance of 67 yards from the south side of Old Gallows Road thence continuing westwards parallel to the south side of Old Gallows Road through the field numbered 488 for a distance of 284 yards or thereby thence northwards in a straight line through the said field numbered 488 across the said Old Gallows Road and continuing northwards through the field numbered 474 on the said map to the fence forming the west boundary of the quarry numbered 473 on the said map thence continuing northwards following the said fence until it reaches the south boundary of field numbered 476 on the said map thence eastwards along the south boundary of the said field numbered 476 and ground numbered 472 on the said map thence across the road numbered 471 on the said map thence continuing eastwards along the fences dividing fields numbered 468 467 and 464 from the quarry numbered 470 and the fields numbered 469 466 and 465 on the said map until it joins with the boundary of the existing burgh at the north-west corner of the field numbered 462 on the said map.

VI. DISTRICT No. 6.

(TO BE ADDED TO THE EXISTING FIFTH WARD.)

The area and lands and heritages therein situate partly in the parish of Tibbermore and partly in the parish of Scone in the county of Perth and within the following boundaries (namely) :—

Commencing at a point on the boundary of the existing burgh on the north side of the road numbered 377 on the Ordnance survey map (scale 1/2500 edition of 1933) at its junction with the west side of the service road to South Muirton Farm Steading thence north-westwards along the north-east boundary of the fields numbered 376 and 363 on the said map and continuing in the same direction along the west side of the cart track which forms the east boundary of the field numbered 182c to a point opposite the north-west boundary of the field numbered 182B thence north-eastwards across the said cart-track and along the north-west boundary of the said field numbered 182B to the fence on the west side of the footpath on the right bank of the river Tay thence north-westwards along the said fence to a point opposite the line marked on the Ordnance survey map (scale 1/2500 second edition of

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1901) indicating the highest point to which ordinary spring tides flow thence north-eastwards following the said line across the said footpath and river bank and across the said river Tay to the south end of the breakwater and continuing north-eastwards in the same line through Scone Park to a point 237 yards from the centre line of the said river Tay thence in a south-easterly direction in a straight line through the said park numbered 387 on the said map and the parks numbered 387 441 442 and 751 on the Ordnance survey map (scale 1/2500 edition of 1933) to join the boundary of the existing burgh at the centre line of the Annaty burn on the west parapet of Quarrymill Bridge.

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THE SECOND SCHEDULE.

WARDS OF THE BURGH AS EXTENDED BY THIS ORDER.

THE FIRST WARD.

Commencing by a line drawn from the centre of the river Tay westwards to and along the centre of Victoria Street to and northwards along the centre of King Street and South Methven Street to High Street Port thence eastwards along the centre of High Street to the centre of the river Tay and thence along the centre of that river to the point of commencement.

THE SECOND WARD.

Commencing by a line drawn from the centre of High Street Port to and along the centre of South Methven Street and King Street to and eastwards along the centre of Victoria Street to the centre of the Willowgate Branch of the river Tay thence southwards along the centre of the said Willowgate Branch to the south bank of the river Tay and along the centre of the burn and the east side of Farm Road to and around the eastern and southern boundaries of the cottage on the south side of Rhynd Road thence westward in a line parallel with Rhynd Road to and around the southern and western boundaries of Craigclowan to

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the centre line of the Moncrieffe Tunnel of the London Midland and Scottish Railway thence northwards to the mouth of Moncrieffe Tunnel thence north-westwards along the said railway to the General Railway Station thence northwards to and along the centre of Caledonian Road to the centre of West High Street thence eastwards along the centre of that street to the point of commencement.

THE THIRD WARD.

Commencing by a line drawn from the centre of the junction of York Place with Caledonian Road to and southwards along the centre of Caledonian Road to the General Railway Station thence along the London Midland and Scottish Railway to a point over the centre line of the Moncrieffe Tunnel on the boundary of the burgh as extended by this Order thence north-westwards following the boundary of the burgh as extended by this Order to the south-west corner thereof thence northwards along the said boundary to the south side of Glasgow Road thence westwards along the boundary of the existing burgh thence to a point 67 yards west of Hillend Road thence north-eastwards in a line parallel to Hillend Road and thence eastwards to and along the centre of the road on the north side of the Burghmuir Hospital to Gowrie Bank thence in a straight line to the centre of the Glasgow Road at the south end of Rose Crescent thence along the centre of the Glasgow Road and York Place to the point of commencement.

THE FOURTH WARD.

Commencing by a line drawn from the centre of High Street Port westwards to and along the centre of West High Street to and along the centre of Caledonian Road to and along the centre of York Place and Glasgow Road to Rose Crescent thence in a straight line westwards to and along the centre of the road on the north side of the Burghmuir Hospital to the west side of Hillend Road thence continuing in a straight line westwards to and along the boundary of the burgh as extended by this Order thence northwards and eastwards along the said boundary to the existing burgh boundary thence eastwards and northwards along the existing burgh boundary across the fields to and eastwards along Crieff Road to the centre of the Town's Lade thence southwards along the centre of the Town's Lade to the Military Barracks thence along the north boundary of the Military Barracks to and along the centre of Barrack Street Atholl Street and North and South Methven Streets to the point of commencement.

THE FIFTH WARD.

Commencing by a line drawn from the centre of High Street Port to and northwards along the centre of South and North

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Methven Streets Atholl Street and Barrack Street to and along the north side of the Military Barracks to and along the centre of the Town's Lade to and westwards along the centre of the Crieff Road to East Newton Lodge at Hillyland thence north-westwards to and along the centre of the Newton Burn and Town's Lade to Tulloch Works thence eastwards along the north side of the road leading to Dunkeld Road at Muirton Toll to and along the north side of the road leading from that toll to South Muirton Farm thence following the boundaries of the burgh as extended by this Order northwards and eastwards through the lands of Muirton to and along the right bank of the river Tay thence across the river Tay above Woody Island to and south-eastwards through the Scone Park following the said boundaries to the Quarry Mill Bridge thence westward to and along the centre of the river Tay to a point opposite the centre of the foot of High Street thence westwards to and along the centre of High Street to the point of commencement.

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THE SIXTH WARD.

Commencing in the centre of the river Tay opposite High Street and following the centre line of the said river northwards to a point opposite Quarry Mill Bridge thence eastwards to the said bridge thence south-eastwards to Doo'cot Park thence north-eastwards and south-eastwards to the south side of the footpath in continuation of Gannochy Road thence south-westwards along the south side of Gannochy Road to the existing burgh boundary thence southwards following the line of the existing burgh boundary to the north side of Muirhall Road thence southwards following the line of the boundaries of the burgh as extended by this Order to a point on the existing burgh boundary on Kinnoull Hill Cliff thence following the existing burgh boundary to the centre of the Willowgate Branch of the river Tay thence northwards along the centre line of the said Willowgate and the said river Tay to the point of commencement.

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THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Forms.")

(A)

CITY AND ROYAL BURGH OF PERTH.
RESOLUTIONS ON CREATION OF STOCK.

The lord provost magistrates and councillors resolved as follows :—

(First) That under the authority and subject to the provisions of the Perth Corporation Order 1935 the Corporation do hereby create stock to be called the Perth Corporation per cent. redeemable stock (here insert year of first issue) and to be issued to an amount not exceeding (state sum in words) pounds.

(Second) That such stock shall be issued at the price and shall bear the dividends hereinafter specified (that is to say) :—

(Here specify these particulars.)

(Third) That such stock shall be redeemed as follows (state terms).

(B)

CITY AND ROYAL BURGH OF PERTH.
CORPORATION STOCK CERTIFICATE.

Number

This is to certify that A.B. of ()
is the proprietor of () pounds
of Perth Corporation per cent. redeemable stock
(here insert year of first issue) subject to the Acts of Parliament relating thereto.

Given under the common seal of the city and royal burgh of Perth and subscribed by and with the authority of the lord provost magistrates and councillors of the said city and royal burgh this () day of () (19).

A.B. Member of the town council of Perth.

C.D. Town clerk.

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1 EDW. 8.] Order Confirmation Act, 1936.

[Ch. vii.]

(C)

A.D. 1936.

CITY AND ROYAL BURGH OF PERTH.

DEED OF TRANSFER.

I A.B. of () in consideration
of the sum of () pounds paid
to me by C.D. of () (hereinafter
called "the said transferee") do hereby transfer to the said
transferee the sum of () pounds
Perth Corporation per cent. redeemable
stock (here insert year of first issue)
standing (or part of the stock standing) in my name in the books
of the lord provost magistrates and councillors of the city and
royal burgh of Perth to hold unto the said transferee his executors
administrators and assignees (or successors and assignees) subject
to the several conditions on which I hold the same at the time
of the execution hereof and I the said transferee do hereby agree
to take the said stock subject to the same conditions.

As witness our hands and seals the ()
day of ().

(D)

DIVIDEND WARRANT.

PERTH CORPORATION REDEEMABLE STOCK.

(£ per cent.)

To the cashier or manager (or other official) of
Pay to bearer the sum of
for

year's dividends on the sum of £ Perth
Corporation per cent. redeemable stock
(here insert year of first issue)

due 19 - - - -

Less income tax at d. per £ - - - -

£

I do hereby acknowledge to have received of (the bank) the
above-mentioned sum in full payment for dividend due as above.

[26 GEO. 5. & *Perth Corporation* [Ch. vii.]
1 EDW. 8.] *Order Confirmation Act, 1936.*

THE FIFTH SCHEDULE.

A.D. 1936.

(Referred to in the section of this Order of which the marginal note is "Repeal of sections of certain former Acts and Orders.")

| Section of Act. | Extent of repeal. |
|--|--|
| I.—The Perth Gas Act 1871. | |
| Section 65 (Commissioners to fix rates for gas). | The last proviso. |
| II.—The Perth Water Act 1877. | |
| Section 90 (Rates to be regulated by annual expenditure and provision for sinking fund). | All the words in the section after the words "sinking fund." |
| Section 125 (Application of revenue). | The whole of the section. |
| III.—The Perth Water Act 1888. | |
| Section 44 (Application of water revenue). | The word "(lastly)" and all the words following to the end of the section. |
| IV.—The Perth Corporation Water Order 1926. | |
| Section 25 (Application of water revenue). | The word "(lastly)" and all the words following to the end of the section. |

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FOR

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