



CHAPTER lxxv.

An Act for the Improvement of the City and Royal Burgh of Perth and the construction of new and the widening and improvement of existing streets therein and for other purposes. A.D. 1893.
[29th June 1893.]

WHEREAS the Lord Provost magistrates and council of the city and royal burgh of Perth (herein-after called "the burgh") are the Commissioners within the burgh under the Burgh Police (Scotland) Act 1892 which Act applies to the burgh :

55 & 56
Vict. c. 55.

And whereas many of the dwelling-houses in certain districts of the burgh are old and dilapidated and in a ruinous condition and unfit for human habitation and such districts are so densely populated as to be injurious to the moral and physical welfare of the inhabitants and detrimental to the burgh generally and it would effect a great public improvement and be conducive to the public health if various houses and buildings in such districts were taken down and the said districts reconstituted and if several new streets were constructed and certain existing streets were widened and improved and certain existing closes and streets were stopped up and discontinued to be used by the public and it is expedient that powers for effecting those objects be conferred on the Commissioners :

And whereas it is necessary and expedient to make provision for enabling the Commissioners to borrow the money required to be raised by them for carrying out the objects and purposes of this Act and the repayment of the same :

And whereas plans and sections showing the lines and levels of the intended new streets and of the intended widening and improvements of existing streets authorised by this Act and plans showing the several lands houses and properties authorised to be acquired by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and properties required or which may be taken for the several purposes or under the powers of this Act were duly

A.D. 1893. — deposited with the principal sheriff clerk for the county of Perth and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

- Short title. 1. This Act may be cited as the Perth Improvement Act 1893.
- Incorporation of Lands Clauses Acts. 2. The Lands Clauses Acts are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.
- Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Burgh Police (Scotland) Act 1892 and by the Acts wholly or partially incorporated with this Act have the same respective meanings unless varied by this section or unless there be something in the subject or context repugnant to such construction :
- “Police Act” means the Burgh Police (Scotland) Act 1892 ;
 - “Burgh” means the burgh of Perth within the limits thereof as fixed and defined by the Public Act second and third William the Fourth chapter sixty-five ;
 - “Commissioners” means the Commissioners of the burgh under the Police Act ;
 - “Sheriff” means the sheriff of the county of Perth or any of his ordinary substitutes ;
 - “Person” includes company corporation trustees and commissioners ;
 - “New street” shall extend to and include any road bridge lane square court alley close wynd vennel and thoroughfare or public passage laid out or dedicated or proposed to be laid out or dedicated for use within the burgh after the passing of this Act.
- Power to take lands. 4. Subject to the provisions of this Act the Commissioners may enter upon take and use for the purposes of the works by this Act authorised and for the other purposes of this Act or any of them all or any of the lands shown on the deposited plans and described in the deposited books of reference.
- Purchase of lands by agreement. 5. In addition to the lands houses and property which the Commissioners are by this Act authorised to take compulsorily they may from time to time by agreement purchase or otherwise acquire

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any lands houses or other property and any interest right of user power or privilege in over or affecting any lands houses or other property which they think expedient for any of the purposes of this Act but the Commissioners shall not deal with any such lands houses or property so as to create or permit a nuisance.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Commissioners any easement servitude right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Power to certain persons to grant easements &c. by agreement.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited books of reference the Commissioners after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or wrong description arose from accident or mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and the decision of the sheriff in such matter shall be final.

Omission or mis-statement in plans or books of reference may be corrected.

8. The certificate of the sheriff shall be deposited in the office at Perth of the principal sheriff clerk of the county of Perth and a duplicate thereof shall be deposited with the session clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such sheriff clerk and session clerks respectively along with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or wrong description had not been made.

Certificates to be deposited.

9. And whereas in the exercise by the Commissioners of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties

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

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without material detriment thereto. Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the schedule to this Act and whereof portions only are required for the purposes of this Act may if such portions can in the opinion of the arbiter or arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without such material detriment as aforesaid be required to sell and convey to the Commissioners the portions only of the premises so required without the Commissioners being obliged or compellable to purchase the whole or any greater portion thereof the Commissioners paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Limiting
period for
compulsory
purchase of
lands.

Restrictions
on displacing
persons of
labouring
class.

10. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of seven years from the passing of this Act.

11.—(1) The Commissioners shall not under the powers of this Act except with the consent of the Secretary for Scotland purchase or acquire ten or more houses in any district within the meaning of the Public Health (Scotland) Act 1867 which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modification in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Commissioners acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Commissioners may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section ninety of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Commissioners for the purposes of any scheme under this section in the same manner in all respects as it would apply to the Commissioners as local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Commissioners may on any lands belonging to them or purchased or acquired under this section or under any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to borrow in virtue of this Act.

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Provided that all lands on which any buildings have been erected or provided by the Commissioners in pursuance of any scheme under this section shall for the period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Commissioners shall contain proper covenants for securing that the buildings on such lands shall during such period of twenty-five years be used exclusively for the purpose of such dwellings and shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Commissioners shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to
Commis-
sioners to
make new
streets and
street im-
provements.

12. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the new streets and street improvements herein-after described or some or one of them or some part or parts thereof with all necessary and proper approaches retaining walls piers abutments embankments arches sewers drains culverts and other works and conveniences in con-

nexion therewith respectively The new streets and street improvements herein-before referred to and authorised by this Act are—

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Work No. 1.—A new street commencing by a junction with South Street on its northern side at a point one hundred and fifty-six yards or thereabouts west from St. John Street and terminating by a junction with High Street at a point one hundred and sixty yards or thereabouts west from St. John Street;

Work No. 2.—A new street commencing by a junction with South Street on its northern side at a point opposite the north end of Scott Street and one hundred and thirty yards or thereabouts east from South Methven Street and terminating by a junction with High Street at a point one hundred and twenty-seven yards or thereabouts east from South Methven Street;

Work No. 3.—A new street commencing by a junction with High Street on its northern side at a point opposite the termination of Work No. 2 and one hundred and twenty-six yards or thereabouts east from South Methven Street and terminating by a junction with Mill Street at a point opposite the south end of Kinnoull Street and one hundred and twenty-eight yards or thereabouts east from South Methven Street;

Work No. 4.—The widening of High Street on its southern side from and commencing at Caledonian Road to and terminating at New Row;

Work No. 5.—The continuation of Lickley Street in a straight line on both sides thereof from and commencing at its southern end at or towards Market Street to and terminating by a junction with High Street as that street is intended to be widened at a point fifty-two yards or thereabouts east from Caledonian Road;

Work No. 6.—The continuation of Milne Street in a straight line on both sides thereof from and commencing at its junction with Market Street to and terminating by a junction with High Street as that street is intended to be widened at a point fifty-seven yards or thereabouts west from New Row:

The said intended Works Nos. 1 and 2 will be wholly situate in the Middle Church parish of Perth No. 3 will be wholly situate in St. Paul's Church parish of Perth and Nos. 4 5 and 6 will be wholly situate in the East Church parish of Perth.

13. In executing the several works by this Act authorised the Commissioners may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation

Lateral deviation.

A.D. 1893. — shown thereon. Provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited books of reference without his previous consent unless his name be omitted by accident or mistake and the fact that the omission proceeded from accident or mistake be certified as by this Act is provided for in cases of unintentional errors in the books of reference.

Vertical deviation.

14. In executing the said several works the Commissioners may deviate from the respective levels thereof as referred to the datum lines shown on the deposited sections to any extent not exceeding three feet.

Power to cross roads &c. temporarily.

15. For the purposes and during the execution of the several works by this Act authorised and subject to the provisions of this Act the Commissioners may from time to time cross divert alter or stop up temporarily any street road highway bridge wynd close vennel passage entry court place thoroughfare railway tramway sewer drain gas water or other main or pipe telegraph telephone or other wire main pipe work or apparatus in any of the lands or streets shown on the deposited plans and specified in the deposited books of reference and which they from time to time find it expedient for any of the purposes aforesaid so to interfere with doing as little damage as may be thereto and providing proper substitutes for any such sewer drain gas water or other main or pipe so interfered with and making compensation to all persons injuriously affected by the exercise of the powers of this section. Provided that the Commissioners shall not remove alter use appropriate or in any manner interfere with any telegraph telephone or other wire pipe or apparatus belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878. Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section fifteen of the former Act apply.

Power to make minor works connected with new streets &c.

16. Subject to the provisions of this Act and in accordance with the deposited plans and within the boundaries of the areas or limits of lateral deviation thereon defined the Commissioners in connexion with the several works by this Act authorised or any of them and for the purposes thereof may make and maintain junctions and communications with any existing streets closes or thoroughfares which may be intersected or interfered with by any of the said several works or be contiguous thereto and for the purpose of such junctions or communications may alter the line or level of any existing street road close or thoroughfare and may remove alter divert stop up enclose use or appropriate all or any part of

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any street road highway bridge wynd close vennel passage entry court place thoroughfare sewer drain gas water or other main or pipe telegraph telephone or other wire main pipe work or apparatus within the boundaries and limits aforesaid the Commissioners first providing a proper substitute before interrupting the flow of sewage in any such sewer or drain or the passage or flow of gas or water in any such gas or water main or pipe and making compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the Commissioners shall not remove alter use appropriate or in any manner interfere with any telegraph telephone or other wire pipe or apparatus belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section fifteen of the former Act apply.

17. The Commissioners may cause such parts of the new and widened and improved streets authorised by this Act to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit and may construct erect and provide thereon or thereunder or connected therewith such vaults cellars arches sewers drains and other works and conveniences as they may think proper.

Commissioners may form carriage and foot ways &c.

18. If in consequence of the execution of any of the works by this Act authorised any alteration of the levels of any of the streets closes or thoroughfares in the burgh or of any steps doors or entrances in any house or building or of any pavement adjoining thereto or of any sewer drain or culvert belonging to any house or building shall be rendered necessary such work or alteration shall be made by and at the expense of the Commissioners and the Commissioners shall make full compensation to all persons injuriously affected by such work or alteration.

Power to alter steps doors &c.

19. It shall be lawful for the Commissioners to stop up the following closes and streets or any of them or any parts or portions thereof viz. Fleshmarket Close Paul's Close Lickley Street and Milne Street and the ground and soil of such closes and streets or of such parts or portions thereof respectively as shall be stopped up as aforesaid shall be and are hereby vested in the Commissioners for the purposes of this Act Provided that no such close or street shall be stopped up until the Commissioners have acquired all the houses or other property therein.

Power to stop up certain streets.

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Land thrown
into streets
to be public
highway.

Power to
take down
buildings
and lay out
lands of new.

20. Any lands purchased or taken by the Commissioners and laid out into any street shall for ever thereafter form part of such street and be public highway.

21. The Commissioners may take down the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Act and sell and dispose of the materials thereof and may subject to the provisions of this Act as to the making and executing of the new streets and the widening and improvements of streets by this Act authorised lay out of new the said lands and property in such way and manner as they may deem best and may sell feu out or grant leases or otherwise dispose of the ground or buildings or any part or portion thereof and grant conveyances dispositions in feu contracts of ground annual leases or other deeds or conveyances of the same for such prices feu duties ground annuals rents or other considerations as the Commissioners shall think reasonable and subject to such stipulations and conditions for the enjoyment thereof and as to the nature of the buildings which are to be erected and built thereon as the Commissioners shall determine and prescribe and generally they may subject to the conditions and provisions of this Act deal with the lands houses and property acquired by them under this Act as absolute proprietors thereof.

Ownership
of new
streets.

22. The new streets and the widening and continuations of streets authorised to be constructed by this Act shall after such construction be and become vested in the Commissioners for the purposes of this Act.

Period for
completion
of works.

23. The new streets and street improvements authorised by this Act shall be completed within ten years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Commissioners for executing those works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided that the cesser of those powers shall not prevent the Commissioners from executing from time to time thereafter any works in immediate connexion with so much of those works as is then completed.

Commis-
sioners to
dispose of
lands not
wanted.

24. Subject to the provisions of this Act the Commissioners shall before the expiry of the period of twenty years from the passing of this Act which period shall be the prescribed period for the purposes of section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act 1845 sell and dispose of all lands acquired by them under the powers of this Act and which shall not be required for any of the purposes of this Act.

25. The Commissioners in addition to any money which they may have borrowed independently of this Act may from time to time borrow at interest on the credit and security of the burgh general assessment and the general improvement rate leviable by them under the Police Act or of either of them or partly of the said burgh general assessment and partly of the said general improvement rate as they may resolve such sums of money not exceeding in the whole the sum of seventy-five thousand pounds as shall be necessary for the purposes or any of the purposes of this Act and if after having borrowed the said sums or any part thereof the Commissioners pay off the same otherwise than by means of the sinking fund herein-after provided they may again borrow the amount so paid off and so from time to time :

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Power to borrow.

Provided as regards all money to be borrowed under the authority of this Act that the said burgh general assessment shall not in any year be liable therefor or be appropriated or applied in payment of the interest or in repayment of the capital thereof further than to the extent of fourpence of the two shillings in the pound to which the annual assessment is limited by the Police Act.

26. All bonds to be granted for money to be borrowed under the authority of this Act may be in the form contained in the Police Act and shall be executed and completed as in that Act provided and the Commissioners may grant bonds accordingly for the moneys so to be borrowed and may assign the said assessment and rate respectively in security of the money to be so borrowed and of the interest thereof and all such bonds may be assigned in manner and according to the form provided in the Police Act and sections three hundred and seventy-five three hundred and seventy-six three hundred and seventy-seven and three hundred and seventy-eight of the Police Act shall be and are hereby made applicable to the moneys to be borrowed by the Commissioners and to the bonds and assignations to be executed under the authority of this Act in the same manner as if such money and such bonds and assignations had been borrowed or executed under the authority of the Police Act Provided always that all bonds to be granted for money to be borrowed under the authority of this Act shall specify that such money was borrowed by virtue and under the authority of this Act.

Bonds for borrowed money.

27. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the Commissioners for money borrowed by them previous to the passing of this Act but the same shall as to the rates funds and property comprised

Present bonds and securities by Commissioners not to be prejudiced.

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Protection of lenders from inquiry.

28. Any person lending or paying money under this Act to the Commissioners or their treasurer shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Application of money borrowed.

29. All money borrowed by the Commissioners under the authority of this Act shall be applied to the purposes of this Act and to no other purpose whatsoever Provided always that no borrowed money shall be applied to any purpose for which capital is not properly applicable.

Act not to restrict borrowing powers of Commissioners.

30. Nothing in this Act shall restrict any of the powers of the Commissioners under the Police Act or otherwise for borrowing money.

Rates to include interest and sinking fund.

31. The Commissioners shall subject to the provisions of this Act annually include in and as part of the burgh general assessment and the general improvement rate authorised to be assessed and charged by them by or under the Police Act or either of them such sums as shall be necessary for paying the interest of any money borrowed by them under the authority of this Act and also the sums to be set apart annually as a sinking fund as herein-after in this Act provided.

Sinking fund.

32. The Commissioners shall from and out of the assessment and rate on the security of which they are authorised to borrow under the authority of this Act set apart annually as a sinking fund such sums as with the accumulations thereof by way of compound interest at a rate of three and a half per centum per annum shall be from time to time calculated to be sufficient to pay off within ten years all money borrowed for paying the costs charges and expenses of this Act and within forty years all the other money borrowed under the authority of this Act from the respective dates of borrowing.

Investment and application of sinking fund and income thereof.

33. The said sinking fund and the income arising therefrom shall from time to time be invested in the public or Government funds of Great Britain and Ireland or on heritable securities or by way of deposit with any bank or on any security in which trustees in Scotland are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money other than securities of the Commissioners or on any mortgage bond debenture debenture stock corporation stock annuity rent-

charge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain except the Commissioners and shall be applied at such time as the Commissioners shall see fit in or towards the repayment of moneys borrowed under the authority of this Act in such order and manner as they deem proper. Provided that in case the income from investments of the sinking fund shall in any year fall short of the prescribed rate of accumulation the deficiency shall be made good out of the current assessment and rate on the security of which the Commissioners are authorised to borrow under the authority of this Act. Provided further that whenever the Commissioners repay any moneys so borrowed by them out of the said sinking fund they shall thenceforth until the whole of the moneys borrowed by them under the authority of this Act is repaid pay annually into such sinking fund in addition to the amount by this Act directed to be set apart thereto a sum equal to the annual interest of the moneys so paid off. Provided also that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the moneys borrowed as aforesaid and remaining due by the Commissioners they may in lieu of investing such yearly income as aforesaid apply the same in payment of such interest and may during such periods discontinue the payments to the sinking fund by this Act directed to be made.

34. The treasurer to the Commissioners shall within two months after the expiration of each year during which any sum is by this Act required to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Commissioners have failed to set apart the sum required by this Act to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for

Annual return to Secretary for Scotland with respect to sinking fund.

A.D. 1893. — Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Sinking fund may be adjusted in certain events.

35. If the Commissioners out of the proceeds of the sale or disposition of lands or out of other moneys received by them on capital account other than borrowed moneys repay any principal moneys borrowed under the powers of this Act the payments to the sinking fund established under the provisions of this Act for the repayment of such principal moneys may be reduced to such extent and upon such terms as may be from time to time approved by the Secretary for Scotland.

Costs of Act.

36. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the assessments and rates leviable by them under the Police Act or out of the moneys to be borrowed by them under the authority of this Act.

The SCHEDULE referred to in the foregoing Act. A.D. 1893.

DESCRIBING the LANDS HOUSES or other BUILDINGS or MANUFACTORIES
whereof parts only are required for the purposes of this Act.

Areas on deposited Plans.	Parish.	Numbers on deposited Plans.
AREA B -	Middle Church parish of Perth - -	6, 22, 25.
AREA C -	St. Paul's Church parish of Perth - -	8, 13, 17, 18.

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