



## CHAPTER lxxiv.

An Act to provide for the constitution of the City and Royal Burgh of Dundee as a County of a City and to confer various powers on the Lord Provost Magistrates and Town Council for affording greater facilities for transacting the public business of the said City and Burgh and for other purposes. A.D. 1894.  
[3rd July 1894.]

**W**HEREAS an Act was passed in the forty-fifth and forty-sixth years of the reign of Her present Majesty intituled "An Act to amend and consolidate the Dundee Police and other Acts to enable the Dundee Police Commissioners to create and issue debenture stock and for other purposes" (herein-after called "the first recited Act") and the first recited Act repealed various Acts and parts of Acts then in force within the burgh of Dundee and also saved from repeal various Acts and portions of Acts and consolidated the provisions of Acts and portions of Acts thereby repealed with alterations amendments and additions: 45 & 46 Vict.  
c. clxxxv.

And whereas the lord provost magistrates and council of Dundee for the time being were by the first recited Act constituted the Commissioners (herein-after called "the Commissioners") for carrying the same into effect as regards the said burgh and as such are the local authority in and under the Public Health Acts and are also the local authority in and under the Explosives Act 1875 and the Contagious Diseases (Animals) Acts 1878 to 1893 and all amendments thereof for the said burgh:

And whereas an Act was passed in the fifty-fifth and fifty-sixth years of the reign of Her present Majesty intituled "An Act to extend the municipal and police boundaries of the city and royal burgh of Dundee to alter the wards for municipal and other elections to authorise the construction of a new road or street and new tramways and for other purposes" and that Act (herein-after called "the second recited Act") extends the municipal and police boundaries of the city and royal burgh of Dundee and also the 55 & 56 Vict.  
c. cxxxv.

[Ch. lxxiv.] *Dundee Corporation Act, 1894.* [57 & 58 VICT.]

A.D. 1894. powers of the Commissioners as such and as local authorities aforesaid over the added district and makes other amendments on the then existing legislation applicable to the burgh :

34 & 35 Vict.  
c. cliii.  
35 & 36 Vict.  
c. cxci.  
41 Vict.  
c. xciv.  
50 & 51 Vict.  
c. lxxii.

And whereas the first recited Act and the Dundee Police and Improvement Act 1871 and the Dundee Tramways Act 1872 and the Dundee Street Tramways Turnpike Roads and Police Act 1878 so far as unrepealed by the first recited Act and the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 and the second recited Act and the Public Health Acts specified in the first recited Act apply to the said burgh :

And whereas the lord provost magistrates and council of Dundee are the parochial board of the united parish of Dundee under and for the purposes of the Burial Grounds (Scotland) Act 1855 and section 69 of the Nuisances Removal (Scotland) Act 1856 and all amendments thereof :

And whereas the city and burgh of Dundee has of late years greatly increased in population extent and importance and it would be of public advantage and is expedient that the city and burgh be constituted a county of a city :

And whereas it is also expedient that the powers of the Commissioners as such and as the local authorities aforesaid and of the lord provost magistrates and council as the parochial board aforesaid should be transferred to and vested in the town council as in this Act defined and that the statutory provisions for the administration of the affairs of the burgh should be otherwise amended :

And whereas it is also expedient that the offices of clerks to the Commissioners local authorities and parochial board aforesaid should cease and that the town clerk of the city for the time being should discharge all the duties hitherto devolving upon such clerks :

31 & 32 Vict.  
c. xciv.

And whereas an Act was passed in the thirty-first and thirty-second years of the reign of Her present Majesty intituled " An Act " to authorise and incorporate Commissioners to supply with gas " the town of Dundee and districts and places adjacent and to " transfer to them the gasworks of the Dundee Gaslight Company " and the Dundee New Gaslight Company and for other purposes " (which Act is and is herein-after called " the Dundee Gas Act 1868 ") and the said Act has been amended and extended by the following Acts videlicet the Dundee Gas Amendment Act 1872 the Dundee Gas (Additional Powers) Act 1877 the Dundee Gas (Debenture Stock) Act 1882 and the Dundee Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 14) Act 1890 which Act of 1868 and the other Acts and the Order before specified are herein-after called " the Gas Acts " :

35 & 36 Vict.  
c. xvii.  
40 & 41 Vict.  
c. xliii.  
45 & 46 Vict.  
c. clxxxiv.  
53 & 54 Vict.  
c. cxcix.

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And whereas under the Dundee Gas Act 1868 the undertakings and rights and privileges of the Dundee Gaslight Company and the Dundee New Gaslight Company were vested in Commissioners thereby appointed and called "the Dundee Gas Commissioners" for the purpose of making and supplying gas to Dundee and suburbs and places adjacent without profit but with power to levy a gas contingent guarantee rate on and from the occupiers of all lands and heritages within the burgh to meet any deficiency in the moneys required to pay the outgoings of the Commissioners as mentioned in the said Act and the Dundee Gas Commissioners so appointed were composed of the provost and the first bailie of Dundee the dean of guild of Dundee the convener of the Nine Incorporated Trades of Dundee five persons to be elected by the town council of Dundee four persons to be elected by the Guildry Incorporation of Dundee two persons to be elected by the said Nine Incorporated Trades of Dundee one person to be elected by the Three United Trades of Dundee and five persons to be elected by the Chamber of Commerce of Dundee :

And whereas by the agreement scheduled to and confirmed by the Dundee Gas Act 1868 it was declared that it was not intended that the transaction thereby concluded should be for the profit or loss of the common good of the burgh the real buyer being the town council in their character of Commissioners for the special object of supplying gas to the community of the best quality at the lowest possible price and the said Commissioners other than the provost the first bailie the dean of guild and the five persons to be elected by the town council were nominated for the purpose of aiding the town council in the initial stages of what was then a new adventure :

And whereas the undertaking of the Dundee Gas Commissioners is now in such a state that it is expedient that the town council of Dundee as representing the community and as being the representative rating authority within the burgh should also be the sole administrators of the Gas Acts and it is expedient to constitute them as such and also to abolish the office of clerk of the gas commissioners and to provide that all the duties hitherto devolving on such clerk should be discharged by the town clerk of Dundee for the time being :

And whereas an Act was passed in the thirty-second and thirty-third years of the reign of Her present Majesty intituled "An Act to incorporate Commissioners and to vest in them the undertaking of the Dundee Water Company and for other purposes" (which Act is and is herein-after called "the Dundee Water Act 1869") and the said Act has been amended and extended by the following

32 & 33 Vict.  
c. xlvi.

34 & 35 Vict.  
c. cix.

35 Vict. c. x.

37 & 38 Vict.  
c. clxv.

A.D. 1894. Acts videlicet the Dundee Water Extension Act 1871 the Dundee  
 45 & 46 Vict. Water Amendment Act 1872 the Dundee Water (Additional  
 c. xliii. Powers) Act 1874 the Dundee Water Act 1882 and the Dundee  
 54 & 55 Vict. Water Act 1891 :  
 c. xciv.

And whereas under the Dundee Water Act 1869 the magistrates and council of Dundee and their successors in office for the time being as representing and for and on behalf of the community of the burgh were constituted the Commissioners for carrying into effect the provisions of that Act but the said subsequent Water Acts admitted as Commissioners the chief magistrate and the first junior magistrate of the adjoining burgh of Broughty Ferry and also one person to be elected annually by the Commissioners of that burgh and the chief magistrate of the burgh of Newport :

And whereas while it is not expedient that the representation in the said water commission from the said burghs of Broughty Ferry and Newport should be taken away it is expedient that the business and affairs of the said commission should be taken up and transacted at meetings of the town council of Dundee and of its committees in the manner provided for in this Act and that the town clerk of Dundee for the time should be and act as the clerk of the said commission :

And whereas the municipal and police administration of Dundee is in other respects susceptible of improvement and it is expedient to amalgamate offices and arrange business so as to save time and expense :

And whereas it is also expedient that the provisions of the before recited Acts or some of them should be altered and amended in regard to the terms and manner of issuing debenture stock and in other respects :

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:—

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited for all purposes as the Dundee Corporation Act 1894.

Commence- 2. This Act except Part II. thereof shall commence and have  
 ment of Act. effect on and from the sixth day of November one thousand eight

hundred and ninety-four which date is herein-after referred to as "the commencement of this Act" and the said Part II. shall commence and have effect from and after the passing of this Act.

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3. This Act is divided into parts as follows:—

Division of  
Act into  
parts.

Part I. Preliminary ;

Part II. Constitution of the city and royal burgh of Dundee as a county of a city ;

Part III. Amalgamation of boards and offices ;

Part IV. The Dundee Gas Commissioners and amendment of their Acts ;

Part V. The Dundee Water Commissioners and their business and affairs ;

Part VI. Abolition of police and other clerkships and regulation of office of town clerk ;

Part VII. Miscellaneous.

4. In this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction:—

Interpreta-  
tion of terms.

The expression "the city and royal burgh of Dundee" means the city and royal burgh of Dundee within the existing municipal and police boundaries thereof and the expression "the burgh" or "the city" means the said city and burgh within the said boundaries ;

The expression "the town council" means the lord provost magistrates and council of the city and royal burgh of Dundee for the time being ;

The expression "the lord provost and magistrates" or "the magistrates" means the lord provost and the bailies of the city and royal burgh of Dundee for the time being as such and as the magistrates having police jurisdiction within the burgh ;

The expression "the Commissioners" or "Commissioners" means the lord provost magistrates and council of the city and burgh of Dundee as the commissioners of police for the city and burgh of Dundee and as local authority for the said city and burgh under the Public Health (Scotland) Act 1867 and all amendments thereof and under the Explosives Act 1875 and the Contagious Diseases (Animals) Acts 1878 to 1893 and any Acts amending those Acts and all orders rules regulations licences and byelaws made under those Acts or any of them applicable to the same ;

The expression "parochial board" means the lord provost magistrates and town council of Dundee as the parochial board of the united parish of Dundee under and for the purposes of

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the Burial Grounds (Scotland) Act 1855 and section 69 of the Nuisances Removal (Scotland) Act 1856 and all amendments thereof respectively ;

The expression "prescribed day" means the day prescribed by the Secretary for Scotland under Part II. of this Act ;

The expression "Police Acts" means the Acts herein-before mentioned or recited so far as applying to the Commissioners and the expression "police debenture stock" means the debenture stock authorised to be created and issued by such Acts or one or more of them ;

The expression "Gas Acts" means the recited Acts and Order so far as applying to the Dundee Gas Commissioners and the expression "gas debenture stock" means the debenture stock authorised to be created and issued by such Acts and Order or one or more of them ;

The expression "Water Acts" means the recited Acts so far as applying to the Dundee Water Commissioners and the expression "water debenture stock" means the debenture stock authorised to be created and issued by such Acts or one or more of them.

PART II.—CONSTITUTION OF THE CITY AND ROYAL BURGH OF  
DUNDEE AS A COUNTY OF A CITY.

Constitution  
of the city  
of Dundee as  
a county of  
a city.

5. On and after the prescribed day the city and royal burgh of Dundee shall be a county of a city by the name of the county of the city of Dundee and for the purposes of this Act the area of the said city and royal burgh as defined by this Act shall be severed from the county of Forfar within which it was situated on the prescribed day.

Appointment  
of lieutenant  
&c. of the  
county of  
the city of  
Dundee.

6. Her Majesty may from time to time grant a commission for such term and subject to such conditions as shall be set forth therein appointing a lieutenant of the county of the city of Dundee and the Acts relating to the general and local militia in Scotland and the appointment of deputy lieutenants shall apply to the said county of the city in like manner as they apply to any other county in Scotland.

Grant of  
commission  
of the peace  
and of quar-  
ter sessions  
&c.

7. It shall be lawful for Her Majesty from time to time to grant a commission of the peace and a court of quarter sessions to the county of the city of Dundee and the justices of the peace named in such commission and such court of quarter sessions shall on and after the prescribed day have the like jurisdiction power and authority in the county of the city of Dundee which justices of the peace and the court of quarter sessions have in the county of the

city of Edinburgh in which commission as first issued shall be inserted the names of all those persons who by reason of their connexion with or services to the city of Dundee are at the passing of this Act justices of the peace for the county of Forfar The Secretary for Scotland after such inquiry as he may order and after conferring with the Lord Lieutenant of the county of Forfar shall in communication with the Lord Chancellor determine the persons who under the foregoing enactment shall be entitled to be included in the commission of the peace for the county of the city of Dundee as first issued.

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Subject to the provisions of this Act all existing enactments laws and usages with respect to justices of the peace and general and quarter sessions of the peace applicable to the county of the city of Edinburgh and with respect to the joint committee for the city and royal burgh of Edinburgh under the Publicans Certificates (Scotland) Act 1876 shall thereupon with the necessary variations apply to the county of the city of Dundee.

39 & 40 Vict.  
c. 26.

8. On and after the prescribed day the existing and future lords lieutenant deputy lieutenants and justices of peace of the county of Forfar shall have no jurisdiction power or authority within the county of the city of Dundee but nothing in this section shall affect the right of such justices to hold their courts and meetings within the city of Dundee nor the power and authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

Cesser of  
jurisdiction  
&c. of lieu-  
tenants &c.  
of other  
counties.

9. The Secretary for Scotland may at any time after the passing of this Act and from time to time on the application of the town council make such Orders as appear to him to be necessary for bringing this part of this Act into full operation :

Power to  
Secretary for  
Scotland to  
make Orders  
for bringing  
Act into  
operation.

Provided always that—

- (1) If the Secretary for Scotland shall make any such Order he shall publish it in the Edinburgh Gazette and for two successive weeks in any daily newspaper published in Dundee and subject as herein-after mentioned such Order shall thereupon have effect as if enacted by Parliament ;
- (2) If within one month after such publication of the Order any person affected by the Order petition the Secretary for Scotland to cause the Order to be laid before Parliament and such petition is not withdrawn the Order shall be deemed to be a Provisional Order and shall be of no effect unless confirmed by Parliament ; and
- (3) The Secretary for Scotland may introduce a Bill confirming any such Provisional Order and if any petition is presented

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against such Order the Bill so far as it relates to the Order petitioned against shall be deemed to be and the petitioners shall be allowed to appear and oppose as in the case of a private Bill.

Justice of peace clerk.

**10.** The existing clerk of the peace of the county of Forfar shall so long as he holds that office be the clerk of the peace of the county of the city of Dundee with all the rights powers and privileges of any clerk of the peace in any county in Scotland.

Provision as to expenses of justices of peace.

**11.** From and after the prescribed day the town council shall bear and pay all the expenses legally exigible against a county for or in respect of carrying out the provisions of section 7 of this Act within the county of the city of Dundee.

Confirming agreement with justice of peace clerk.

**12.** The agreement between the lord provost magistrates and town council of the city and royal burgh of Dundee of the first part and George Watt of the second part as set forth in the schedule to this Act is hereby confirmed and made binding on the town council and the said George Watt respectively.

Provision as to procurator fiscal.

**13.** From and after the prescribed day the county council of the county of Forfar shall not be liable for any salaries fees and outlays legally exigible by the procurator fiscal of the sheriff court at Dundee in respect of work done or services rendered for or in connexion with the district or area comprised within the county of the city of Dundee but the same shall so far as such fiscal can legally claim and exact the same be paid by the town council of the city of Dundee out of the common good of the burgh or out of the police assessments leviable within the burgh.

Severance not to affect benefit conferred by birth or residence.

**14.** Where under any Act of Parliament Provisional Order or scheme in existence at the passing of this Act or under any deed or instrument testamentary or otherwise executed prior to the passing of this Act any benefit is conferred or may be claimed or enjoyed in respect of birth or residence in or in connexion with the county of Forfar the severance by this Act effected shall not in any way interfere with or prejudice any claim to or enjoyment of such benefit and for the purposes of this section the area of the county of the city of Dundee shall continue to be deemed part of the said county.

Saving as to sheriff's jurisdiction.

**15.** Nothing in this Act shall prejudice or affect the civil or criminal jurisdiction or administrative powers of the sheriff or sheriff-substitutes of the county of Forfar as they existed prior to the passing of this Act nor the judicial or official names of such sheriff and sheriff-substitutes or of the several officers of the sheriff courts of that county nor the description of that county in judicial



or official forms in use in those courts or in any proceedings judicial or otherwise before such sheriffs or any of them which names and description shall continue to be used as if this Act had not been passed.

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16. Nothing in this Act contained shall take away diminish prejudice or affect the jurisdiction powers rights and authorities which the magistrates of the burgh now have possess and exercise in or over the burgh.

Saving jurisdiction &c. of magistrates.

17. Nothing in this Act contained shall prejudice or affect the right of the county council of the county of Forfar to hold their meetings in Dundee.

Saving as to holding of meetings by Forfar County Council.

18. Notwithstanding the passing of this Act the county of the city of Dundee shall for the purposes of the Lunacy (Scotland) Acts 1857 to 1887 and the provisions of the Prisons (Scotland) Act 1877 in so far as the same relate to lunacy be taken to continue and remain as part of the county of Forfar.

Lunacy Acts not to be affected.

### PART III.—AMALGAMATION OF BOARDS AND OFFICES.

19. On and from the commencement of this Act the whole powers authorities jurisdictions duties obligations and others belonging to or incumbent on the Commissioners under the Police Acts and the Acts and portions of Acts and powers rights and authorities thereby reserved from repeal as therein mentioned or thereby made applicable to the burgh and belonging to or incumbent on the Commissioners as the local authority in and for the burgh under the Public Health (Scotland) Act 1867 and Acts amending the same and also as the local authority in and for the burgh under the Explosives Act 1875 and the Contagious Diseases (Animals) Acts 1878 to 1893 and any Acts amending those Acts and also under all orders rules regulations licences and byelaws made under the said several Acts or any of them and belonging to or incumbent on the lord provost magistrates and council as the parochial board of the united parish of Dundee under and for the purposes of the Burial Grounds (Scotland) Act 1855 and section 69 of the Nuisances Removal (Scotland) Act 1856 and all amendments of those Acts or the said section shall be exercisable and exercised by the town council as in this Act defined as in place of the Commissioners local authorities and parochial board aforesaid and all the lands houses grounds feu-duties ground annuals roads streets sewers tramways matters works and property assessments and arrears of assessments rights funds money estates and effects and claims and demands whatsoever heritable and movable and real and personal and wheresoever situated of the Commissioners as

Transfer of powers of police commissioners local authorities and parochial board under Burial Grounds Act &c. to the town council.

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such and as local authorities aforesaid and of the parochial board with all the rights powers and privileges belonging to or vested in the Commissioners local authorities or parochial board in relation thereto or to the taking or acquisition of lands houses or other property with all the writs titles and securities thereof shall be held by or for behoof of the town council and shall vest and be vested in and be managed administered and disposed of by the town council for the purposes respectively for which they are now held by the Commissioners as such or as local authorities aforesaid or by the parochial board and the town council may exercise in regard to such lands houses and others aforesaid the same rights and powers as might have been exercised by the Commissioners local authorities and parochial board respectively previous to the passing of this Act and all the liabilities of the Commissioners as such and as local authorities aforesaid and of the parochial board shall be adopted and discharged by the town council Provided always that in construing any of the Acts aforesaid or any other Act relating to the burgh the expression "the commissioners of police for the burgh of Dundee" "the Dundee Police Commissioners" "the Commissioners" "the commissioners of police" "the police commissioners" "the local authority" "the parochial board" or other similar expression shall be read as if the expression "the town council" had been inserted instead thereof and where the word "undertakers" in any Act incorporated with the said Acts is held by the said Acts to mean or include the Commissioners or local authority the same shall for the purposes of this Act mean or include the town council and the expression "the promoters of the undertaking" or "Commissioners" or "local authority" in any such incorporated Act shall also for such purposes as aforesaid mean the town council Provided also that in all documents prepared in conformity with the forms authorised by or contained in any schedule to any such Act in which the title of the Commissioners or local authority or parochial board is introduced the title of the town council shall be introduced instead thereof and reference may be made to this Act in addition to any other Acts Provided further that nothing in this section shall render unnecessary any transfer by deed of prescribed form or any transfer or registration in the books of any company office or person of any stocks shares shares in ships or other like property which would have been transferable only in such manner if this Act had not been passed.

Meetings of Commissioners &c. no longer necessary.

**20.** On and from the commencement of this Act it shall not be necessary to hold meetings of the Commissioners as such or as local authorities aforesaid or of the parochial board separate from the meetings of the town council and all such business as was heretofore

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done or transacted at meetings of the Commissioners as such or as local authorities aforesaid or of the parochial board shall be done and transacted at the meetings of the town council. Provided that the minute books or other books or records of the town council shall come in place of the books and records of the proceedings of the Commissioners as such and as local authorities aforesaid and of the lord provost magistrates and town council as the parochial board aforesaid.

**21.** All bonds assignments leases grants conveyances or other deeds or securities made or granted to or by any person under the authority of the recited Acts or any of them in so far as the same relate to the Commissioners or to the parochial board shall be as good valid and effectual to all intents and purposes as if the name of the town council had been inserted therein instead of the Commissioners or the parochial board as the case may be and all debts contracted and all lawful contracts entered into by virtue of any such Acts shall remain valid and be binding upon the town council as fully as if the same had been contracted and entered into under the authority of this Act and it is hereby further provided that the obligations undertaken by the Commissioners in sections 21 and 22 of the second recited Act shall remain valid and be binding upon the town council.

Bonds &c. of Commissioners &c. to remain valid and be binding on the town council.

**22.** The books documents and vouchers of the Commissioners and parochial board and the minutes of their proceedings and of the proceedings of their committees shall be delivered over to the town council and be deemed the books documents vouchers and minutes of the town council and the same shall for the purposes of this Act and in all proceedings taken in pursuance thereof receive effect and be admitted as evidence in all courts and elsewhere in the same way and to the same extent and effect as if the same had remained the property of the Commissioners and parochial board respectively.

Books of Commissioners &c. to belong to town council and to be evidence.

**23.** All powers of assessment and of laying on and levying assessments and rates and of raising and borrowing money and of granting creating and issuing bonds debenture stock or other securities for borrowed money at present belonging to or which might be levied or exercised by the Commissioners under the Police Acts or any of them or by the parochial board shall on and from the commencement of this Act vest in and be exercisable and exercised by the town council for the purposes of the Acts respectively applicable to which such assessments and rates are now levied or leviable and such money raised or borrowed.

Powers of assessment and borrowing money to vest in town council.

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Former rates  
may be col-  
lected and  
debts and  
penalties  
recovered.

**24.** Every rate and assessment which shall have been authorised to be collected and levied by the Commissioners or by the parochial board previously to the commencement of this Act and remaining unpaid together with all arrears of the same shall continue to be due and payable and shall and may be collected and levied by such ways and means and under such regulations as by the Acts respectively under which they were laid on are directed and shall be received and applied by the town council to and for the purposes of the said respective Acts and all debts and penalties incurred and due under the said Acts from any person shall and may be demanded and recovered from such person and applied by the town council for the purposes aforesaid.

Actions by  
or against  
police com-  
missioners  
not to abate.

**25.** No action suit prosecution or other proceeding whatsoever commenced either by or against the Commissioners or parochial board previous to the commencement of this Act shall abate cease or be discontinued or prejudicially affected by this Act but all such actions suits prosecutions or other proceedings shall continue and take effect in favour of or against the town council in such and the like manner in all respects as the same would have continued and taken effect in relation to the Commissioners or parochial board if this Act had not been passed.

Officers  
under com-  
missioners of  
police &c.  
to continue.

**26.** Notwithstanding the transfer of the powers of the Commissioners and of the parochial board to the town council the several officers appointed under and who may at the time of such transfer be employed by the Commissioners or the parochial board or the magistrates shall respectively continue to exercise their offices under the town council as in place of the Commissioners and the parochial board and under the magistrates until they shall respectively be displaced or removed or become incapable of executing their offices Provided that nothing in this Act contained shall repeal or alter the provisions as to the appointment and removal of the superintendent of police or chief constable of the burgh And provided further that the separate offices of clerk to the Commissioners and the parochial board shall cease as in this Act after provided for.

Police ac-  
counts how  
to be kept.

**27.** The several accounts of the pecuniary transactions of the town council as in place of the Commissioners shall be kept distinct from those of the affairs of the corporation of the city and shall be balanced audited published and open to inspection in manner prescribed by the first recited Act.

Conveyances  
of heritable  
property for

**28.** All dispositions and conveyances of heritable property to be acquired for the purposes of the recited Acts so far as the same

relates to the Commissioners shall be conceived and taken in favour of the town council for the purposes of the recited Acts so far as those relate to the Commissioners.

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purposes of police how to be taken.

**29.** With regard to all lands and other estate the titles to which are at present held in name of the clerk to the Commissioners the town clerk of the burgh for the time being shall be and be held to be the successor in office of the said clerk in whom the said lands and others are now vested.

Transmission of title of lands of Commissioners.

**30.** For the purpose of carrying into execution the provisions of this Act or of the recited Acts or any of them the town council may from time to time appoint such and so many committees consisting of such number of persons as they may think fit and may appoint the convener or chairman of any such committee and fix the quorum thereof and may continue alter or discontinue such committee and may delegate to any such committee such of the powers and duties of the town council under this Act or the recited Acts as they think fit and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the town council and the town council may from time to time make such regulations as they think fit for the guidance of any such committee and may from time to time remove any members of any such committee and appoint in their stead other members of the town council.

Appointment of committees by town council.

**31.** Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment and at all meetings of the committee the chairman or convener appointed by the town council and in his absence or if no chairman has been appointed one of the members present to be appointed by the meeting shall preside and if there be an equality of votes in the election of chairman the meeting shall decide by lot which of the members having an equal number of votes shall be chairman and preside and all questions shall be determined by a majority of the votes of the members present and in case of an equality of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Provisions as to appointment of chairman of committees and votes at meetings.

**32.** All charters dispositions assignations conveyances contracts leases deeds instruments and writs whatsoever to be granted made and executed by or on behalf of the town council shall be good valid and effectual if subscribed by the lord provost and the senior or first bailie and the treasurer of the city for the time being or any two of them and by the town clerk for the time being.

Execution of deeds by town council.

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Issue of  
redeemable  
police debenture  
stock.

**33.** Whereas under Part XXXVII. of the first recited Act and under the provisions of the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 and the second recited Act the Commissioners obtained powers to borrow or raise money for the purposes therein mentioned and to grant bonds for the same and also to create and issue debenture stock for moneys borrowed or to be borrowed in manner therein mentioned transmissible as therein provided but the said Acts do not require that any resolution for creating or issuing such stock shall specify that it should be redeemable and all stock hitherto created and issued by the Commissioners has been so created and issued without any provision for the same being redeemable by the Commissioners And whereas it is expedient that all debenture stock for police purposes to be hereafter created and issued under the powers of the Police Acts or any of them should be of one class and redeemable as herein-after provided It shall be lawful for the town council and they are hereby required in all future creations and issues of police debenture stock to provide in the resolutions creating or authorising the issue thereof that such stock shall be redeemable by the town council at par that is to say at the rate of one hundred pounds for every nominal amount of one hundred pounds stock and that at or after such time not being less than twenty nor more than sixty years from the first issue thereof as the town council by such resolutions shall declare and all such stock shall be designated as Dundee Police Redeemable Debenture Stock and all the provisions of the Police Acts applicable to debenture stock and the creation and issue of the same and the transfer or transmission thereof shall subject to the provisions of this Act apply and be applicable to all creations and issues of such Dundee Police Redeemable Debenture Stock.

PART IV.—THE DUNDEE GAS COMMISSIONERS AND AMENDMENT  
OF THEIR ACTS.

Town  
council  
constituted  
gas com-  
missioners.

**34.** The town council shall be and are hereby constituted the Commissioners for carrying the Gas Acts into execution in lieu and in place of the Commissioners constituted by the Dundee Gas Act 1868 and sections 7 8 9 10 11 and 12 of that Act are hereby amended accordingly.

Business of  
gas commis-  
sioners to be  
transacted at  
meetings of  
town council.

**35.** The business and affairs of the Dundee Gas Commissioners (herein-after called "the gas commissioners") may be taken up done transacted and disposed of at meetings of the town council and of its committees and any resolutions adopted at such meetings shall be as valid and effectual as if made at separate meetings of the

town council as the gas commissioners Provided always that the annual general meetings of the gas commissioners shall be called and held in terms and as provided for in the Gas Acts and that the acts and business which require to be done and transacted at such annual meetings or at special meetings called for the purpose or at any adjournments of any such meetings shall continue to be so done and transacted as heretofore.

A.D. 1894.

**36.** The several officers employed by the gas commissioners at the commencement of this Act shall respectively continue to exercise their offices under the town council as the gas commissioners until they shall respectively be displaced or removed by the town council or become incapable of executing their offices Provided that the separate office of clerk to the gas commissioners shall cease as in this Act after provided for.

Officers of gas commissioners to continue.

**37.** Whereas under the Gas Acts the gas commissioners obtained power to borrow or raise money for the purposes therein mentioned and to grant mortgages for the same and also to create and issue debenture stock for moneys borrowed or to be borrowed in manner therein mentioned transmissible as therein provided but the said Acts do not require that any resolution for creating or issuing such stock shall specify that it should be redeemable and all stock hitherto created and issued by the gas commissioners has been so created and issued without any provision for the same being redeemable by the gas commissioners And whereas it is expedient that all gas debenture stock to be hereafter created and issued under the powers of the Gas Acts should be of one class and redeemable as hereinafter provided It shall be lawful for the town council as the gas commissioners and they are hereby required in all future creations and issues of gas debenture stock to provide in the resolutions creating or authorising the issue thereof that such stock shall be redeemable by the town council as the gas commissioners at par that is to say at the rate of one hundred pounds for every nominal amount of one hundred pounds stock and that at or after such time not being less than twenty nor more than sixty years from the first issue thereof as the town council as the gas commissioners by such resolutions shall declare and all such stock shall be designated as Dundee Gas Redeemable Debenture Stock and all the provisions of the Gas Acts applicable to debenture stock and the creation and issue of the same and the transfer or transmission thereof shall subject to the provisions of this Act apply and be applicable to all creations and issues of such Dundee Gas Redeemable Debenture Stock.

Issue of redeemable gas debenture stock.

A.D. 1894.

PART V.—THE DUNDEE WATER COMMISSIONERS AND THEIR  
BUSINESS AND AFFAIRS.

Business of  
water com-  
missioners to  
be transacted  
at meetings  
of town  
council.

**38.** It shall no longer be necessary to hold separate meetings of the Dundee Water Commissioners (herein-after called "the water commissioners") for the transaction of the business and the management and administration of the undertaking and affairs of the water commissioners but such business may be transacted and such undertaking and affairs managed and administered at meetings of the town council and of its committees and any resolution adopted at such meetings shall be as valid and effectual as if made at separate meetings of the water commissioners. Provided always that all the water commissioners shall be called to all meetings of the town council at which any business or matters appertaining to the undertaking of the water commissioners is to be brought forward or transacted by notice given in the manner in which notices of town council meetings are usually given not only to all the members of the town council but also to such of the water commissioners as may not be members of the town council. Provided further that the annual general meetings of the water commissioners shall be called and held in terms and as provided for in the Water Acts and that the acts and business which require to be done and transacted at such annual meetings or at special meetings called for the purpose or at any adjournments of any such meetings shall continue to be so done and transacted as heretofore.

Issue of  
redeemable  
water debenture  
stock.

**39.** Whereas under the Water Acts the water commissioners obtained powers to borrow or raise money for the purposes therein mentioned and to grant mortgages for the same and also to create and issue debenture stock for moneys borrowed or to be borrowed in manner therein mentioned transmissible as therein provided but the said Acts do not require that any resolution for creating or issuing such stock shall specify that it should be redeemable and all stock hitherto created and issued by the water commissioners has been so created and issued without any provision for the same being redeemable by the water commissioners. And whereas it is expedient that all water debenture stock to be hereafter created and issued under the powers of the Water Acts should be of one class and redeemable as herein-after provided. It shall be lawful for the water commissioners and they are hereby required in all future creations and issues of water debenture stock to provide in the resolutions creating or authorising the issue thereof that such stock shall be redeemable by the water commissioners at par that is to say at the rate of one hundred pounds for every nominal amount



of one hundred pounds stock and that at or after such time not being less than twenty nor more than sixty years from the first issue thereof as the water commissioners by such resolutions shall declare and all such stock shall be designated as Dundee Water Redeemable Debenture Stock and all the provisions of the Water Acts applicable to debenture stock and the creation and issue of the same and the transfer or transmission thereof shall subject to the provisions of this Act apply and be applicable to all creations and issues of such Dundee Water Redeemable Debenture Stock.

A.D. 1894.

PART VI.—ABOLITION OF POLICE AND OTHER CLERKSHIPS, AND  
REGULATION OF OFFICE OF TOWN CLERK.

40. The following enactments shall apply to the office of town clerk of Dundee:—

Town clerk's  
appointment  
and duties.  
(Office of  
clerk of cer-  
tain bodies  
abolished.)

(1) The office of clerk to the Commissioners and the office of clerk to the parochial board and the office of clerk to the gas commissioners and the office of clerk to the water commissioners shall be and the same are hereby abolished and the town clerk of Dundee for the time shall be the clerk of the Commissioners and the clerk of the parochial board and the clerk of the water commissioners and the clerk of the gas commissioners in the sense and for the purposes of the Police Acts and the Water Acts and the Gas Acts and the Acts relating to the said parochial board and shall do and perform all the duties heretofore attached to such offices and be subject to all the obligations and be entitled to all the powers and immunities hitherto pertaining thereto;

(2) Thomas Thornton the present town clerk of Dundee and every person appointed after the passing of this Act to the office of town clerk shall be paid for his personal services an adequate salary to be fixed by the town council in lieu of all fees charges and emoluments whatsoever pertaining to the office or claimable in respect of the duties which the town clerk is required to perform but subject always to any agreement which may have been or may be made between the town clerk for the time and the town council and such salary may from time to time be raised or reduced by and at the pleasure of the town council but so that the salary be in no case reduced below an adequate amount;

(Salary of  
town clerk.)

(3) The town clerk shall have the management direction and control of the town clerk's office and establishment and the staff thereof and power from time to time to appoint suspend and dismiss the persons employed in the said office and

(Power of  
town clerk  
to appoint  
suspend and  
dismiss staff.)

A.D. 1894.

establishment He may subject to the approval of the town council appoint one or more deputy or assistant town clerks at salaries to be fixed by the town clerk with the approval of the town council and may from time to time suspend and dismiss any such deputy or assistant town clerks ;

(Town clerk's fees &c. payable to town council.)

(4) All fees perquisites and emoluments of the office of town clerk and all business charges made by him shall (subject to the terms of any agreement on the subject between the town council and the town clerk for the time) belong to the town council and be accounted for and paid over to them ;

(Town clerk's fee fund account.)

(5) The city chamberlain shall be treasurer of a fund to be called "the town clerk's fee fund" the accounts of which shall be kept in connexion with the municipal accounts of the city and be balanced annually and all the fees perquisites emoluments and charges referred to in sub-section (4) of this section and also all costs charges and disbursements recoverable from third parties and recovered (the right of recovering such costs charges and disbursements in proceedings between the town council and third parties being in no respect prejudiced by this Act) shall (subject to any agreement as aforesaid) be collected by the city chamberlain on a certificate by the town clerk of the amount of the same respectively or collected by the town clerk and paid over to such chamberlain and shall be placed to the credit of the said fee fund ;

(Application of fee fund.)

(6) The city chamberlain shall (subject to any agreement as aforesaid) use and apply the moneys of the said fee fund in paying the salaries of the town clerk and of any deputy or assistant town clerks and of the clerks assistants and other persons employed in the establishment or staff of the town clerk and also all disbursements and payments made or incurred in connexion with and for the proper equipment of the town clerk's office and the due execution and despatch of the business thereof Provided that if and whenever the moneys to the credit of the said fee fund shall be inadequate to meet the said salaries disbursements or payments the deficiency shall be defrayed out of the common good of the burgh or out of the police water gas and parochial board assessments or rates leviable within the burgh or out of one or more of them all as the town council may from time to time fix and determine ;

(Allocation of town clerk's receipts and salary &c. among accounts of boards interested.)

(7.) The town council shall annually allocate and divide the emoluments and receipts of the town clerk's office and the salary of the town clerk and of his establishment and staff and the other expenses of and attending his office and the business thereof to and among the municipal police water gas

local authorities parochial board and other accounts of their administration in such fair and equitable manner as to them may seem right;

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- (8) The town council may on the resignation of any town clerk grant to such town clerk a retiring allowance of such amount and payable during his life or for such shorter period as the town council may determine. Provided that no retiring allowance shall be granted to a town clerk unless such town clerk shall have been in office for a period of at least fifteen years or shall from failing health or other such like cause be disabled from performing the duties of the office and the town council may at any time commute any retiring allowance into a capital sum to be paid out of the fee fund or common good or other funds of the town council of such amount as shall be fixed by the manager for the time being of the Scottish Widows' Fund and Life Assurance Society whom failing by an actuary to be named by the sheriff of the county of Forfar on the application of the town council as the value of any annuity equal in amount to such retiring allowance having regard to the age of the person so entitled and the period for which such retiring allowance has been granted. Provided that a retiring allowance shall not at any one time be paid to more than one person who has held the office of town clerk.

(Retiring allowances to town clerks.)

#### PART VII.—MISCELLANEOUS.

41. 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 town council out of the public rates and municipal revenues of the city.

Expenses of Act.

A.D. 1894.

The SCHEDULE referred to in the foregoing Act.

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AGREEMENT between the LORD PROVOST MAGISTRATES and TOWN COUNCIL of the City and Royal Burgh of Dundee of the first part and GEORGE WATT Procurator Dundee Clerk of the Peace for the county of Forfar of the second part.

WHEREAS the first parties are promoting a Bill in the present Session of Parliament intituled "A Bill to provide for the creation of the City and Royal Burgh of Dundee as a county of a city and to confer various powers on the Lord Provost Magistrates and Town Council for affording greater facilities for transacting the public business of the said City and Burgh and for other purposes" And whereas both parties hereto have arranged thereanent as underwritten Therefore they agree as follows:—

*First.*—In the event of the first parties proceeding with and taking Part II. of the said Bill they shall from and after the prescribed day pay to the said George Watt so long as he holds the office of clerk of the peace of the county of the city of Dundee in full of all charges and remuneration and cash and other outlays claimable by him against the said county of a city a salary at the rate of forty-five pounds per annum payable half-yearly at Whitsunday and Martinmas in equal portions which salary the said George Watt hereby agrees to accept in full as aforesaid Provided always that the second party shall also be entitled to be reimbursed by the first parties all cash outlays by him for necessary advertisements in public newspapers or for commissions of the peace and additions thereto issued by Her Majesty and for a seal for Her Majesty's justices of the peace of the said county of a city But provided also that all court and minute books and other records requiring to be kept by the justice of peace clerk shall be paid for by him out of and from his said salary and yet shall be and remain the property of the said county of the city of Dundee.

*Second.*—This agreement is made and entered into subject to the sanction of Parliament and to such alterations as Parliament may think fit to make therein In witness whereof these presents are subscribed by James Low Lord Provost of Dundee William Brownlee one of the town councillors of Dundee and Thomas Thornton town clerk of Dundee for and in name and on behalf of the said first parties and duly authorised and by the said George Watt being the second party all at Dundee on the twenty-fifth day of May eighteen hundred and ninety-four years as follows:—By the said James Low William Brownlee and Thomas Thornton before these witnesses James McLagan clerk to the said Thomas Thornton clerk of the Commissioners

of Police for the burgh of Dundee and Charles Alexander Nicoll apprentice to the said Thomas Thornton town clerk of Dundee and by the said George Watt before these witnesses Christopher Johnston Bisset and William Reddy both apprentices to Watt and Company solicitors Dundee.

A.D. 1894.

JAMES MCLAGAN Witness.

CHAS. A. NICOLL Witness.

CHRIS. J. BISSET Witness.

WILL. REDDY Witness.

JAMES LOW Lord Provost.

W. BROWNLEE Councillor.

THOS. THORNTON Clerk.

GEO. WATT.

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