ANNO UNDECIMO

Georgii III. Regis.

CAP. XXXVI.

An Act for cleanſing, lighting, and watching the ſeveral Streets, and other Paſſages, on the South Side of the City of *Edinburgh*, and for removing Nuiſances and Annoyances therefrom, and preventing the ſame for the future.



WHEREAS the ſeveral Streets, Squares, Lanes, Avenues, and Paſſages, adjoining to the City of Edinburgh, on the South Side thereof, and lying between the Street or Road leading from the Cowgate Port of Edinburgh to the Toll-gate called the Gibbet Toll, on the Eaſt; and the Street or Road leading from the Two-penny Cuſtom, near Edinburgh, to the Toll-gate called Wright's Houſes Toll, on the Weſt; all lying within the Pariſhes of Saint Cuthbert's or Weſt Kirk and Canongate, are at preſent ill cleanſed, and not duly lighted and watched; and if Power was given to regulate, Preamble.

regulate, light, cleanse, and watch the same, and remove all Nuisances and Obstructions therein, and prevent the same for the future, it would tend greatly to the Safety and Preservation of the Inhabitants of the said Streets, and other Places, and be of publick Utility; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Streets, Squares, Lanes, Alleys, Avenues, and Passages, and other Places included in this Act, shall, for the Purposes thereof, be divided into
The Districts. Eight Districts, videlicet, The Street or Road leading from Bristo Street, Westward, by Tiviot Row and Lawriestion, to the Two-penny Custom, to be One District, and called the District of Tiviot Row and Lawriestion: The Streets of Bristo and Potter-row, from Bristo and Potter-row Ports, to where these Streets join each other, and the Places lying between them, built or to be built, and cross Streets from one to the other, to be One District, called Bristo and Potter-row District: George's Square, including the Streets leading to it, called Charles and Creighton Streets, (exclusive of the Corner House of Creighton Street, which shall belong to Bristo and Potter-row District) with the other Streets leading to the Square to be hereafter built, to be One District, called George's Square District: Nicolson's Park, including the cross Streets intersecting the same, from Chapel Street to Pleasance, and the Street along the Back of the City Wall, from Potter-row Port to Pleasance, to be One District, called Nicolson's Park District: The Cross Causeway, from where the Bristo and Potter-row Streets join each other, to the East End of the Street, and from thence along the Gibbet Street, Northward, to where it is divided from the Jurisdiction of the Canongate, to be One District, called Cross Causeway District: From the East End of Cross Causeway, Southwards, to the Gibbet Toll, including Gibbet Loan, to be One District, called Gibbet Street District: From the Chapel of Ease, Southwards, to the Toll-gate, called Grange Toll, including Shiens, to be One District, called Causeway-Side District: From the South End of the Property of Joseph Gavin Merchant, on the West, and of the Property of John Sraitton Brewer in Portsburgh, on the East of the Road leading from Two-penny Custom to Wright's Houses, Southward, to the Toll called Wright's Houses Toll, to be One District, called Toll-Cross District: And that the

Reverend James Brown, John Dove Builder, John Grant, and Alexander Shaw, Writers, and William Riddell, shall be Commissioners for Tiviot Row and Lawriestion District: That Alexander Scott Merchant, Archibald Scott Brewer, Neil Macviccar Manufacturer, Thomas Clark Leather Case-maker, and David Smith Baker, shall be Commissioners for Bristo and Potter-row District: That the Honourable John Campbell Esquire, one of the Senators of the College of Justice, Henry Dundas Esquire, Solicitor-general for Scotland, George Brown Esquire, one of the Commissioners of Excise in Scotland, James Smollet Esquire, one of the Commissaries of Edinburgh, and Robert Forrester Esquire, Merchant, shall be Commissioners for George's Square District: That William Fullerton Esquire, Doctor Alexander Monro Physician, Thomas Cockburn Clerk to His Majesty's Signet, James Baird Writer, and John Davie, shall be Commissioners for Nicolson's Park District: And that James Spottiswood Esquire, John Moir Merchant, Alexander Palmer Joiner, John Manuel Merchant, and John Fletcher Baker, shall be Commissioners for Cross Causeway District; being all Inhabitants within the Bounds above described of the respective Districts for which they are hereby severally named, and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act in Execution: And if any of the Commissioners above named, or any other to be hereafter chosen in Manner herein-after mentioned, shall refuse to accept and act, such Person or Persons shall forfeit One Year's Assessment extraordinary, in respect of such Refusal, to be levied along with, and in the same Manner, as the other Assessments for that Year are herein-after directed to be levied.

Commissioners Names.

Commissioners refusing to accept and act, to forfeit One Year's Assessment.

And be it enacted by the Authority aforesaid, That all the Commissioners above named for the said several Districts, or any Seven or more of them, shall meet at the Chapel of Ease, near Edinburgh, upon the First Monday after the Sitting or Meeting of the Court of Session in Scotland for the Summer Session, that shall first happen after the passing of this Act, between the Hours of Ten in the Forenoon and Two of the Afternoon, (and shall meet afterwards at the same Place and Time annually) and shall chuse One of their Number to be Convener, who is hereby impowered to call a General Meeting of the Commissioners, at any Time during the Currency of the Year, when necessary, at the Desire of any Two or more of the Commissioners for that Year, upon Ten

Commissioners to meet annually at *the Chapel of Ease*, on the First *Monday* after the Meeting of the Court of Session in Summer, and chuse a Convener.

Days Advertisement in any of the Edinburgh News-papers: And the said Commissioners are hereby impowered to adjourn the said General Meetings from Time to Time, to meet at the Place aforesaid, or any other convenient Place within the said Eight Districts, as they shall think proper.

The Office of Commissioners to determine at the End of One Year from the First General Meeting.

And be it enacted by the Authority aforesaid, That the Office of Commissioners, named and appointed by this Act, shall cease and determine at the End of One Year from the First General Meeting appointed by this Act: And in order to supply their Places, a general Meeting of the whole Inhabitants of each District, assessed by this Act, shall be assembled separately in each District, by the Convener of the Commissioners then in Office, at least Ten Days before the next general Annual Meeting, by Advertisement in any of the Edinburgh News-papers, or by affixing a written Notice thereof upon the principal Door of the Parish Church in each Parish of the said Districts; and in case the Convener shall neglect or refuse to call such Annual Meeting in each District, as is above directed, then it shall and may be lawful for any Three of the Inhabitants of each District to call such Meeting, upon Notice by Advertisement in any of the Edinburgh News-papers, at least Six Days before the general Annual Meeting; and such Inhabitants being so assembled, they shall severally elect Five Commissioners for each District, to act for the then ensuing Year: And such Inhabitants so assembled as aforesaid, within their several and separate Districts, shall also elect and chuse a proper Person or Persons to be Treasurer, Collector, and Clerk, for each of their respective Districts, and shall appoint him or them a reasonable Salary or Salaries, for his or their Trouble, out of the Money to be levied in the said respective Districts; and which Treasurer, Collector, or Clerk, may be removed from his Office, upon any reasonable Cause, in the Judgement of the said Five Commissioners, or the Majority of them, who are hereby impowered to appoint a proper Person in his or their Place, to continue in Office till the next Annual Election: And every Person or Persons so elected or appointed, shall find Security for the due and faithful Execution of his or their Office, under such Penalty as the said Five Commissioners, or the Majority of them, shall think reasonable; and such several Inhabitants shall report their Election of Five Commissioners, Treasurer, Collector, and Clerk, to the then next annual General Meeting: And it is hereby declared, That in the said Annual, and all the other Meetings of the Inhabitants

Inhabitants to elect Commissioners and other Officers for each separate District.

Treasurers to find Security.

of

of the respective Districts, all Matters are to be determined according to the Voices of the Inhabitants present having the Majority of Valuation; and in case of Equality, by the Voice of the Preses elected at such Meeting, who shall, notwithstanding such decisive Voice, have a Vote along with the other Inhabitants or Commissioners.

All Questions to be determined by the Inhabitants having the Majority of Valuation, or by the Preses in case of Equality.

And be it further enacted, That if in any Year any of the said several Districts shall fail in electing and reporting to the annual General Meeting, in Manner above directed, their Choice of Five Commissioners, Treasurer, Collector, and Clerk, or if any of the Commissioners, elected and reported in Manner above mentioned, shall refuse to accept and act; then the Commissioners for the several Districts, who have acted for the preceding Year, together with the new elected Commissioners for the succeeding Year, willing to accept and act, shall, in their annual General Meeting, chuse and appoint Five Commissioners, and a Treasurer, Collector, and Clerk, for each District which has failed to make and report their Election in Manner above prescribed: And such Commissioners, Treasurer, Collector, and Clerk, are hereby vested with the same Powers for putting this Act in Execution, as if they had been regularly elected and reported by the Inhabitants of each separate District, in Manner above mentioned: And if Seven, or all of the said several Districts should fail in making and reporting such annual Election of Commissioners, Treasureres, Collectors, and Clerks, in Manner as above directed; then, and in that Case, the Commissioners, Treasurers, Collectors, and Clerks, and other Officers last elected, shall continue in their respective Offices till the next Annual Election.

If any District neglect to elect Commissioners and other Officers, the General annual Meeting of Commissioners for the other Districts to elect them.

If Seven or all of the Districts neglect to elect, the Commissioners for the former Year to continue.

Provided always, and be it further enacted, That when, and so often as it shall happen, that any One or more of the said Commissioners, Treasurers, Collectors, or Clerks, in any of the said several Districts, shall die, or remove out of any of the said Districts, the Inhabitants of all and every the said Districts, shall, within Ten Days after such Death or Removal, nominate and appoint a Commissioner or Commissioners, Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, in the Room and Place of such of them as shall have died or removed out of any of the said respective District or Districts; and which several Officers so appointed, are hereby vested with the same Powers for putting this Act in Execution as if they had been regularly elected, and reported by the Inhabitants in the annual Meetings, in Manner before mentioned.

Commissioners, &c. dying or removing, others to be chosen.

And

Qualification of Commissioners.

And be it enacted by the Authority aforesaid, That no Person or Persons shall be capable of acting as a Commissioner under the Authority of this Act, unless he shall be an actual Inhabitant within the District for which he is named or elected, or who shall be rated at any less or smaller Sum than Seven Pounds Sterling for his Possession therein; and if any Person not so qualified, shall presume to act as a Commissioner, he shall for every such Offence forfeit Five Pounds Sterling to any Person within the District who shall sue for the same, before the Judge Ordinary of the Bounds, whose Judgement shall be final: And in every such Action so to be brought for the Recovery of such Penalty as aforesaid, the Proof of Qualification shall lie on the Defendant, and it shall be sufficient, on the Part of the Pursuer or Prosecutor, to prove, that the Person so prosecuted had acted as a Commissioner in the Execution of this Act.

Penalty of acting without a Qualification.

Proof of Qualification to lie on the Defendant.

Commissioners to meet and receive the Report of Commissioners elected for the ensuing Year.

And be it further enacted, That the Commissioners above named, and those to be from Time to Time elected in Manner above appointed, shall each Year meet at the said Chapel of Ease, near Edinburgh, upon the First Monday after the Meeting or Sitting of the Court of Session for the Summer Session, and shall appoint their Convener to receive the Reports of the Election of the Commissioners for the different Districts for the ensuing Year, and give such Orders as may be necessary for carrying into Execution the Business committed to them, under the Authority of this Act, in Manner herein after mentioned; and all Questions in this or any other General Meeting of the Commissioners shall be determined by the Voices of the Majority of the Commissioners then present; and, in case of Equality, by the Convener of the Meeting, or in his Absence by the Voice of the Preses chosen by such Meeting, who shall, notwithstanding of such decisive Voice, have a Vote along with the other Commissioners: And also all Questions in the Meeting of the Commissioners of the particular Districts, shall be determined in the same Manner as above prescribed with regard to General Meetings.

Questions in General Meetings to be determined by the major Part of Commissioners present, or by the Convener or Preses, if an Equality.

If a sufficient Number of Commissioners at a General Meeting do not attend, those present, or the Clerk, may appoint another Meeting;

Notice to be given.

Provided always, and be it enacted, That where the Number of Commissioners present at such First or any other subsequent Annual or General Meeting, shall not exceed Seven, then the Commissioner or Commissioners present, or, in case none of the Commissioners shall attend, the Clerk of the said General Meeting shall adjourn the said General Meeting to such Day as shall appear most convenient; Ten Days previous Notice of the Day to which such Adjournment is made, which shall

be to the ſame Place, ſhall be given by Advertiſement in any of the Edinburgh News-papers; and any Three of the Commiſſioners acting for the Time, may call a General Meeting, giving Fourteen Days previous Notice thereof by Advertiſement as aforeſaid, and of the Purpoſe and Buſineſs of ſuch Meeting.

None liable to ſerve above once in Three Years.

Provided always, That no Perſon or Perſons ſhall be obliged to ſerve the ſaid Office of Commiſſioner, Treaſurer, Collector, or Clerk, oftener than Once in Three Years; unleſs it ſhall happen that by Neglect of Seven or all of the ſaid Diſtricts in electing their Commiſſioners, Treaſurers, Collectors, and Clerks, the Commiſſioners, Treaſurers, Collectors, and Clerks then in Office, ſhall be obliged to continue in their reſpective Offices for the then following Year, in Manner above directed.

For entering Proceedings of General Meetings,

And be it further enacted, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, at their ſaid General Meetings, from Time to Time, ſhall be regularly entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners, and ſhall be ſigned by the Clerk of the General Meeting for the Time being, and ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners, and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

and read in Evidence.

Commiſſioners to divide themſelves into their ſeveral Diſtricts.

And be it enacted by the Authority aforeſaid, That the Commiſſioners at their ſaid firſt General Meeting, and at every other annual General Meeting thereafter, after having finiſhed the Buſineſs by this Act committed to them, ſhall divide themſelves into their ſeveral Diſtricts, and act for all the other Purpoſes of this Act within the Diſtrict where they reſpectively reſide; and ſhall meet at ſuch Time and Place within their reſpective Diſtricts as at the General Meeting ſhall be appointed, or to which they ſhall from Time to Time adjourn themſelves.

For entering the Proceedings of the ſeveral Diſtricts,

And be it enacted, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners in their reſpective ſeparate Diſtricts, ſhall, in like Manner, be regularly entered in a Book or Books, to be kept for that Purpoſe by the ſaid ſeveral Commiſſioners, and ſhall be ſigned by the Clerk of the Diſtrict for the Time being: And ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners in their ſeparate Diſtricts, and ſhall and may be produced and read in Evidence in all Courts whatſoever.

and read in Evidence.

Commiſſioners to appoint Perſons for watching, &c.

And, for the better enlightening, watching, and cleanſing the ſeveral Streets, Squares, Lanes, Alleys, Courts, Avenues, and Paſſages, comprized in this Act, be it

further enacted, That the Commissioners for the several Districts above named, or their Successors, shall meet at the Time and Place appointed by the General Meeting as aforesaid; and then, or at any other Time and Place, within the Time herein-after mentioned, to which they shall adjourn as aforesaid, shall appoint proper Persons for watching and cleaning the Streets in their several Districts; and shall appoint Lamps to be erected, at the most convenient Places within their District, at equal Distances from each other; except where the Situation of Closes or Cross Avenues, or the Angles on any Street, shall make it necessary to affix the Lamps opposite to such Cross Avenues, or upon such Angles.

Distance of Lamps from each other.

And be it further enacted, That the Lamps so to be erected shall not exceed the Number of Sixty Feet in Distance from each other, excepting always the Road leading from Bristo Port by the Back of the City Wall, to where the North End of Nicolson's Street joins the City Wall, on the East Side of Lady Nicolson's House, and the Road from the Gate entering from the Poor-House to the Meadow westward to the Two-penny Custom, in which two Roads or Streets, it shall be in the Power of the Commissioners for the several Districts within which they lie, to erect Lamps at the Distance of One hundred Feet from each other: Provided, That such District shall make it appear to the next annual General Meeting of the Commissioners, That their Funds levied in virtue of this Act, at the Rate of Sixpence Sterling for each Pound Sterling of the real Rent of such District, cannot afford to have them placed nearer each other, after answering the Expence of the other Purposes thereof.

Roads exempted from lighting, cleansing, or watching, till sufficient Funds arise.

And whereas the Road or Lane lying within the District of Nicolson's Park, called Back Row, and the Road lying at the Back of the City Wall, from that Part thereof where the North End of Nicolson's Street joins the same on the East Side of Lady Nicolson's House to the Pleasance, are at present not at all, or very thinly inhabited; it is hereby provided and enacted, That the District of Nicolson's Park shall not be obliged to light, cleanse, or watch the said Lanes or Roads, till they shall be so inhabited as that they can be lighted, watched, and cleaned, by an Assessment of Sixpence Sterling upon each Pound Sterling of the real Rent of the Houses therein; or that it shall be in the Power of the District, by an Assessment of Sixpence Sterling per Pound, to light, watch, and clean the same, after answering the Purposes of this Act in other Parts of the District; Provided always

always, That it shall be in the Power of the Inhabitants possessing Two-thirds of the Valuation of the District of Nicolson's Park to assess the same, in Manner herein-after mentioned, for the Purpose of lighting, watching, and cleansing the said two Roads or Lanes, to any Extent not exceeding One Shilling Sterling per Pound of the real Rent of the whole District: And, provided also, That the Houses, or Inhabitants thereof within the said Road or Lane, called Back Row, and in the said Road leading from the North End of Nicolson's Street, where it joins the City Wall on the East Side of Lady Nicolson's House to the Pleasance, shall not be subject to any Assessment by virtue of this Act, until they are lighted by Lamps at the Distance of One hundred Feet from each other, in Manner prescribed by this Act, with regard to the Roads leading along the City Wall, in the District of Tiviot Row and Lawriestoun, and Bristo and Potter-row, and cleansed and watched as the other Parts of the District.

Lamps to be lighted from the First of *October* to the First of *April* yearly.

And it is hereby further enacted, That all and each of the Lamps, which presently are, or hereafter shall be erected by or in virtue of this Act, shall be lighted in the Afternoon of every Day, at such Hour or Hours as the Commissioners, or a Majority of them, in each District shall direct and appoint, from and after the First Day of October in each Year, to the First Day of April then next.

Commissioners of any District may order Lamps to be sooner, or continue longer lighted, as they see Cause.

Provided always, and it is hereby further enacted, That it shall and may be lawful to and for a Majority of the Commissioners in each District, to order and direct the Lamps within their several Districts to be lighted sooner than the First Day of October in each Year, or to continue the lighting of such Lamps longer than the First Day of April, or both, as they shall see Cause.

For preventing Damage of Lamps.

And it is hereby further enacted, That if any Person or Persons shall wilfully take away, break, or throw down, or damage any Lamp or Lamps, that now is or hereafter shall be set up, for enlightening any of the said Streets, Squares, Courts, Lanes, Alleys, Avenues, or Passages, or wilfully extinguish the Light or Lights within the same, or damage the Irons or other Furniture thereof; it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders; and, by Authority of this Act, without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Custody of a Peace Officer, in

order to be secured and conveyed before some Justice of the Peace of the said County of Edingburgh; and such Justice shall proceed to examine, upon Oath, any Witness or Witnesses, who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer): And if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, shall forfeit and pay the Sum of Two Pounds Sterling for each Lamp so broken, thrown down, or damaged, or for every Light so extinguished as aforesaid: And, moreover, shall make full Satisfaction to the said Commissioners, or to such Person as they, or any Three or more of them, shall appoint to receive the same, for the Damage so by him, her, or them, done as aforesaid: And in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the Common Gaol of the said County, for the Space of Two Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Persons carelessly or accidentally breaking or damaging Lamps, to make Satisfaction.

And it is hereby further enacted, That, in case any Person or Persons shall carelessly or accidently break, throw down, or damage any of the said Lamps so set up, or hereafter to be set up, as aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful to and for any One Justice of the Peace of the said County of Edinburgh, upon Complaint to him made by One or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and, upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Party or Parties so complained of and summoned, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as such Justice shall think reasonable; and, in case of Neglect or Refusal of the said Party or Parties to pay such Sum or Sums of Money so awarded within Ten Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his, her, or their Goods

Goods or Chattels; the Surplus (if any) arising by such Sale, to be paid to him, her, or them.

For preventing Damage being done to the Foot Pavement.

And be it further enacted, That if any Person or Persons shall, for the future, carry, run, drive, draw, or cause to be carried, run, driven, or drawn, on any of the Foot Pavements within any Part of the several Districts comprised in this Act, any Bier, Sedan-chair, or any Wheel or Wheels, Sledge, Wheel-barrow, or other Carriage whatsoever; or shall wilfully ride, lead, or drive, any Horse, Ass, Mule, or other Cattle, Coach, Cart, or other Carriage whatsoever, upon any of the said Foot Pavements; then, and in any of the said Cases, and so often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing such Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to convey or deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured or conveyed before some Justice of the Peace of the said County of Edinburgh; and the Party or Parties accused being brought before him, such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear, or be produced, to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay the Sum of Five Shillings Sterling for the First Offence, the Sum of Ten Shillings Sterling for the Second Offence, and the Sum of Twenty Shillings Sterling for the Third and every other Offence.

Commissioners not to act during the Time they enjoy any Place of Profit under this Act.

And it is hereby further enacted, That no Order or Determination of the said Commissioners shall be valid, unless the same shall be made at a Meeting held in pursuance of this Act; nor shall any Commissioner hereby appointed, or hereafter to be elected or appointed as aforesaid, be capable of acting as such during the Time he shall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Interest in any Contract relating to the Execution thereof.

For giving Notice of Contracts.

And it is hereby further enacted, That the said Commissioners of the respective Districts, or any Three or more of them, may, and they are hereby authorised and impowered, from Time to Time, to employ under them

any fit Person or Persons in or about cleansing all or any of the said Streets, Squares, Courts, Lanes, Alleys, Passages, and other Places within the said several Districts comprised in this Act, and in and about the enlightening of the same, and in and about the several Works hereby appointed to be performed, and to contract for the Performance of the said Works, or any of them, with any Person or Persons whatsoever, in such Manner as the said Commissioners, or any Three or more of them, shall think fit.

No Commissioner to be concerned in any Contract.

Provided also, and it is hereby further enacted, That no Person being a Commissioner under this Act, shall be, directly or indirectly, interested or concerned in any Contract which shall be made or entered into by or on the Behalf of the said Commissioners, for or concerning any of the said Works to be carried on or performed in pursuance of this Act, or for or concerning any Materials to be used or employed therein, upon Pain that every such Contract shall be null and void; and that the Person who being a Commissioner as aforesaid, and shall be so interested or concerned therein, shall, for every such Offence, forfeit and pay the Sum of Five Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered and levied in Manner herein-after directed; and every Person against whom the said Penalty shall be recovered, shall, for ever thereafter, be disabled from being a Commissioner for the Purposes of this Act.

For appointing Watchmen.

And it is hereby further enacted, That the said Commissioners, or any Three or more of them, in their respective Districts, shall and may, yearly, and every Year, order and appoint what Number of Watchmen they shall judge proper to be kept in such Places of the said several Districts comprised in this Act for each Year, and elect such honest and able-bodied Men to be employed in that Service as they shall think best qualified for the same; and also direct where the several Watchmen shall be stationed, and in what Manner they shall be armed, and how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen for their Attendance; and also shall or may hire, erect, or maintain any proper Place or Places, within the Limits aforesaid, for the Reception of the said Watchmen, and shall make all such Regulations and Orders in Writing as the Nature of each particular Service shall appear to them, or any Three or more of them, to require.

Watchmen not to be appointed without the Con-

Provided always, and it is hereby further enacted, That no Watchman shall be appointed within any Dis-

trict

trict whatever, but by the Concurrence, or with the Consent of Two-thirds of the Valuation within such District. Consent of Two-thirds of the Valuation.

And be it enacted by the Authority aforesaid, That the Commissioners of the several Districts, at their First or adjourned Meetings as aforesaid, shall ascertain the Expence necessary for erecting and lighting the Lamps in their several Districts in Manner aforesaid, and for watching and cleansing their Streets for One Year; and shall assess all and every Person and Persons who do or shall inhabit any House, or inhabit or possess any Shop or Warehouse within their several Districts, in a Sum not exceeding Sixpence Sterling in the Pound of the real Rent of such House, Shop, or Warehouse so inhabited, held, or occupied. Rates or Assessments at 6*d. per* Pound.

Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the said Commissioners, or a Majority of them, in their respective Districts, by and with the Consent of Persons residing within such District, and having Two-third Parts of the Valuation thereof, to assess themselves for fulfilling the Purposes of this Act in an additional Sum, so as that the whole Assessment to be laid by virtue of this Act shall not exceed One Shilling Sterling in the Pound of the real Rent for One Year. Commissioners with Consent of Two-thirds of the Valuation may lay on an additional Assessment not exceeding One Shilling *per* Pound.

Provided also, and it is hereby enacted and declared, That it shall not be in the Power of any District to assess themselves in less than Sixpence Sterling in the Pound of the real Rent for One Year, unless they shall make it appear, to the Satisfaction of a General Meeting, that any lesser Sum is sufficient for answering the Purposes intended by this Act. No District to be assessed at less than 6*d. per* Pound, unless it be made appear that a smaller Sum will answer the Purposes of this Act.

And be it further enacted, That the Assessment to be laid for the first Year, by the Authority of this Act, shall not be under One Shilling Sterling in the Pound of the real Rent, unless the Commissioners of any District shall make it appear to a General Meeting, that a lesser Sum is sufficient for both the ordinary and extraordinary Purposes of this Act for that Year: And which Assessments shall be laid on for One Year, commencing at the first annual General Meeting, and ending at the Second annual General Meeting, to be held by virtue of this Act, and so on yearly thereafter. The First Year's Assessment not to be less than 1*s. per* Pound, unless it be made appear that a smaller Assessment will be sufficient.

And it is hereby further enacted and declared, That the Assessments so laid shall be leviable and levied at the Terms of Lammas and Candlemas next after the general annual Meeting, by equal Portions: And if any Person or Persons who shall be rated or assessed by virtue Assessment to commence at the First, and to end at the Second and annual General Meeting to be held by this Act.

Rates to be levied at *Lammas* and *Candlemas* yearly.

tue of in purſuance of this Act, ſhall refuſe or neglect to pay the Rate or Aſſeſſment charged upon him, her, or them, in purſuance of this Act, for the Space of Ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due, and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of the Judge Ordinary, (which Warrant or Warrants the ſaid Collector and Collectors is and are hereby required to apply for, and the ſaid Judge Ordinary is hereby authoriſed and required to grant) and with the Aſſiſtance of a Conſtable, or other Peace Officer, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to ſeize and keep Poſſeſſion of his, her, or their Goods and Chattels; and if the ſaid Rate or Aſſeſſment ſhall not be paid within Three Days next after ſuch Seizure is made, together with the Coſts and Charges thereof, then to ſell, by publick Auction, at the Market Croſs of Edinburgh, ſo much, and ſuch Part of the ſaid Goods and Chattels, as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Seizure and Sale, returning the Overplus, if any, to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Judge Ordinary, who ſhall have granted ſuch Warrant or Warrants reſpectively.

Aſſeſſments to be laid on Houſes poſſeſſed at the Time,

or thoſe to be poſſeſſed at any Time within the Year.

And be it enacted by the Authority aforeſaid, That the Aſſeſſments ſhall be laid upon Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements that are actually poſſeſſed at the Time the ſame is laid on only, and the Poſſeſſors, whether Proprietors or Tenants, ſhall be liable to the Payment thereof: And if any Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, which are not poſſeſſed at the Time the general Aſſeſſment is laid, ſhall thereafter, during the Currency of that Year, become poſſeſſed, it ſhall be in the Power of the Commiſſioners of the Diſtrict where ſuch Dwelling-houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement is ſituated,

or any Two of them, to meet and assess the same in Manner above prescribed: And it shall be in the Power of the Commissioners of each District totally to exempt Houses within their District, paying the yearly Rent of Three Pounds Sterling, or under, from Payment of any Assessments by virtue of this Act, if they see Cause.

Commissioners if they think fit, may exempt Houses of Three Pounds Rent, or under, from Assessment,

And, for determining the real Rent of each Dwelling-house, Shop, Warehouse, or other Tenements liable to the Payment of any Assessment to be imposed by virtue of this Act, it is hereby further enacted, That the Tenant or Possessor shall be obliged to declare upon Oath the Extent thereof, if required; (which Oath any Two Commissioners for the District where he, she, or they reside, are hereby impowered to administer): And in case the Possessor or Possessors shall happen to be also Proprietor or Proprietors, he, she, or they, shall be obliged in like Manner to declare the Price he, she, or they, paid for his, her, or their Possession, or what it cost him, her, or them; and he, she, or they, shall be assessed according to the Rent, equal to Seven Pounds Sterling per Centum, of such Price or Cost.

and administer Oaths for ascertaining real Rent of Houses, &c.

And be it enacted by the Authority aforesaid, That if the Commissioners of any particular District shall neglect to meet, and put in Execution the Part of this Act committed to them, for ascertaining the Expence necessary for the Purposes thereof, and assessing the Inhabitants of their District therewith, in Manner above prescribed, at least Ten Days before the Term of Lammas next after the annual General Meeting yearly; it shall be in the Power of a General Meeting, consisting of Seven Commissioners at least, called for that Purpose by their Convener, to assess such District as they shall see Cause, in the Manner directed by this Act.

In case Commissioners of One District neglect to assess, a General Meeting, called for that Purpose, shall do so.

And be it further enacted, That the Commissioners, at their annual General Meeting, or at any other General Meeting, or the major Part of them, shall determine all Questions or Disputes that may arise within any particular District, touching whether any House or Place is liable to be assessed by virtue of this Act; and likewise all Disputes that may arise between any Two or more Districts, whether any House or Houses, Place or Places, properly belongs to One or other District; and in all such Disputes, it is hereby provided and declared, that the Commissioners of the respective Districts, interested in the Issue of the said Disputes, shall have no Voice in the Determination thereof.

Commissioners at General Meetings to determine all Disputes arising between the different Districts.

Commissioners interested to have no Voice in the Determination.

Commissioners at their General annual Meetings to make Regulations for removing Obstructions.

And it is hereby further enacted, That the Commissioners, at their annual General Meeting, shall have Power to make Regulations, from Time to Time, for removing Obstructions, and preventing Nuisances of every Kind, within the Bounds comprised in this Act; and to enforce the same by such small Penalties as they shall appoint, not exceeding, in any Case, Ten Shillings Sterling for each Transgression, to be levied in Manner hereinafter mentioned.

Funds arising out of one District not to be applied in another District.

Provided always, That, in no Case, the Funds arising out of One District, whether by Assessments, Penalties, or otherwise, by virtue of this Act, shall be applied to the Purposes of lighting, watching, and cleansing, the Streets of any other Districts, nor to any Use or Purpose whatever within any other District; but shall be applied solely to the Purposes of this Act, within such respective District where the same is raised, levied, or collected.

Commissioners may dispose of Street Dung.

And it is also hereby enacted, That it shall be in the Power of the Commissioners of any One District to dispose of the Street Dung, or Fulzie, collected in their respective Districts, by a Lease not exceeding Four Years, or in any other Way they may think proper, and to apply the Produce thereof for the Purposes of this Act within such District; and where the Dung or Fulzie of any of the said Districts is already under Lease, or otherwise disposed of, the Produce thereof shall be applied to the Purposes of this Act in like Manner within such District only: And declaring, that it shall be in the Power of the Commissioners for the District of Potter-row and Bristo to allow such a Sum as they shall judge reasonable out of the Assessments of that District, or Money arising from the Price of Fulzie collected therein, and that to the resident Magistrate thereof, for the Purpose of defraying the Expence of his Office annually.

The Property of Streets to remain with the Owners.

And be it further enacted and declared, That all the Streets, Squares, Courts, Lanes, Alleys, and Avenues, comprehended in this Act, which are at present the Property of the Proprietors of Houses therein, or any Person whatever, shall remain the Property of such Proprietors, their Heirs and Successors, and at their Disposal, from Time to Time, and at all Times hereafter, any Thing in this Act to the Contrary notwithstanding.

Districts of Gibbet-Street, Causeway-Side, and Toll-Cross, may afterwards nominate

And, in regard that the Three last Districts above mentioned; videlicet, Gibbet Street, Causeway-Side, and Toll-Cross Districts, for which no Commissioners are hereby appointed, cannot at present raise sufficient Funds for the Purposes of carrying this Act into Execution within their

their respective Bounds, on account of their being but thinly inhabited, it is hereby enacted, That it shall be in the Power of all or any of the said Three Districts, at any Time hereafter, to apply, by Petition, to the Commissioners, at their annual General Meeting; which Application shall be signed by Inhabitants in such Districts, possessing at least Two-thirds of the Rent thereof, and shall contain a Nomination of Five Commissioners, and a Collector, Treasurer, and Clerk, for the said District, elected and qualified in Manner prescribed by this Act: And from thenceforward, the District so applying shall have all the Privileges, and be subject to all the Regulations hereby enacted, with regard to the other Districts. Commissioners and other Officers.

And it is hereby further enacted, That it shall be in the Power of the Proprietors of the District of Nicolson's Park to assess themselves in such Sum, for paving the Streets, and making common Sewers within their District, as shall be agreed upon by the Proprietors of Two-thirds of the Property within the District; which Assessment shall not exceed Two Shillings and Sixpence upon each Pound Sterling of the Rent of their Possession for One Year, and shall be assessed by the Commissioners of that District by virtue of this Act, upon Application to them by Two-thirds of the Proprietors as aforesaid, and be levied in the same Manner, and under the same Penalties, with the Assessment of the Proprietors of Dwelling-houses and other Tenements in that District, for lighting, watching, and cleansing thereof. Impowering the Proprietors of Houses in the District of *Nicolson's Park* to pave the Streets, &c.

And be it further enacted, That the Charges and Expences of procuring and passing this Act, and of erecting Posts and Irons for the Lamps to be lighted in virtue hereof, shall be assessed upon the different Districts before mentioned, in proportion to their real Rents; and shall be levied with, and in the same Manner, and at the same Terms with the other Assessments by virtue of this Act, in the first Year after obtaining thereof: And such Assessment, for the Expence of obtaining this Act, shall be a Burden on the Proprietors only, and shall be levied from the Inhabitants, along with the other Assessments, to which they are liable, with Power to them to retain the same out of the Rent payable by them to the Proprietors of their Possessions. Expences of passing the Act how to be paid.

And it is hereby further enacted, That if any Collector or Collectors shall refuse or neglect to take upon himself or themselves the said Office, or to execute the same when chosen and appointed, or shall remove out of the District for which he or they was or were so chosen, On Removal, Death, Misbehaviour, or Insolvency of Collector, a new one to be appointed.

or

or shall die within the Year, or shall be guilty of any Neglect or Misbehaviour in the Performance of his or their Duty, or shall become insolvent; then, and in all, any, or each of the Cases aforesaid, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, within their respective Districts, at a Meeting to be called for that Purpose as aforesaid, at any intermediate Time of the Year, to appoint any other fit Person or Persons, inhabiting within the said District as aforesaid, to be Collector or Collectors of the said Rates or Assessments for such District for the remaining Part of the Year, in the Stead and Place of him or them so refusing, removing, dying, or guilty of Neglect or Misbehaviour, or becoming insolvent, as aforesaid.

In case Collector becomes insolvent, the Money to be assessed again.

And it is hereby further enacted, That in case any Collector or Collectors of the said Rates or Assessments shall become insolvent, or shall embezzle or make away with, detain or misapply, any Sum or Sums of Money so collected by him or them for the Use aforesaid, so that the same cannot be recovered; or shall die possessed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which shall not be paid by his or their Security or Securities, or by his or their Executors or Administrators; then, and in every such Case, such Sum and Sums of Money shall be again rated and assessed by the said Commissioners, or any Three or more of them, upon the Streets, Squares, Courts, Lanes, Alleys, and Places, comprised in this Act, for which such Person or Persons shall have been appointed Collector or Collectors, in such Proportion and Manner as the Rates or Assessments are directed to be made by this Act; and shall be collected, levied, and distrained, in such Manner, and under such Penalties, as are herein-before provided for collecting and levying the Rates due and payable by this Act.

Collectors disqualified from acting as Commissioners.

Provided always, and it is hereby further enacted, That none of the Commissioners herein named, or who shall be hereafter chosen by virtue of this act, shall act as a Commissioner during such Time as he or they shall execute the Office of Collector or Collectors of the Rates or Assessments to be raised and levied in pursuance of this Act.

Monies raised vested in the Commissioners, to be applied for the Purposes of the Act.

And it is hereby further enacted, That all Monies, raised or collected by virtue, or by means, or under the Authority of this Act, shall be, and the same are hereby vested in the said Commissioners: And all Monies, raised or collected by virtue of this Act, shall be applied for the Purposes

Purposes of this Act, and to and for no other Use or Purpose whatever.

Provided always, and be it further enacted, That the Charges and Expences of procuring and passing of this Act shall be paid out of the first Monies which shall be raised by virtue of this Act. Expences of this Act, how to be paid.

And it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, from Time to Time, to compound and agree with any Person or Persons, against whom the said Commissioners shall bring, or cause to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they, or any Three or more of them, shall think proper; and also to mitigate, compound, or lessen any other the Forfeitures incurred under this Act, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all the Costs, Charges, and Expences, which shall be occasioned thereby. Penalties may be mitigated.

And it is hereby further enacted, That every Commissioner who is or shall be a Justice of the Peace, may, and is hereby impowered to act as a Justice of Peace in all Cases relating to this Act, notwithstanding his being a Commissioner, except in such Matters or Things as he shall be personally interested in. Justices of the Peace, where not interested, may act as Commissioners.

And it is hereby further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand of any One of the Justices of the Peace for the County or Place wherein the Offender shall dwell; which Warrant such Justice is hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath: And the Penalties and Forfeitures, when recovered, after reserving the Overplus (if any be) upon Demand, to the Party or Parties whose Goods shall be so distrained and sold, (the Charges of such Distress and Sale being first deducted) shall be paid to the Collector or Clerk to the said Commissioners for the Time being, and be applied towards the Purposes of this Act: And in case sufficient Penalties and Forfeitures how to be recovered.

Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County, therein to continue for a Time not exceeding Two Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Juſtices may adminiſter Oaths.

And it is hereby further enacted, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending.

Books to be kept for entering Commiſſioners Names, &c.

And it is hereby further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any Three or more of them, ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied; which Book or Books all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward.

which may be inſpected *gratis*.

Commiſſioners, &c. to defray their own Expences.

And it is hereby further enacted, That the ſaid Commiſſioners and Inhabitants ſhall, at all their Meetings under this Act, pay and defray their own Expences.

Writings, &c. not to be charged with Stamp-duty.

And it is hereby further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, ſigned by any Commiſſioner or Commiſſioners, their Treaſurers, Collectors, or Clerks, Juſtice or Juſtices of the Peace, or exhibited before them, or ſigned by any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Reſervation.

Saving and reſerving to the City of Edinburgh all Juriſdictions, Commodities, Rights, and Privileges, competent and belonging to them within the ſeveral Diſtricts mentioned in this Act, in the ſame Manner as the City and Community now have and enjoy, or might enjoy the ſame.

And

And it is hereby further enacted, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded. Publick Act.

FINIS.