ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXVI.

An Act for the better paving, lighting, cleanſing, and otherwiſe improving the Streets, Lanes, and other Publick Paſſages, of the City of *Aberdeen*, and the Roads and Avenues within the Royalty thereof; for the better ſupplying the Inhabitants with Freſh Water; and for the removing and preventing all Obſtructions and Annoyances within the ſaid City and Royalty. [19th *May* 1795.]

Preamble.

WHEREAS the City of *Aberdeen* has of late Years greatly increaſed in Buildings and Inhabitants, and the Roads, Avenues, Streets, Lanes, and other Publick Paſſages, within the ſaid City and Royalty thereof, are at preſent too narrow, indirect, and incommodious, and are not properly paved, lighted, and cleanſed; nor are the Inhabitants ſufficiently ſupplied with Freſh Water: And whereas it would be greatly for the Safety and Accommodation of the Inhabitants of the ſaid City, and of all Perſons reſorting to the ſame, that the ſaid Roads, Avenues, Streets, Lanes, and other Publick Paſſages, were enlarged and altered, and that they were more ſufficiently paved, lighted, and cleanſed, and the ſaid City better ſupplied with Freſh Water; that all Incroachments, Annoyances, and Obſtructions of every Kind upon the ſaid Roads, Streets, Avenues, Lanes, and other Paſſages, were removed and prevented; and that all Perſons dealing in Gunpowder within the ſaid City were prohibited from keeping at any One Time in their Houſes, Shops, or Warehouſes, more than a certain Quantity of Gunpowder: But as theſe uſeful and ſalutary Purpoſes, for Want of proper Powers and a ſufficient Fund to pay the Expence thereof, cannot be accompliſhed without the Authority of Parliament: 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 aſ-

Commissioners, and their Number.

ſembled, and by the Authority of the ſame, That the Thirteen Perſons to be elected and appointed Commiſſioners, in Manner herein-after directed, or the Quorum of them after mentioned, ſhall be, and they are hereby authorized and empowered, during the Continuance of this Act, to cauſe all or any of the Roads, Avenues, Streets, Lanes, and other Publick Paſſages, within the ſaid City and Royalty, or any Part or Parts thereof, to be new paved or repaired; and for that Purpoſe may cauſe to be dug, carried, and carted out of, or brought into the ſame, ſuch Gravel, Stones, and other Materials as they ſhall judge neceſſary; and may alſo cauſe the Ground thereof to be raiſed or lowered, and the Courſe of the Channels running in or through the ſame to be turned or altered, and Common Sewers to be made and conſtructed in ſuch Manner and Places as they ſhall think proper, but ſo as not to prove injurious to any Perſon's Private Property, without ſufficient Indemnification being made to them; and likewiſe that the ſaid Commiſſioners ſhall and may cauſe to be purchaſed and erected ſuch Number of Lamps, Lamp Irons, Poſts, and other Appurtenances of the ſame, as they ſhall judge to be neceſſary for the proper and ſufficient lighting of the ſaid Streets, Lanes, Paſſages, and other Places of the ſaid City and Royalty; and to employ or contract with any Perſon or Perſons, for providing and maintaining the Whole of the Publick Lamps, and for furniſhing Oil and other Materials thereto, and lighting of them from Time to Time, as they ſhall judge expedient; and alſo to direct and appoint to what Places the ſaid Lamps ſhall be affixed, the Number of Nights in each Year, and at what Hour they ſhall be lighted, and for what Time they ſhall continue burning: And further, that the ſaid Commiſſioners ſhall and may cauſe the whole Leaden or other Pipes or Conveyances which now lie, or ſhall be laid by their Direction, for bringing Water into the ſaid City, and the Fire Cocks in the different Parts thereof, to be taken up and new laid or altered in ſuch Places, Manner, and Form, as they ſhall deem beſt; and that they may likewiſe cauſe all or any Poſts or Rails, Encroachments and Obſtructions, of every Kind in the ſaid Roads, Streets, Avenues, Lanes, and other Publick Paſſages, to be removed: And they are farther hereby empowered, from Time to Time, during the Continuance of this Act, to direct, order, and appoint, all Matters and Things reſpecting the better paving, lighting, cleanſing, and otherwiſe improving the ſaid Roads, Avenues, Streets, Lanes, and other Publick Paſſages, and the providing, collecting, ſupplying, and diſtributing, of Water to the Inhabitants of the ſaid City, and to the Fire Cocks ſituated, or which may be placed or fixed by Direction of the ſaid Commiſſioners, in the different Parts thereof; with full Power alſo to the ſaid Commiſſioners to nominate and appoint Treaſurers, Clerks, Collectors, Scavengers, Lighters of Lamps, Paviours, Keepers of the Fountains, Wells, Watercourſes, Fire Cocks, and of the Fire Engines belonging thereto, and other Officers and Servants proper and neceſſary under them, in the Execution of this Act, and at Pleaſure to remove and diſplace them, or any One of them reſpectively; and alſo to limit and appoint reaſonable and adequate Salaries, Wages, and other Allowances, to be made and paid to ſuch Officers and Servants, and to make ſuch other Orders, Rules, and Regulations, as the Nature of each particular Service ſhall ſeem to them to require, and they ſhall deem expedient; and from Time to Time to vary, alter, or revoke, any of the ſaid Rules and Regulations, and to do ſuch other Acts and Things as to the ſaid Commiſſioners, or a Quorum of them, ſhall appear proper

Streets to be paved.

Lamps to be provided.

Water Pipes to be regulated.

Officers to be appointed.

and neceſſary for putting this Act in Execution: Provided always, that all and every Officer and Officers, Servant or Servants, (other than Day Labourers), who ſhall be employed under the Powers given by this Act, ſhall, before his or their Admiſſion into ſuch Office or Service, give ſuch Security or Securities for the due and faithful Performance thereof, as the ſaid Commiſſioners ſhall think juſt and reaſonable.

Ciſterns, Pipes, Lamps, &c. veſted in the Commiſſioners.

II. And be it alſo enacted, That the whole Springs, Watercourſes, and other Supplies of Water, Fountains, Wells, Ciſterns, Reſervoirs, Leaden and other Pipes or Conveyances of Freſh Water, together with the ſaid Fire Cocks, Fire Engines, and Appurtenances thereof, and alſo the Lamps, Lamp Irons, Poſts, and other Appurtenances of the ſame, at preſent belonging to the Community of *Aberdeen*, together with all other Fountains, Wells, Ciſterns, Reſervoirs, Leaden and other Pipes or Conveyances, Fire Cocks, and Fire Engines, and all other Lamps, Lamp Irons, Poſts, and whole Appurtenances of the ſame, which ſhall be afterwards purchaſed and procured by the ſaid Commiſſioners, ſhall be, and the ſame are hereby veſted in them, during the Continuance of this Act only; and that the ſame ſhall be uſed and employed to and for the Service and Purpoſes herein mentioned, and none other.

Commiſſioners empowered to contract for other Springs, &c.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners are, and ſhall be authorized and empowered to take, preſerve, and uſe, for the Purpoſe of ſupplying the ſaid City and the Inhabitants thereof with Freſh Water, all ſuch Springs, Watercourſes, and other Supplies of Water to which the ſaid City or Inhabitants have Right, by virtue of any Charters, Grants, and original Titles, or by immemorial Poſſeſſion, as Parts and Pertinents of the ſame, with the like Liberties, Privileges, and Servitudes, during the Period and Continuance of this Act, upon the Grounds where any of the ſaid Springs, Fountains, and Watercourſes of any Kind are ſituated or laid down, as the Magiſtrates and Town Council, and Community or Inhabitants of the ſaid City, are at preſent entitled to and enjoy in every Reſpect; and to contract and agree with the Owner or Owners, Occupier or Occupiers, of any other or additional Springs, Watercourſes, or further Supplies of Water, ſituated within the Diſtance of Five *Engliſh* Miles from the ſaid City, and other Perſons having an Intereſt in the ſame, particularly the Spring Wells or Watercourſes after mentioned, for the Purpoſes aforeſaid; and to lay down Leaden or other Pipes or Conveyances for carrying and conveying the Water from all or any of the ſaid Springs and other Supplies before and after mentioned, into the Reſervoir already erected within the ſaid City, or into ſuch other Reſervoirs, Ciſterns, and proper Place or Places, as to the ſaid Commiſſioners ſhall, from Time to Time, appear proper and neceſſary; and for conveying and diſtributing the Water from the ſaid Reſervoirs or other Places aforeſaid, into the ſeveral Streets, Lanes, Ways, Avenues, and Paſſages, of the ſaid City; and as often as there ſhall be Occaſion for ſo doing, to cleanſe, mend, and repair, the ſaid Pipes and Watercourſes, and to erect ſuch and ſo many Wells, Fountains, Reſervoirs, and other Engines, as the ſaid Commiſſioners from Time to Time ſhall think neceſſary, for the collecting, preſerving, and effectually diſtributing the ſaid Water, according to the true Intent and Meaning of this Act.

Satisfaction to be made to the Owners of Springs, *etc.*

IV. Provided nevertheleſs, and be it further enacted, That Indemnification ſhall be previouſly made and given to the Owner or Owners, and Occupier or Occupiers, of all ſuch Springs and other Supplies of Water as ſhall be ſo taken and uſed, and of the Grounds in which the ſaid Pipes for conducting thereof ſhall be laid down, or where Ciſterns or Reſervoirs ſhall be built, and other Perſons having an Intereſt in the Premiſes, for the Value of the ſaid Springs of Water, and of all Damages that ſhall be done to the ſaid Grounds, as well by the firſt laying down of the ſaid Pipes, and building of the ſaid Ciſterns and Reſervoirs, as by the after-cleanſing, mending, and repairing the ſame; and particularly of Two Fountains or Spring Wells, ſituated in the Lands of *Hazlehead*, within the Liberties of the ſaid City, belonging to Doctor *Alexander Robertſon* Phyſician in *Aberdeen*, and of the Ground of the ſaid Lands in which the ſame is propoſed to be conducted, at preſent occupied by *George Roger* and *John Roy*; alſo of the Lands of *Springfield*, belonging to Captain *Thomas Ogilvie*, at preſent occupied by *David Morice* Advocate in *Aberdeen*; the Lands of *Rubiſlaw*, belonging to *James Skene* Eſquire, at preſent poſſeſſed by Captain *George Leſlie* of *Summerhill*, *Elſpet Wallace*, now Spouſe to *John Edmonſtone*, *George Stephen*, *William Reid*, *Joſeph Roſs*, *George Farquhar*, and *James Craig*; the Lands belonging to *Marjory Leſlie*, Spouſe to *William Duguid*, and *Janet Leſlie*, in their natural Poſſeſſion, and out of Leaſe; the Lands belonging to the Corporation of Taylors in *Aberdeen*, poſſeſſed by *Alexander Chalmers* Gardener; the Lands belonging to the King's and Marſchal Colleges of *Aberdeen*, poſſeſſed by *Kenneth Kynoch*, *Donald M'Donald*, and *Thomas Aitken*; the Lands belonging to *Margaret Joyner*, poſſeſſed by *David Taylor*; the Lands belonging to the Corporation of Hammermen of *Aberdeen*, poſſeſſed by *James Walker* Gardener; the Lands belonging to *Robert Baxter*, in his own natural Poſſeſſion; the Lands belonging to the Trades Hoſpital of *Aberdeen*, or *Andrew Hall* Butcher there, poſſeſſed by the ſaid *Andrew Hall*; and the Lands belonging to the ſaid *Margaret Joyner*, poſſeſſed by the ſaid *David Taylor*; all lying within the Pariſhes of *Newhills*, *Old Machar*, and *Aberdeen*, reſpectively, and in the Freedom and Liberties of the ſaid City: And alſo provided always, that the like Indemnification ſhall be previouſly made and given to the Owner or Owners, Occupier or Occupiers, and other Perſon or Perſons having an Intereſt in the ſame, of all Damages that ſhall be done to the Grounds through Part of which the Water of a Fountain or Well at the Mill of *Gilconſton* is propoſed to be conducted to and diſtributed within the ſaid City, by altering or varying the preſent Courſe of the ſaid Water; *videlicet*, of the Houſes or Lands of *Dubcaſtle*, belonging to *Robert Gray* Merchant, occupied by Tenants for One Year only; the Grounds of *Lochlands*, belonging to *James Staats Forbes* Eſquire, occupied by *Margaret Smith*, Widow of *Daniel Chalmers*, *Kenneth Kynoch*, *James Duncan*, *John Roy*, *Donald M'Donald*, and *Andrew Milne*; the Houſes, Lands, or Gardens, belonging to *William Donald* Baker, poſſeſſed by *Alexander Burnet*; the Houſes, Lands, or Gardens, belonging to *James Thompſon* and Company, in their natural Poſſeſſion; the Houſes or Tenements belonging to *George Gordon* Blackſmith; and the Houſes, Lands, or Gardens, called *Wallace Nook*, all occupied by Tenants only for One Year; the Houſes, Lands, or Gardens belonging to *Charles Bannerman* Advocate, in his own natural Poſſeſſion; the Houſes, Lands, or Gardens, belonging to the Heirs of *George Strachan* Shoemaker, poſſeſſed by Tenants for One Year only; and the Houſes, Lands, or Gardens, belonging

Hazlehead Wells, and Owners of Ground.

Gilconſton Well, and Owners of Ground.

belonging to *William Forbes* Merchant, or *William Forbes* and Company, in their own natural Poſſeſſion; all lying and ſituated within the Pariſhes, Freedom, and Liberties aforeſaid reſpectively: And alſo provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to deprive the Inhabitants of the ſaid City of any Claim of Right competent to them, for being ſupplied with Water, under or by virtue of any Charters, Grants, Titles, Uſage, Poſſeſſion, or other Rights and Intereſts of the ſaid City, reſpecting the ſame; and that all ſuch are and ſhall be reſerved entire, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

In caſe of Difference, the Damage to be ſettled by Jury.

V. And be it enacted by the Authority aforeſaid, That in caſe of any Difference ariſing between the ſaid Commiſſioners, and any of the Owners or Occupiers of the ſaid Water and Grounds, or other Perſons having an Intereſt in the ſame, reſpecting the Amount of the Value and Damage; in that Event the Sheriff Depute of the County of *Aberdeen*, or his Subſtitute, ſhall have Power, and he is hereby empowered and required, in a ſummary Manner, upon the Application of either Party, and after reaſonable previous Notice is made by his Order to the other Party, to cauſe to be ſummoned and empannelled not leſs than Twenty-five, nor more than Thirty-ſix, diſintereſted and intelligent Perſons, who are hereby required to appear before the ſaid Sheriff, or his Subſtitute, at ſuch Times and Places as ſhall be appointed by him, (of which Times and Places for the Meeting of the Jury, the Parties intereſted ſhall have reaſonable and due previous Notice given to them), and out of ſuch Perſons ſo to be ſummoned and returned, the ſaid Sheriff ſhall appoint a Jury of Fifteen, who, after being ſworn by him, and Examination made by them of the Subject Matter in Diſpute, and hearing and receiving ſuch Proofs or Evidence as may be adduced before them by the Parties, ſhall have full Power, and they are hereby authorized and empowered, by a Verdict to be returned by them in Writing, to aſcertain and determine the Amount of ſuch Value and Damages reſpectively; and that whatever the ſaid Jury ſhall do and determine in the Premiſes ſhall be final, concluſive, and obligatory on all the Parties concerned; and that afterwards, upon Tender or Payment of the Monies that ſhall be ſo adjudged by the ſaid Jury, in Lieu and Place of the Value and Damages as aforeſaid, to the Perſon or Perſons entitled to receive the ſame reſpectively, at his, her, or their Dwelling Houſe, in caſe ſuch Party or Parties can be found, and on their Refuſal of the ſame, or that the ſaid Party or Parties have no Dwelling Houſe in *Aberdeen*, upon Payment or Conſignation thereof, with the Approbation and by Warrant of the ſaid Sheriff, into the Hands of the Caſhier of the Banking Company in *Aberdeen*, the ſaid Commiſſioners ſhall thenceforth have Power, and they are hereby empowered to take and uſe the ſaid Water, and to lay down, cleanſe, amend, or repair the afore-mentioned Pipes, and to build and erect the aforeſaid Ciſterns and Reſervoirs in the ſaid Grounds, (as the Caſes ſhall reſpectively happen to be), without being liable or anſwerable on that Account for any other or further Damage or Sum of Money, than what ſhall be awarded and determined by the Verdict of the ſaid Jury, in Manner before-mentioned.

Expences of the Jury how to be defrayed.

VI. Provided always, That the whole Expence that may be incurred in the ſummoning and returning the ſaid Jury, and Procedure before the

the Sheriff in obtaining their Verdict as aforeſaid, reſpecting the ſaid Value and Damages, ſhall be paid and defrayed equally by the Parties concerned therein, or as ſhall be determined by the Sheriff; and farther, that the ſaid Parties ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen.

Penalty on Jury and Witneſſes not appearing.

VII. And be it further enacted, That the ſaid Sheriff Depute, or his Subſtitute, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine not exceeding Five Pounds Sterling, on any of the Perſons who ſhall be ſo ſummoned and returned on any ſuch Jury or Juries, who ſhall not appear, or who ſhall refuſe to be ſworn, (or being Quakers, to affirm), on the ſaid Jury or Juries, or being ſo ſworn ſhall not give his or their Verdict; and alſo on any Perſon or Perſons who ſhall be ſummoned to give Evidence touching any of the Matters aforeſaid, and ſhall not attend, or ſhall refuſe to be ſworn, (or being Quakers, to affirm), or who, being ſworn, ſhall refuſe to give his, her, or their Evidence; and from Time to Time ſummarily to levy ſuch Fine or Fines by Diſtreſs and Sale of the Offender's Goods, with the reaſonable Charges of the Diſtreſs and Sale, returning the Overplus, if any be, to the Owners; all ſuch Fines to be applied to the Purpoſes of this Act.

Commiſſioners prohibited from bringing in *Hazlehead* Springs until after they have found the *Gilcamſton* Well and others inſufficient for Supply.

VIII. Provided alſo, and be it enacted, That notwithſtanding the aforeſaid Power and Authority granted to the ſaid Commiſſioners, to take and convey to the Town the ſaid Two Fountains or Spring Wells upon the Lands of *Hazlehead*; yet it ſhall not be lawful or competent for them to do ſo, nor to diſburſe and pay out of the Monies to be raiſed in virtue of this Act, any Part of the Expence that may be incurred therein, until, after a proper Examination and Trial, they have firſt found and aſcertained, that the aforeſaid Fountain or Well at the Mill of *Gilcomſton*, along with any other Springs in the nearer Vicinity of *Aberdeen*, particularly thoſe upon the Town's Common Moor of *Whitemyres*, adjacent to the Weſt Boundary of the Lands of *Summer Hill*; and upon theſe Parts of the Lands of *Rubiſlaw*, at preſent occupied by *James Anderſon* Perfumer, and *James Harper* Maſon, in *Aberdeen*, are all or either of them inſufficient for a proper Supply of Freſh Water to the Inhabitants; but that in caſe the ſaid Commiſſioners within the Space of Two Years from and after the Commencement of this Act, ſhall not bring into the Town the aforeſaid Fountains or Wells in the Lands of *Hazlehead*, in that Event, it ſhall and may be lawful to and in the Power of the Magiſtrates and Town Council of *Aberdeen*, or of any Joint Stock Society or Company of Perſons having the ſaid Council's Authority to that Purpoſe, at any Time thereafter, upon their own proper Expence, to collect and bring into the Town the Contents of the ſaid *Hazlehead* Wells, and to apply and diſtribute the ſame for ſupplying ſuch of the Inhabitants as ſhall be diſpoſed to receive the Benefit thereof, by private Pipes and Ciſterns into their own Houſes; and for that Purpoſe, in caſe of any Difference ariſing between them and the Owners or Occupiers of the ſaid Grounds and Wells reſpecting the Amount of the aforeſaid Value and Damage, that in that Event the ſaid Town Council, or any Company of Perſons acting under their Authority, ſhall be veſted with and enjoy the ſame Powers and Privileges as to aſcertaining the ſaid Value and Damage, in ſo far as reſpects the ſaid *Hazlehead* Springs, by the Verdict and

The Town Council or Stock Companies empowered to bring in and diſtribute the *Hazlehead* Wells by Pipes to private Families, if not done by the Commiſſioners within Two Years, and to receive an annual Payment therefor.

Award of a Jury, before the Sheriff of *Aberdeenſhire*, in all Reſpects, and in the ſame Manner as the Commiſſioners under this Act might do or exerciſe if they themſelves had brought in the ſaid *Hazlehead* Wells; and that the ſaid Town Council, or any Joint Stock Company acting under their Authority as aforeſaid, who ſhall ſo bring in and diſtribute the ſaid *Hazlehead* Wells at their own Expence and by private Pipes, ſhall be and they are hereby authorized to demand and receive ſuch a Sum as ſhall be fixed and agreed upon betwixt them and the Perſons who ſhall apply for and obtain the Benefit of ſuch private Pipes.

The Publick Wells not to be injured by Private Pipes.

IX. Provided always, and be it further enacted, That the Diſtribution and Supply of Water into the Inhabitants Houſes by private Pipes as aforeſaid, ſhall in nowiſe be drawn from the Springs and Fountains at preſent uſed, or which may be afterwards brought in and uſed, for ſupplying the Inhabitants by publick Wells, in the publick Streets or Lanes, particularly theſe Springs already deſcribed, or in any Reſpect prove injurious to or diminiſh them; but that the aforeſaid Springs and Fountains are and ſhall be unalienable to any other Service or Purpoſe, except for the Supply of the ſaid publick Wells only; and that the ſaid Commiſſioners are and ſhall be empowered to order and direct ſuch a Number of new and additional publick Wells, to be ſupplied as aforeſaid, to be erected in the preſent Streets and Lanes, as well as in any new Streets, Lanes, and Squares, which may be afterwards opened and made out, as they ſhall deem neceſſary; and the ſaid Commiſſioners are hereby empowered and required to carry the Supply of Water as aforeſaid to the utmoſt Extent of which it is capable in its Diſtribution, for the Service of the ſaid publick Wells.

Commiſſioners may contract for laying Pipes and Paving of Streets.

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or a Quorum of them, and they are hereby authorized and empowered, to contract with any Perſon or Perſons for laying Pipes for carrying and diſtributing the ſaid Water, erecting Wells, Fountains, Ciſterns, and Reſervoirs, and for maintaining the ſame, and alſo for conducting and working of the ſaid Fire Cocks and Fire Engines, and for paving, lighting, and cleanſing, the Roads, Avenues, Streets, Lanes, and other Publick Paſſages, within the ſaid City and Royalty; and that ſuch Contract or Contracts ſhall be ſigned by the Preſes and Clerk in Name of the Meeting at which the ſaid Agreement or Contract ſhall be made and entered into.

Notice to be given of entering into Contracts.

XI. And be it alſo enacted, That no ſuch Contract or Agreement ſhall be entered into by the ſaid Commiſſioners, for the Performance or Execution of any of the aforeſaid Works, until after Twenty-one Days previous Notice ſhall have been given in the *Aberdeen* Newſpapers, and *Caledonian* or *Edinburgh Mercury*, deſiring Perſons to give in ſigned Propoſals for paving, lighting, and cleanſing, the ſaid Roads, Avenues, Streets, Lanes, and Publick Paſſages, and laying, building, and maintaining, the ſaid Pipes, Wells, Fountains, and Reſervoirs; and that the ſaid Commiſſioners ſhall accept of and contract with the Perſons whoſe Propoſals ſhall appear to them to be moſt reaſonable and beneficial.

Contracts to be defrayed out of the

XII. And be it enacted, That the ſaid Commiſſioners ſhall be, and they are hereby authorized and empowered to order ſuch Sum or Sums

Monies to be raiſed.

of Money as they ſhall contract for, on Account of the aforeſaid Works, to be paid out of the Monies to be raiſed for the Purpoſes of this Act, by virtue of the Powers herein-after mentioned.

Dung of the Streets to be leaſed.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to let on Tack or Leaſe, for any Space not exceeding the Term of Three Years, the Fulzie or Dung of and upon the Streets, Avenues, Lanes, Paſſages, and other Publick Places, within the ſaid City, by Publick Roup or Auction, upon previous Notice of Three Weeks in the *Aberdeen* Newſpapers, and to apply the Rent or Tack Duty thereof to the Purpoſes only of putting this Act in Execution.

Streets, *etc.* to be widened, and new ones opened.

XIV. And whereas the Roads, Avenues, Streets, Lanes, and other Publick Paſſages, within the ſaid City and Royalty, are at preſent too narrow, as well as very indirect and incommodious, and in ſeveral Parts much obſtructed by various Projections thereon, and that it will be attended with great Utility and Advantage to the Publick in general, and to the Inhabitants of the ſaid City in particular, that the ſaid Roads, Avenues, Streets, Lanes, and other publick Paſſages, were enlarged, altered, and improved, and all Obſtructions thereon removed and prevented; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, during the Continuance of this Act, to cauſe all or any of the ſaid Roads, Avenues, Streets, Lanes, and other Publick Paſſages, to be enlarged, widened, or altered, and alſo to cauſe ſuch other new Roads, Streets, Lanes, and Avenues, as they ſhall judge to be more direct and commodious, to be opened and made out, and to be ſupplied with Lamps and Water in ſuch Manner as they ſhall think requiſite, and may find Opportunity from Time to Time for ſo doing, and according as the Circumſtances and State of the Funds under their Management will admit and afford; particularly a new Street or Opening from the South-weſt Part of the Town by *Saint Katharine's Hill*; and another new Road or Street from the North Part of the Town by *North-ſtreet*, both to communicate with the Caſtle-gate or Market-place; a new Street and Embankment from the Green, through the *White Friars* Garden, and along the *Trinity* Chapel-yard, and the Quay towards the Weigh-houſe and *Mariſchal-ſtreet*; and another High Road or Carriage Way from the North Part of the Town, to paſs round the North and Eaſt Sides thereof towards the Harbour and Quays, or ſuch other new Roads and Streets as ſhall appear to the ſaid Commiſſioners to be more direct and of greater general Convenience and Utility: And farther, that the ſaid Commiſſioners may and ſhall cauſe to be removed from the ſaid Streets, Lanes, Roads, and other Publick Paſſages, all Outer Stairs, or other Encroachments and Publick Nuiſances upon the ſame; and for theſe Purpoſes, that they are and ſhall be empowered, by private Treaty and Agreement with the reſpective Owners, Proprietors, or Occupiers, to purchaſe ſuch Grounds, Houſes, and Tenements, or ſuch Part of the ſame, as ſhall be neceſſary for enabling them to make the ſaid Enlargements and Alterations of Roads and Streets, or the opening and making out of new Streets as aforeſaid.

Particular New Streets to be opened.

Price of Grounds and Expence of making out New Streets,

XV. And be it further enacted, That the ſaid Commiſſioners are and ſhall be authorized and empowered to diſburſe and pay out of the Monies to be raiſed by virtue of this Act, not only the agreed Price of the

ſaid Grounds, Areas, Houſes, Tenements, and other Buildings, that may happen to be ſo purchaſed by them for the Purpoſes aforeſaid, but alſo the Expence of making out and completing the ſaid Roads, Avenues, Streets, and other Publick Paſſages, after being ſo enlarged, altered, or opened and made out, as above-mentioned. *etc.* to be paid out of the Duties under this Act.

XVI. And be it alſo enacted, That after the Purchaſe of any Tenements, Buildings, or Areas of Ground, that may be found neceſſary for the Execution of the aforeſaid intended Improvements, and Enlargement of Roads and Streets, or any Part of them, and the ſaid new Roads, Avenues, Streets, and other publick Paſſages, are ſo altered, opened, and made out as aforeſaid, the ſaid Commiſſioners ſhall be, and they are hereby empowered to ſell by publick Auction or otherwiſe, for Payment of an adequate Price, the old Materials of ſuch Houſes and Buildings, if any be, as well as the remaining Ground or Areas along the Line or Courſe of the ſaid new Roads, Avenues, and Streets, after their being ſo altered, opened, and made out; and that they ſhall be obliged to apply the Purchaſe Money thereof to and for the Purpoſes of this Act, and none other. Commiſſioners empowered to ſell the Materials of Houſes, *etc.* purchaſed for the Enlargement or Opening of New Streets.

XVII. And whereas it may happen, that ſome Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, Truſtees, or others, who are ſeiſed of or entitled to the Springs or other Supplies of Water, and of the Grounds in which the Pipes for the conducting thereof ſhall be laid down, or where Ciſterns or Reſervoirs ſhall be built, and alſo of ſuch Grounds, Houſes, and Tenements, as may be deemed neceſſary for enabling the ſaid Commiſſioners to make the aforeſaid Enlargements and Alterations, or new Roads, Streets, Avenues, Lanes, and publick Paſſages, may be willing to treat and agree to ſell the ſame, but are incapable of granting and conveying, by reaſon of Infancy or other Diſability, by Entails or otherwiſe; be it therefore enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Truſtees, Tutors, and Curators for Infants, Minors, or furious Perſons, or others for whom they are Truſtees, and for every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Springs, or other Supplies of Water, and of the Grounds in which the Pipes for the conducting thereof ſhall be laid down, or where Ciſterns and Reſervoirs ſhall be built, and alſo of ſuch Grounds, Houſes, and Tenements, as may be deemed neceſſary for making the ſaid Alterations and Enlargements of the preſent, or the opening and making out of other new Roads, Streets, Avenues, Lanes, or other publick Paſſages, whether by a Deſtination to a Series of Heirs, or under Settlement of ſtrict Entail, to ſell and convey the ſame, or any Part thereof, for the Purpoſes aforeſaid, to the ſaid Commiſſioners; and that all Contracts, Agreements, Sales, and other Conveyances that ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatever, to the contrary thereof notwithſtanding; and that all Truſtees, Tutors and Curators, Corporations, Proprietors, or Incumbrancers, ſubject to Entails, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act: Provided, that when ſuch Springs, Grounds, Houſes, Tenements, or other Hereditaments under Entail, are purchaſed for the Purpoſes aforeſaid, the Price thereof ſhall, by Authority of the Court of Seſſion, be laid out upon Land or other Heritable Security, and the Rights Corporations, *etc.* empowered to convey Property. Monies paid for Purchaſe of Lands under Entail to be re-em-

ployed in the same Manner.

Rights and Conveyances devised and taken to the same Series of Heirs as are contained in the original Title Deeds of the Subjects under Entail, purchased for the Uses aforesaid.

Difference as to Value of Grounds and Houses wanted for Alteration or Enlargement of Roads and Streets, *etc.* to be settled by a Jury before the Sheriff.

XVIII. And, in case it shall happen, that the said Commissioners upon the one Hand, and upon the other the Proprietors or Occupiers of such Grounds, Houses, or Areas, and other Persons having an Interest in the same, as may be deemed necessary for altering or widening the said Roads, Avenues, Streets, and other Publick Passages, or the opening and making out of other new Ones, cannot agree by Private Treaty concerning the Price or Consideration to be paid for such Grounds, Houses, or Areas, or any Part thereof; in every such Case be it enacted, That it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered, to apply to the Sheriff Depute of the County of *Aberdeen*, or his Substitute for the Time being, who are hereby empowered and required to summon and impannel not less than Twenty-five nor more than Thirty-six discreet, substantial, and disinterested Persons, to appear at such Time and Place as shall be appointed by them, and of which the Parties interested shall have due previous Notice, and out of them to name and appoint a Jury of Fifteen Persons, to come and appear before him at such Time and Place as by his Warrant or Precept shall be directed, and to receive such Evidence as shall be by either Party brought before him and the said Jury, and that upon Oath, touching the just and true Value to be paid for such Grounds, Houses, or Areas, or for the Loss or Damage which the Proprietors or Occupiers, or other Persons having an Interest in the same, may suffer, as the Case may be; and that the Verdict of such Jury, to be returned upon Oath, shall be final and conclusive: Provided always, that the Parties shall and may have their lawful Challenges against any of the said Jurymen; and that the whole Expence that may be incurred in summoning and returning the said Jury, and Procedure before the Sheriff in obtaining their Verdict as aforesaid, respecting the said Value and Damages, shall be paid and defrayed equally by the Parties concerned therein, or as shall be determined by the Sheriff.

Penalty on Jurymen and Witnesses not appearing.

XIX. And be it enacted, That the said Sheriff Depute, or his Substitute, shall have Power, from Time to Time, to impose any reasonable Fine, not exceeding Five Pounds Sterling, on any of the Persons who shall be summoned and returned on any Jury or Juries, who shall not appear, or who shall refuse to be sworn, (or, being Quakers, to affirm), on the said Jury or Juries, or being so sworn, shall not give his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or shall refuse to be sworn, (or, being Quakers, to affirm), or, who being sworn, shall refuse to give his, her, or their Evidence; and from Time to Time summarily to levy such Fine or Fines by Distress and Sale of the Offender's Goods, with the reasonable Charges of the Distress and Sale, returning the Overplus, if any be, to the Owners; all such Fines to be applied for the Purposes of this Act.

Sheriff empowered to decern the Proprietors and Occupiers

XX. And be it further enacted by the Authority aforesaid, That the said Sheriff Depute, or his Substitute, shall be, and they are hereby authorized and required, upon such Verdict being returned as beforementioned, to pronounce Judgement for the Payment of such Sum or Sums

Sums of Money as ſhall be ſo awarded by the ſaid Jury; and to decern and ordain the Owners or Proprietors, and Occupier or Occupiers, or other Perſons having an Intereſt in ſuch Grounds, Houſes, and Areas, or any Part thereof, or their Truſtees, Tutors, and Curators, or Adminiſtrators, (upon Payment or Conſignation, with the Approbation and by Warrant of the ſaid Sheriff, into the Hands of the Caſhier of the Banking Company in *Aberdeen*, of the ſaid Sum or Sums of Money ſo to be awarded by the ſaid Jury), to permit and allow the ſaid Commiſſioners under this Act, or the Workmen to be employed by them, quietly to enter to the Poſſeſſion of the ſaid Grounds, Houſes, and Areas, and to take down and remove the ſaid Houſes, or other Buildings, or any Parts thereof, as the Caſe may happen, to be employed by them for the Purpoſe of widening or altering of the ſaid Roads, Streets, Avenues, Lanes, and other publick Paſſages, within the ſaid City and Royalty, or in the opening and making out of other new ones; and that the Judgement or Decree to be pronounced by the ſaid Sheriff Depute, or his Subſtitute, upon the ſaid Verdict or Verdicts, ſhal final and concluſive to all Intents and Purpoſes whatſoever againſt ſuch Proprietors and Occupiers, and other Perſons having an Intereſt in the Premiſes, and that the ſaid Judgement or Decree, or Extracts thereof from the Sheriff Court Books of *Aberdeen*, ſhall be deemed and taken as good and ſufficient Evidence and Proof in every Court of Law or Equity whatſoever.

Grounds and Houſes, *etc.* upon Payment of the Price to be awarded by the Jury, to permit the Commiſſioners to enter to the Poſſeſſion of ſuch Subjects.

XXI. Provided always, and be it further enacted, That if any of the ſaid Houſes or Buildings, or Part thereof, ſo decreed to be taken down, ſhall be inhabited at the Time of pronouncing ſuch Judgement, Six Calendar Months as to Dwelling Houſes, and Eighteen Calendar Months as to all Manufacturing Houſes, ſhall at leaſt intervene betwixt the Time of pronouncing the ſaid Judgement, and the uſual Term of Entry to ſuch Houſes, then next enſuing, prior to the Day that ſhall be fixed on for taking them down.

What Notice to be given on Entry to Houſes.

XXII. And whereas, from the great Inconveniency which has been found to ariſe from the Want of Foot Pavements along the Publick Streets of the ſaid City, many of the Inhabitants have already been induced at their own private Expence to cauſe Foot Pavements to be made and laid down oppoſite to their Houſes and Shops; and that it will be of great Convenience and Utility that the Whole of the ſaid Streets capable of admitting thereof, were laid with ſuch Foot Pavements; be it therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners under this Act, immediately after its Commencement, ſhall be, and they are hereby empowered and required to cauſe to be laid down upon each Side of every Street and Lane within the ſaid City, the Crib or Bord Stone of a Foot Pavement, of ſuch Breadth as the Dimenſions of each Street or Lane will admit of, which Crib Stone ſhall not be leſs than Five nor more than Six Inches above the Carriage Way of the Street, and laid ſo as to form a Kennel or Gutter for the Water to run in: Provided, that where the whole Breadth of any of the ſaid Streets will not admit of a Pavement being laid on both Sides thereof, the ſame ſhall be made out upon any one of the Sides that ſhall be judged by the ſaid Commiſſioners to be moſt commodious and beſt adapted for the Purpoſe.

Foot Pavements to be laid by the Inhabitants oppoſite their Houſes, *etc.* according to the Line of Crib Stones to be directed by the Commiſſioners.

Commiſſioners entitled to lay Foot Pavements, and recover the Expence from the Occupiers of oppoſite Houſes.

XXIII. And be it further enacted, That the Heritors and Proprietors of all Houſes and Buildings in the Line of the ſaid Publick Streets and Lanes, are and ſhall be obliged to lay down and complete a ſufficient Pavement behind the ſaid Crib Stones, at their own private Expence; but ſo as to be uniform and regular throughout each Street or Lane, and that at the Sight and to the Satisfaction of the ſaid Commiſſioners, or any Two of them; and that if the ſaid Heritors and Proprietors ſhall fail ſo to do for the Space of One Calendar Month after the ſaid Crib Stones ſhall be laid down as aforeſaid, then, and in that Caſe, the ſaid Commiſſioners are and ſhall be authorized and empowered to employ proper Perſons to make and lay down the ſaid Foot Pavement in Manner above-mentioned; and that an Order or Warrant, ſubſcribed by Two or more of their Number, is and ſhall be a ſufficient Voucher and Document for aſcertaining the Amount of the Expence thereof, and for recovering Payment of ſuch Expence from the Proprietor of the Houſe or Building before which the ſaid Pavement has been laid down, and that in the ſame Way and Manner, and by the like ſummary Proceſs, as other Monies due and recoverable under the Authority of this Act are to be raiſed and levied: Provided always, That no Heritor or Proprietor ſhall be obliged to lay down, at their own Expence, ſuch Pavement before his or their reſpective Houſes or Buildings of any greater Breadth than Three Feet, excluſive of the Crib or Bord Stone, and that the Expence of laying down and completing any Part of the Pavement exceeding the ſaid Breadth of Three Feet, ſhall be paid and defrayed by the ſaid Commiſſioners out of the Monies to be raiſed under this Act.

Occupiers of Houſes and Shops obliged daily to ſweep and clean the Foot Pavements along their Property.

XXIV. And be it further enacted by the Authority aforeſaid, That in every Street and Lane of the ſaid City where Foot Pavements are or ſhall be made and laid down, the Perſons poſſeſſing or occupying Houſes and Shops along the Line of ſuch Pavements, ſhall be, and they are hereby obliged and required, to the full Extent of the Houſe or Shop poſſeſſed by them, every lawful Day, between the Hours of Seven and Nine in the Morning, from the Firſt Day of *April* to the Firſt Day of *October*, and between Eight and Ten of the Clock in the Morning during the Remainder of the Year, to cauſe ſcrape, ſweep, and clean, the ſaid Foot Pavement to the aforeſaid Extent; and that if they neglect ſo to do, they ſhall, for every Offence, forfeit and pay a Penalty of Five Shillings Sterling.

Scavengers obliged to clean the Streets, &c. againſt certain Hours every Day.

XXV. And be it alſo enacted, That the Scavengers employed in cleaning the Streets, ſhall not only, every lawful Day, collect and remove therefrom all Duſt, Aſhes, Naſtineſs, Filth, Stones, and Garbage of every Sort, which may be found upon the ſaid Streets and Lanes, from Six to Nine of the Clock in the Morning, from the Firſt Day of *April* to the Firſt Day of *October*, and from Seven in the Morning to Eleven of the Clock in the Forenoon during the Remainder of the Year; but alſo that they ſhall ſcrape, rake, ſweep, and clean, the Whole of the ſaid Streets and Lanes every lawful Day during the ſaid reſpective Periods; and that if the Scavengers ſhall neglect ſo to do, in that Caſe it ſhall be competent to, and in the Power of, any Inhabitant liable to the Duty impoſed by this Act, firſt to repreſent ſuch Neglect to the Overſeer appointed by the ſaid Commiſſioners, and if that is diſregarded, or the Offence repeated, to notify the ſame in Writing to the ſaid Commiſſioners,

ers, at their First Meeting, and upon Conviction of the Overseer, he shall forfeit and pay, for the First Offence, the Sum of Five Shillings Sterling, and for every After-Offence Ten Shillings Sterling; or in case the Scavengers shall happen to be convicted of such Offence, each of them shall, for every Offence, forfeit a Sum not less than Two, and not more than Three Days Wages, payable to them at the Time, or be dismissed, as the Commissioners shall think fit.

Penalty on committing Nuisances.

XXVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw Dung, Water, Ashes, or other Nastiness, out of any Door or Window within the said City, by Night or by Day, or dust Carpets from or over any Window or Stair, opening to any Publick Street, Court, Close, or Lane, within the same, or shall lay, or cause to be laid down thereon, any Dung, Ashes, Rubbish, or Filth of any Kind, except in such Manner, and at such Times, as the said Commissioners shall direct, the Person or Persons so offending shall, for every Offence, forfeit and pay the Sum of Five Shillings Sterling; and that if any Person or Persons shall leave any Coach, Chaise, Cart, or other Carriage, yoked or unyoked, in any of the said Roads, Avenues, Streets, Lanes, or Publick Passages, without having some Person attending to take care of the same, he, she, or they shall, for every such Offence, forfeit and pay Ten Shillings Sterling; and the said Commissioners, in every Case of this Kind, are and shall be empowered to cause immediately to be removed, at the Owners Expence, from the said Roads, Streets, Avenues, or other Publick Passages, all such Carriages as shall be so left thereon, to any other Place within the said City, which they may deem most convenient for the Purpose; and that if any Person or Persons shall lay down any Bricks, Stones, Timber, Lime, or other Materials, taken from any Buildings demolished or demolishing, or intended to be used in any Building, upon any Road, Avenue, Street, Lane, or Publick Passage of the said City or Royalty, without fencing and inclosing the said Materials by a proper Fence or Inclosure, to be approved by the said Commissioners, or any Two of them, and without a Light or Lamp by Night hung upon a conspicuous Part of the said Fence or Inclosure, he, she, or they, shall, for every such Offence, forfeit and pay Ten Shillings Sterling, and the like Sum for every Day after, during which the said Stones, Timber, Lime, or Rubbish, shall lie upon the said Avenue, Street, Lane, or Passage.

Carriages, &c. not to be left in the Streets.

Materials for Buildings not to be laid down without the Authority of the Commissioners.

Signs, &c. to be removed.

XXVII. And it is hereby further enacted, That the said Commissioners may and shall have full Power, at the Expence of the respective Owners, to cause all Signs, or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, Sign Posts and Irons, Shew Boards, Spouts and Gutters, projecting into any of the said Avenues, Streets, Lanes, and Passages, and also all Foot Scrapers and Outer Window Shutters hung upon Hinges, with the Bolts and Bars affixed thereto upon the Outside Walls of Houses and Shops, projecting in the Line of the said Streets, Lanes, and Passages, or of the Foot Pavements, together with all other Projections, Encroachments, and Annoyances whatsoever on the same, to be taken down, altered, or removed, as they shall think most proper; and to cause all such Signs, Emblems, Sign Posts and Irons, Show Boards, Spouts, and Gutters, or such Parts thereof as they shall think fit, to be placed and fixed against and flat upon the Fronts of the Houses, Shops, Warehouses,

houſes, or Buildings, whereunto they reſpectively belong, or were before fixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, ſo much of the ſaid Signs or other Emblems, Sign Poſts or Irons, Show Boards, Spouts and Gutters, as ſhall not be affixed and put up, or otherwiſe made uſe of, in the Alterations directed by this Act; and that all Signs, Sign Boards, Spouts, and Gutters, after the Commencement of this Act, ſhall be placed and fixed flat upon and againſt the Front Walls of the Houſes, Shops, Warehouſes, or other Buildings, to which they reſpectively belong; and if any Perſon or Perſons ſhall hang, place, erect, or build any Sign, Sign Poſt, Sign Iron, Show Board, Spout, Gutter, or other Projection, Obſtruction or Annoyance, or cauſe the ſame to be done, contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings Sterling, and the further Sum of Twenty Shillings Sterling for every Day ſuch Offence ſhall be continued, after Notice to remove the ſame under the Hands of any One or more of the ſaid Commiſſioners, to be left at the Dwelling Houſe of the Perſon or Perſons ſo offending.

Signs, &c. to be placed flat upon the Walls of Houſes, and Outer Window Shutters upon Hinges to be altered.

Water from Houſe Tops to be conveyed by Pipes.

XXVIII. And be it enacted by the Authority aforeſaid, That the Water falling from the Tops of all Houſes or other Buildings within the ſaid City, fronting the publick Streets, Lanes, and Paſſages, ſhall be conveyed in Lead or other Pipe or Pipes, reaching within Six Inches of the Ground, affixed againſt and flat upon the Sides or Fronts of ſuch Houſes or Buildings, and not projecting more than Four Inches without the ſame; and in caſe the Owners or Proprietors of the ſaid Houſes and Buildings ſhall not convey the Water falling from the Tops thereof by Pipes in Manner aforeſaid, within Fourteen Days after being required ſo to do, by a Notice under the Hands of any One or more of the ſaid Commiſſioners, to be left at the Dwelling Houſe of ſuch Owner or Proprietor, or in caſe he ſhall not reſide within the ſaid City and Royalty, at the Dwelling Houſe of the Occupier or Occupiers of ſuch Houſes or Buildings, that then ſuch Owner or Proprietor ſhall forfeit and pay the Sum of Ten Shillings Sterling of Penalty; and if the Water from ſuch Houſe or other Building ſhall thereafter be ſtill conveyed otherwiſe for the Space of One Calendar Month or more, then and in every ſuch Caſe the Owner or Proprietor of every ſuch Houſe or Building ſhall forfeit and pay the Sum of Ten Shillings Sterling, and ſo on *toties quoties* for every Month thereafter, during which the Water ſhall be conveyed otherwiſe than as above directed.

Names of the Streets to be put up, and the Houſes to be numbered.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe to be painted, engraved, or deſcribed, on Stone, or otherwiſe, and to be affixed on a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of the ſaid Streets, Lanes, or other Paſſages of the ſaid City of *Aberdeen*, the Name by which they are reſpectively to be called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe in the ſaid Streets, Lanes, or Paſſages, at the Expence of the Poſſeſſors, to be marked or numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, obliterate, or deface any ſuch Name, Deſcription, Marks, or Numbers, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall,

for every Offence, forfeit and pay the Sum of Twenty Shillings Sterling.

Penalty on Perſons obſtructing the Works, breaking the Lamps, or ſpoiling the Springs.

XXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully or maliciouſly obſtruct, hinder, or moleſt any Officer, Servant, or other Perſon or Perſons employed, in the Execution of any of the Powers committed by this Act to the ſaid Commiſſioners, or ſhall wilfully or maliciouſly break, throw down, take away, or extinguiſh, damage or ſpoil, any Lamp or Lamps that now are or ſhall be ſet up for lighting any of the ſaid Roads, Avenues, Streets, Lanes, and Paſſages, or damage the Poſts, Irons, or other Furniture thereof, or the Fountains and Waterhouſes, Reſervoirs, Ciſterns, Pipes, Wells, or other Conduit or Engine for conveying and diſtributing the Water as aforeſaid, or the ſaid Fire Cocks and Fire Engines, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo to and 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, into the Cuſtody of a Peace Officer, or any of the Town Serjeants of the ſaid City, in order to be carried before any One of the Magiſtrates thereof, or other Judge Ordinary; and that ſuch Magiſtrate or other Judge ſhall proceed to examine upon Oath, any One or more Witneſs or Witneſſes, who ſhall appear to give Information touching ſuch Offence, (which Oath the ſaid Magiſtrate is hereby authorized and required to adminiſter); and that if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or by the Oath of any One or more credible Witneſs or Witneſſes, upon ſuch Information as aforeſaid, he, ſhe, or they ſo convicted ſhall forfeit and pay the Sum of Forty Shillings Sterling for the firſt Offence, and the Sum of Three Pounds Sterling for the Second and every ſubſequent Offence, and moreover ſhall be obliged to make full Satisfaction to the ſaid Commiſſioners for the Damage ſo done by him, her, or them, as aforeſaid; and that in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay the Forfeiture, and make the Satisfaction as before directed, ſuch Magiſtrate or other Judge is hereby required to commit him, her, or them, to the Common Gaol of the ſaid City of *Aberdeen*, for the Space of Two Months; and ſuch Offender or Offenders ſhall not be diſcharged therefrom, 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 breaking the Lamps or damaging the Springs to make good the ſame.

XXXI. And be it hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid Lamps, or the Poſts, Irons, or other Furniture thereof, or the Fountains, Wells, Reſervoirs, Ciſterns, Pipes, and other Conductors, for conveying and diſtributing the Water as aforeſaid, or the ſaid Fire Cocks and Engines, and ſhall not immediately, on 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 of the Magiſtrates of the City of *Aberdeen*, upon Complaint made to him, to cauſe to be ſummoned before him the Party or Parties complained of for doing ſuch Damage, and upon Proof of the Complaint by One or more Witneſs or Witneſſes, or the Confeſſion of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satiſ-

faction for the Damage, as the ſaid Magiſtrate 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 Three Days next after Demand thereof), to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their, Goods and Chattels; the Surplus, after Payment of the Damage and Expence, if any be, ariſing from ſuch Sale, to be paid to him, her, or them, when demanded.

Biers, Burdens, &c. not to be carried or driven on the Foot Paths, and Caſks, &c. not to be ſet down thereon.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall carry, run, drive, draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements within the ſaid City of *Aberdeen*, any Bier, Sedan Chair, Burden, Barrel, or Caſk, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatſoever, or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, Mule, or other Cattle, upon any of the ſaid Foot Pavements, (except acroſs them directly, to or from Shops, Cellars, Warehouſes, or Stables), or ſhall ſet down upon any of the ſaid Foot Pavements, any Caſk, Box, or other Interruption, or ſhall roll any Caſks or Barrels of any Kind, whether full or empty, upon any of the ſaid Streets or Foot Pavements, (except acroſs them as aforeſaid), then and in any of the ſaid Caſes, it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey or deliver him, her, or them, into the Cuſtody of a Peace Officer, or any of the Town Serjeants, in order to be conveyed before ſome of the Magiſtrates of the ſaid City; and the Party or Parties accuſed being brought before ſuch Magiſtrate, he ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear to be produced to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted thereof, either by his, her, or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Five Shillings Sterling for the Firſt and every ſubſequent Offence; and that it ſhall be lawful to any Paſſenger or other Perſon finding any ſuch Caſk, Box, or other Interruption, upon any of the ſaid Foot Pavements, at his own Hand to remove and turn off the ſame.

A limited Quantity of Gunpowder to be kept in Houſes, Shops, &c.

XXXIII. And be it enacted by the Authority aforeſaid, That no Merchant, Shop Keeper, Trader, or other Perſon, dealing in Gunpowder within the ſaid City, ſhall, after the Commencement of this Act, have or keep in their Houſes, Shops, or Warehouſes, at any One Time, more than Four Pounds Weight of Gunpowder, but ſhall depoſit and lodge his, her, or their, whole remaining Stock of Gunpowder in ſuch proper and ſecure Magazine or Storehouſe, at a convenient Diſtance from the ſaid City, as ſhall be appointed by the ſaid Commiſſioners for receiving and lodging the ſame; which Magazine or Storehouſe the ſaid Commiſſioners are hereby authorized to cauſe to be built, erected, maintained, or hired, and the Expence or Rent thereof to be paid out of the Monies to be raiſed in conſequence of this Act; and if any Merchant, Trader, Shop Keeper, or other Perſon, dealing in Gunpowder, ſhall be convicted of having in his, her, or their, Houſe, Shop, or Warehouſe, at any one Time, a greater Quantity than Four Pounds of Gunpowder, he, ſhe, or they, ſhall forfeit and pay the Sum of Twenty Shillings Sterling for every Pound Weight above the ſaid Quantity, over and beſide the Forfeiture thereof;

thereof; and that the ſaid Commiſſioners ſhall make ſuch Orders and Regulations reſpecting the receiving and depoſiting the ſaid Gunpowder, as the Nature of the Caſe ſhall appear to them to require.

Gunpowder to be kept ſeparate from other Goods.

XXXIV. And be it alſo enacted, That the aforeſaid Quantity of Four Pounds Weight of Gunpowder, allowed to be kept within Houſes, Shops, or Warehouſes, ſhall be depoſited in a Place by itſelf, ſeparate from all other Goods and Commodities, and ſhall be ſecured under Lock and Key, under a Penalty of Five Pounds Sterling, to be paid for each Offence by the Occupier of the ſaid Houſes, Shops, or Warehouſes; and to be levied and applied in Manner herein-after directed.

Timber, &c. to be conveyed on long Carriages.

XXXV. And be it enacted by the Authority aforeſaid, That all Timber, Log or Logs of Wood, and Bars of Iron, conveyed through the Roads, Streets, Lanes, Publick Paſſages, or other Places of the ſaid City and Royalty, whether going to or coming from the Country, or otherwiſe, ſhall be conveyed and carried upon long Carts or Carriages, or in ſuch other Way and Manner as that the ſaid Timber, Log or Logs of Wood, and Bars of Iron, ſhall not, in any Caſe, project or extend over the Sides of the ſaid Carriages, nor occupy more of the Breadth of the ſaid Roads, Streets, Avenues, Lanes, and other Publick Paſſages, than is occupied by the Carriage or Carriages on which they are placed and conveyed, which, it is hereby declared, ſhall not exceed Eight Feet in Breadth in Whole; and that every Perſon or Perſons who ſhall convey or carry any Timber, Log or Logs of Wood, and Bars of Iron, through the ſaid Streets, Roads, Lanes, Paſſages, and other Places, in any other Manner than is before directed, ſhall forfeit and pay Five Shillings Sterling for every ſuch Offence; and in caſe the Offender or Offenders ſhall not immediately pay the ſaid Penalty, it ſhall and may be lawful for the Magiſtrates of *Aberdeen*, or any One of them, to commit him or them to Priſon, for any Time not exceeding Eight Days, unleſs ſuch Penalty, and the Charges occaſioned by the Recovery of the ſame, ſhall be ſooner ſatisfied and paid.

Committee of 15 Perſons for making up the Firſt Rent Roll of the Inhabitants Houſes, *etc.*

XXXVI. And be it further enacted by the Authority aforeſaid, That the Provoſt, or other Perſon officiating as Chief Magiſtrate, the Four Baillies, the Dean of Guild, and the Conveener of the Incorporated Trades, all of the ſaid City for the Time being, (and in caſe of any of the Baillies acting as Chief Magiſtrate, the Treaſurer alſo of the ſaid City), along with Three other Members to be elected and ſent from the Conveenery Court of the ſaid Incorporated Trades, ſhall be and they are hereby empowered and required, within One Calendar Month after the Commencement of this Act, to meet and convene in ſuch Place within the ſaid City, and on ſuch a Day at Twelve of the Clock Noon as ſhall be appointed by the ſaid Chief Magiſtrate, upon Ten Days previous Notice to be given in the *Aberdeen* Journal, and by Tuck of Drum; and then and there, by a Plurality of Votes among themſelves, to elect and chooſe Five other Perſons, Burgeſſes, Merchants, or Manufacturers, reſident in the ſaid City, and qualified to act as Commiſſioners under this Act, making in the Whole together the Number of Fifteen Perſons; who, or any Seven of them, ſhall be, and they are hereby farther authorized and required, within Ten Days after ſuch Election is completed, to meet collectively at ſuch Place as ſhall be appointed by ſuch Chief Magiſtrate, and to cauſe be made up a fair and

equal Rent Roll of all the Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty, actually occupied and poſſeſſed at the Time by any One Perſon, which ſhall be eſtimated at or above One Pound Five Shillings Sterling of yearly Rent, with the Names and Deſignations of the Occupiers and Poſſeſſors thereof; which Rent Roll or Valuation ſhall and may be examined, corected, and adjuſted, as to the ſaid Fifteen Perſons, or any Seven of them, may ſeem proper and equitable, ſo as to render the ſame a fair, equal, and impartial Roll of the real Rents of the ſaid Dwelling Houſes, and other Buildings aforeſaid; and that the ſaid Roll, after being ſo examined, adjuſted, and authenticated by them, is hereby declared and appointed to be the Rule for aſcertaining and determining the Qualifications, not only of the Perſons entitled to elect the Firſt Commiſſioners under this Act, but alſo of the ſaid Commiſſioners themſelves as after-mentioned, as well as for laying on and levying the Rate and Aſſeſſment hereby authorized to be raiſed for the Year then current, and as ſuch the ſaid Rent Roll ſhall be patent and open to the Inſpection of all Perſons liable in the ſaid Aſſeſſment; at which Firſt Meeting for the Election of the ſaid Five Perſons ſo to be joined to the other Ten for preparing and making up the ſaid Rent Roll, as well as in all after Meetings relative to the Adjuſtment and Settlement thereof, the ſaid Provoſt or Chief Magiſtrate for the Time ſhall preſide, and beſide his own Vote in common with the others, ſhall, in caſe of Equality of Votes, have a caſting or deciſive Voice in all Matters and Queſtions that ſhall happen to come before them, relative to the Election of the ſaid Five additional Members, or the making up and adjuſting of the ſaid Rent Roll.

Rent Roll to be the Rule for determining the Electors Qualification, *etc.*

Occupiers of Houſes, *etc.* to be ſummoned for the Election of Commiſſioners.

XXXVII. And be it further enacted by the Authority aforeſaid, That the Provoſt or other Perſon acting as Chief Magiſtrate of the ſaid City for the Time, ſhall be, and he is hereby authorized and required, upon Fourteen Days previous Advertiſement in the *Aberdeen* Newſpapers, and by Tuck of Drum, to cauſe to be warned and ſummoned to convene within the ordinary Court Houſe of the ſaid City, or ſuch other Place within the ſaid City as ſhall appear moſt convenient, upon the Firſt *Tueſday* of *July*, in the Year One thouſand ſeven hundred and ninety-five, at Twelve of the Clock at Noon, a General Meeting of the whole Occupiers and Poſſeſſors of all Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty thereof, each of whom ſhall be reſident therein for the Time, and Occupier of a Dwelling Houſe, Shop, Cellar, Warehouſe, or other Building within the ſame, which ſhall have been rated and aſſeſſed at the Sum of Five Pounds Sterling or upwards of yearly Rent, in the ſaid Rent Roll to be prepared and authenticated as aforeſaid; and which General Meeting of Occupiers and Poſſeſſors of Houſes and other Buildings of the particular Deſcription before ſpecified, ſo met and convened, ſhall be, and they are hereby authorized and empowered, by a Plurality of Votes among themſelves, (by Liſts of ſuch Votes to be ſigned and given in by each of them to the Preſes or Clerk of the ſaid Meeting, or to be ſent ſo ſigned under Cover and Addreſs to ſuch Preſes or Clerk, in caſe of the Elector's Abſence), to elect and chooſe Thirteen Perſons, each of whom ſhall alſo be reſident within the ſaid City, and an Occupier and Poſſeſſor of a Dwelling Houſe, Shop, Cellar, Warehouſe, or other Building within the ſame, which ſhall have been rated in the aforeſaid Rent Roll, to be ſo prepared and authenticated, at or above Ten Pounds

Qualification of Electors.

Number of Commiſſioners, and their Qualifications; elected for the Firſt Two Years.

Pounds Sterling of yearly Rent; and which Thirteen Perſons ſo to be elected and choſen, ſhall be and they are hereby nominated and appointed to be Commiſſioners and Truſtees for putting in Execution this preſent Act, for the Space of Two full Years from and after the Date and Period of their ſaid Election.

The Provoſt to preſide at the Firſt Election, and to have a caſting Vote.

XXXVIII. And be it enacted, That the ſaid Provoſt, or other Perſon acting as Chief Magiſtrate of *Aberdeen* for the Time, ſhall preſide at the ſaid Firſt General Meeting for Election; and in caſe of Equality of Votes in any Queſtion that may come before them, ſhall have a Caſting or deciſive Voice therein, as well as a deliberative one; and that he along with the other Fourteen Perſons appointed to prepare and make up the ſaid firſt Rent Roll, or Seven of them, ſhall finally determine all Differences and Diſputes that may ariſe thereat, reſpecting either the Electors or Commiſſioners Qualifications, or otherwiſe; that they ſhall alſo act at the ſaid firſt Election as Examiners and Scrutineers of the ſigned Liſts of Votes to be given in by the Electors as before ſpecified; that they likewiſe ſhall have Power to elect and chooſe any Perſon they may think proper to act and officiate as Clerk to the ſaid Meeting, and that the Minutes of the ſame ſhall be authenticated and ſubſcribed by their Preſes: Provided always, that the ſaid Thirteen Commiſſioners, after being ſo firſt elected and choſen, ſhall be and they are hereby authorized to chooſe their own Preſes and Clerk, along with other neceſſary Officers and Servants under them as aforeſaid.

Commiſſioners to elect their own Preſes and Clerk.

Second Election of Commiſſioners.

XXXIX. And be it alſo hereby further enacted, That upon the Expiry of the ſaid firſt Period of Two Years, and at the End of every Two Years thereafter during the Continuance of this Act, upon the ſaid Firſt *Tueſday* of *July*, at Twelve of the Clock Noon in every Second Year, (upon Fourteen Days previous Notice and Advertiſement in the *Aberdeen* Newſpapers, to be given by Direction of the ſaid Commiſſioners), there ſhall be held within the Ordinary Court Houſe, or in ſuch other Place within the ſaid City as ſhall be appointed by the ſaid Commiſſioners, a General Meeting of the whole reſident Occupiers and Poſſeſſors of Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty, each of whom ſhall have been rated and charged at the Sum of Five Pounds Sterling or upwards of yearly Rent for One Year, according to the Rent Roll to be prepared and authenticated by the Commiſſioners in Office for the current Year; and which Biennial General Meetings of reſident Occupiers and Poſſeſſors of Dwelling Houſes and other Buildings, ſo met and convened, ſhall be, and they are hereby authorized and empowered, by a Plurality of Voices among themſelves, (by Liſts of ſuch Votes to be ſigned and given in by each of them to the Preſes or Clerk of the ſaid Meeting, or to be ſent ſo ſigned under Cover and Addreſs to either of them, in caſe of the Elector's Abſence), to elect, nominate, and chooſe Eight Perſons, each of whom ſhall be reſident within the ſaid City, and an Occupier and Poſſeſſor of a Dwelling Houſe, or other Building within the ſame, of the Deſcription before ſpecified, which ſhall have been rated and aſſeſſed by the Rent Roll or Aſſeſſment for the current Year at Ten Pounds Sterling or upwards of yearly Rent.

Eight of the old Commiſſioners to

XL. And be it enacted, That the ſaid Eight Perſons, along with Five of the Commiſſioners then in Office for the preceding Year, who ſhall

continue in Office along with Five new to be elected every Second Year.

be chosen and elected by the Votes and Determination of the Commissioners in Office, in virtue of the First Election, consisting in Whole of Thirteen in Number, so to be at first and afterwards biennially elected and chosen, during the Continuance of this Act, upon the said First *Tuesday* of *July*, or any Five of them, (who are hereby declared to be a Quorum), shall be, and they are hereby nominated and appointed the Commissioners and Trustees for putting this Act, and every Part thereof, in Execution, during the respective Periods for which they shall be so chosen; and that at all such General Meetings for Election of Commissioners (after the First), the said Commissioners shall have Power to choose their own Preses, by a Plurality of Voices among themselves, who in the Case of an Equality of Votes, shall have both a decisive and casting Voice as well as a deliberative One; and that the said Preses and other Commissioners, or the Quorum of them above mentioned, shall officiate and act as Examiners and Scrutineers of the subscribed Lists of Votes so to be given in by the said Electors.

The Five old Commissioners continued in Office, to be elected by the Collective Body of the Commissioners themselves.

XLI. And it is hereby further enacted, That the Period of every Return of the General Election of the said Eight Commissioners shall be at the End of Two Years from the Date of the preceding Election; at which returning Period of Two Years, during the Continuance of this Act, Five of the Commissioners acting for the preceding Year shall remain in Office, and with the Eight other Commissioners to be then newly chosen, shall continue to act as Commissioners and Trustees for the succeeding Period of Two Years: Provided always, that the said Five Commissioners elected to continue in Office, shall invariably be of the Number of those Eight Persons who shall have been elected in the General Meeting Two Years before, and that they shall be chosen to continue in Office by the Collective Body of the other Commissioners, by signed Lists to be given in by a Majority of them to their Preses or Clerk Fourteen Days previous to the then next General Meeting for Election, so as to preserve as nearly as possible an equal Rotation in Duty: Provided also, that the Whole of the said Commissioners and Trustees shall be obliged to accept and act in the Execution of the Duty and Trust hereby committed to them, under the Forfeiture and Penalty of Ten Pounds Sterling, to be paid by each of them declining or refusing for the First Time to accept and act, to be disposed of and applied to the Purposes hereof; but that the said Penalty shall be only once exigible from those so refusing to act; and that no Person shall be obliged to accept or act as a Commissioner under this Act, during the Time he shall hold the Office of a Magistrate, or be a Member of the Town Council of the said City; neither shall any Person be obliged to act as a Commissioner for any longer Period at One Time than for the Space of Four Years successively: Provided further, that in case of the Death, Refusal, or Resignation, of any of the said Commissioners, it shall and may be lawful to and for the others remaining in Office, by a Plurality of Voices among themselves, to elect any One or more Commissioners, qualified as aforesaid, for supplying the Vacancies of their Number, occasioned by Death, Refusal, or Resignation, and that they shall continue in Office and supply such Vacancies until the next ordinary Day appointed for the General Election of Commissioners for the Execution of this Act.

Commissioners obliged to accept and act, under a Penalty to be only once exigible.

No Magistrate or Counsellor obliged to act as a Commissioner.

Vacancies of Commissioners by Death, &c. to be filled up by the others.

XLII. And be it enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to meet in ſuch Places, and at ſuch Times, in relation to the Execution of this Act, as they ſhall appoint, within the ſaid City, upon a printed or written previous Notice of Twenty-four Hours, to be given by Order of their Preſes, or in caſe of his Refuſal to give ſuch Order, by Direction of any Two or more of the ſaid Commiſſioners; and that the ſaid Preſes for the Time ſhall in all Caſes, and at all Meetings, when preſent, preſide; and in caſe of his Abſence, they ſhall have Power to elect another in his Place; and at every Meeting the Preſes or Chairman, beſide his own Vote in common with the others, ſhall, in caſe of Equality of Votes, have a caſting or deciſive Voice in all Matters and Queſtions that ſhall happen to be agitated and come before the ſaid Commiſſioners in the Execution of this Act.

Notice of Commiſſioners Meetings to be given.

XLIII. Provided always, That no Commiſſioner ſhall be capable of acting in any Caſe in the Execution of this Act, unleſs at ſome Publick Meeting to be held in virtue thereof, or in conſequence of the Order and Appointment of ſuch a Meeting; and that no Perſon, during the Time he ſhall be a Commiſſioner under this Act, ſhall be capable to make or have any Share in any Contract, or to enjoy any beneficial Employment under this Act.

Commiſſioners not to act where intereſted.

XLIV. And be it further enacted by the Authority aforeſaid, That after the ſaid Firſt Election of Commiſſioners in Manner above-mentioned, the Commiſſioners for the Time being, during the Continuance of this Act, are and ſhall be empowered, and they are hereby authorized and required, annually, ſome Time during the Month of *Auguſt*, to cauſe to be made up a ſimilar, fair, and equal Rent Roll, as has been already deſcribed, (from ſuch Surveys and Informations as they ſhall judge expedient,) of all the Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings within the ſaid City and Royalty, actually occupied and poſſeſſed by any One Perſon, and ſubject to the Aſſeſſment after-mentioned, with the Names and Deſignation of the Occupiers and Poſſeſſors thereof, which Rent Roll or Valuation ſo to be annually prepared and made up as aforeſaid, after being examined, adjuſted, and authenticated by the Signatures of the ſaid Commiſſioners, (and which they are hereby required to do before the End of each Month of *Auguſt* annually,) ſhall be, and the ſame is hereby declared and appointed to be the Rule for aſcertaining and determining the Qualifications not only of thoſe entitled to elect, but alſo of the Perſons who ſhall be entitled to be elected Commiſſioners for putting this Act in Execution, as well as the Rate and Amount of the Aſſeſſment to be laid and impoſed upon the ſeveral Occupiers and Poſſeſſors of Dwelling Houſes and other Buildings aforeſaid, in Manner after-mentioned.

A Rent Roll of Houſes, *etc.* to be annually made up by Direction of the Commiſſioners.

Qualifications of Electors and Commiſſioners; and the annual Aſſeſſments to be aſcertained by the Rent Roll, *etc.*

XLV. And be it enacted by the Authority aforeſaid, That Four Quarterly ſtated General Meetings of the ſaid Commiſſioners in the Year ſhall be held during the Continuance of this Act, within the ordinary Court Houſe of the ſaid City, or in ſuch other Place within the ſaid City as they ſhall from Time to Time appoint, and which they are hereby required to appoint and publiſh in the *Aberdeen* Newſpaper or Newſpapers, *videlicet*, upon the Second *Tueſday* of *September*, the Second *Tueſday* of *December*, the Second *Tueſday* of *March*, and the Second *Tueſday* of *June*, annually, at Twelve of the Clock Noon, for putting this

Quarterly Meetings to be held.

this Act, and the Powers hereby committed to them, in Execution, beginning the First of these Quarterly Meetings upon the Second *Tuesday* of *September* in the Year One thousand seven hundred and ninety-five; and that their Preses for the Time shall cause the Whole of the said Commissioners to be summoned to attend the said Quarterly Meetings, by written or printed Notices or Summonses, to be given them personally, or left at their Dwelling Houses, at least Twenty-four Hours previous to the Time of the said Meetings.

Commissioners may adjourn Quarterly Meetings.

XLVI. And be it enacted, That the said Commissioners, or a Majority of them, present at such Quarterly Meetings, may from Time to Time adjourn themselves to the same, or any other Place within the said City, as they may think proper or necessary, for executing the Powers vested in them by this Act; and that the Clerk of such Commissioners shall give written or printed Notices to each of them of such Adjourned Meetings, in the same Manner as is required by this Act for the Quarterly Meetings.

Other Meetings may be appointed.

XLVII. And be it enacted, That the Preses of the said Commissioners shall be obliged, upon Requisition made to him under the Hands of any Two of them, to appoint Meetings of them, to be held within Forty-eight Hours after such Requisition; and that it shall also be in the Power of the said Preses of himself to appoint other Meetings of the said Commissioners, to be held so often, and at such Times and Places within the said City, as may to him seem necessary and expedient, the whole Commissioners being always summoned to attend every such Meeting in Manner before-mentioned.

Assessments to be raised and levied.

XLVIII. And, in order to raise a proper and sufficient Fund for answering the Purposes of this Act, be it enacted by the Authority aforesaid, That the said Commissioners and Trustees shall have Power, and they are hereby authorized and required, at their Quarterly Meeting to be held on the Second *Tuesday* of *September* annually, during the Continuance of this Act, to fix and ascertain certain Rates and Assessments necessary for the Purposes of this Act, to be raised and levied from the whole Occupiers and Possessors, whether Heritors or Tenants of all Houses, Shops, Cellars, Warehouses, and other Buildings within the said City and Royalty, actually occupied and possessed, by an equal Pound Rate or Assessment, to be laid and proportioned upon the free yearly Rent of such Houses, and other Buildings of the Description before specified, according as the same may be stented or assessed by the aforesaid Rent Roll or Valuation to be made up in the Month of *August* annually, by Direction of the said Commissioners as above-mentioned, but so as the said Pound Rate or Assessment shall not exceed One Shilling Sterling in the Pound *per Annum*, of the said respective free yearly Rent or Value, nor affect any such Rent to be rated under One Pound Five Shillings Sterling yearly, and that the same shall be charged upon the Tenants and Occupiers only; and all such Tenants and Occupiers are hereby made liable for and obliged to pay the said Rate or Assessment, so directed to be raised and levied as aforesaid, according to the true Annual Rent or Value of their said respective Houses and other Buildings before-mentioned, lying and being within the said City and Royalty.

Assessment of One Shilling *per* Pound of all House Rents, *etc.* of One Pound Five Shillings and upwards, to be yearly paid by the Occupiers or Tenants.

XLIX. Pro-

XLIX. Provided always, That all Houſes, or Parts of Houſes, and other Buildings above-mentioned, occupied by any One Perſon, and rated under the yearly Rent or Value of One Pound Five Shillings Sterling, and alſo all Perſons receiving Supply from the Pariſh Funds, or Poor's Hoſpital of *Aberdeen*, ſhall be, and they are hereby exempted from the Payment of any Aſſeſſment appointed to be raiſed and levied by this Act. Certain Houſes and Perſons exempted from the Aſſeſſment.

L. Provided alſo further, That no Houſe or Houſes within the ſaid City, entirely uſed or employed in carrying on Manufactures, and where no Part thereof ſhall be occupied as a Dwelling Houſe, and no Kind of Victuals are dreſſed or prepared therein, ſhall be ſubject or liable to be rated or aſſeſſed for the Duties impoſed by this preſent Act, for any higher Rate or Aſſeſſment than upon Fifty Pounds Sterling of yearly Rent or Value, of all ſuch Manufacturing Houſes belonging to any One Company or Individual, although ſituated in different Parts of the Town: Provided always, that the ſame Kind or Branch of Manufacture be carried on in ſuch ſeparate and disjoined Houſes. Manufacturing Houſes not to be rated above Fifty Pounds Sterling of yearly Rent.

LI. And be it enacted, That all Houſes and other Buildings, poſſeſſed by the Proprietors or Liferenters themſelves, ſhall be rated and aſſeſſed for the Duties hereby impoſed, upon ſuch yearly Rent or Value as the ſame ſhall be rated and eſtimated by the ſaid Commiſſioners, or ſuch other Perſons as they ſhall appoint, according to the beſt of their Judgement; and that ſuch Proprietors and Liferenters ſhall only be liable and obliged in Payment of the ſaid Aſſeſſments, for Houſes and Buildings actually occupied by themſelves and their Servants, but not for thoſe poſſeſſed by their Tenants, from whom only the ſaid Aſſeſſment for their reſpective Poſſeſſions ſhall be levied and recovered in Terms of this Act; and that all ſuch Heritors and Liferenters ſhall only be entitled to vote in the Election of, or to be elected Commiſſioners, under this Act, according to the eſtimated Rents of the Houſes, Shops, Warehouſes, Cellars, or other Buildings actually poſſeſſed by themſelves, without Regard to the Rents of any other Houſes belonging to them. Houſes poſſeſſed by the Proprietors or Liferenters to be rated as eſtimated by the Commiſſioners or Stent Maſters.

LII. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners may, and they are hereby empowered, from Time to Time at their yearly Meeting on the Second *Tueſday* of *September*, to leſſen and reduce the aforeſaid Rates and Aſſeſſments granted by this Act, and again to raiſe the ſame, but ſo as never to exceed in any One Year the before mentioned Rate of One Shilling Sterling in the Pound of the free yearly Rent or Value of the Houſes and other Subjects herein-before mentioned, excepting in the particular Event after ſpecified. Rates may be leſſened and raiſed again.

LIII. And be it hereby further enacted and declared, That the aforeſaid Rate and Aſſeſſment above ſpecified ſhall be leviable and levied upon the Firſt *Tueſday* of *May* yearly, during the Continuance of this Act, beginning the Firſt Year's Payment thereof upon the Firſt *Tueſday* of *May* One thouſand ſeven hundred and ninety-ſix; and that if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue and in purſuance of this Act, ſhall refuſe or neglect to pay the ſaid Rate or Aſſeſſment charged upon him, her, or them, for the Space of Eight Days next after Rates to be levied, and the Term of Payment.

Method of Recovery of Rates from Persons refusing or neglecting to pay them.

his, her, or their respective Rate or Rates, Assessment or Assessments, shall be due and demanded by the Collector or Collectors authorized and empowered by the said Commissioners to collect and receive the same, (such Demand being made to the respective Person or Persons so charged by a written or printed Notice, either delivered personally or left at his, her, or their respective House or Houses, Place or Places of Abode); then and in every such Case, it shall and may be lawful to and for such Collector or Collectors, and every or any of them, having a Warrant or Warrants under the Hand of any of the Magistrates of the City of *Aberdeen*, (which Warrant or Warrants the said Collector or Collectors is and are hereby required to apply for, and the said Magistrate is hereby authorized and required to grant), and with the Assistance of a Peace Officer, or any Town Officer of the said City, to enter the House or Houses, Apartment or Apartments, of the Person or Persons so deficient in Payment of the said Assessment, 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 shall have been made, (together with the Costs and Charges thereof), to sell by Publick Auction, at the Market Cross of *Aberdeen*, 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, according as the same shall be settled and allowed by the Magistrate who shall have granted such Warrant, returning the Overplus, if any be, to the Owner or Owners of such Goods and Chattels.

Empty Houses becoming possessed may be afterwards rated.

LIV. And be it enacted, That if any Dwelling House, Shop, Warehouse, Cellar, or other Building, which are not possessed at the Time of laying on the general yearly Assessment as aforesaid, shall afterwards during the Currency of that Year, become possessed, it shall be lawful to and in the Power of the said Commissioners, or such other Person or Persons as they shall appoint, to meet and assess the same in Manner before described.

Commissioners empowered by Authority of a General Meeting of Electors to raise the Assessment to One Shilling *per* Pound of House Rents for the Purpose of making additional Improvements by new Roads and Streets, *etce*

LV. And, in order that the aforesaid intended Improvements respecting the Alteration and Enlargement of the present Roads, Avenues, and Streets, and the opening and making out other new Roads, Streets, Avenues, Lanes, and other Publick Passages within the said City and Royalty, may be the more speedily and effectually carried into Execution; be it enacted, That after Plans and Estimates of the Expence of such Improvements, or any Part thereof, shall have been laid before and approved of by a General Meeting of the Inhabitants, qualified to be Electors of Commissioners under this Act, to be convened together for that Purpose, upon Fourteen Days previous Notice thereof to be given in the *Aberdeen* Newspapers; and that it shall appear to the said Meeting at the same Time, that the aforesaid Rate of One Shilling Sterling yearly in the Pound of House Rents authorized to be imposed as aforesaid for the other Purposes of this Act, is insufficient for defraying also the Expence of the said intended Enlargement and Improvement of Roads and Streets; in that Event the said Commissioners shall be, and they are hereby authorized and empowered to raise and increase the said Assessment of One Shilling Sterling in the Pound of House Rents yearly (for a certain Number of Years then to be fixed by such General Meeting of the Inhabitants) to any Sum or Rate not exceeding One Shilling and Sixpence Sterling in the Pound annually of the House

Rents aforeſaid; which augmented Aſſeſſment the ſaid Commiſſioners are and ſhall be farther empowered to levy, receive, and recover, at the ſame Time, and by the ſame Means; and in caſe of Neglect or Refuſal of Payment, by the Perſons liable therefor, by the like ſummary Proceſs and Methods of Compulſion in every Reſpect as they are authorized and entitled to levy and recover the aforeſaid Rate of One Shilling Sterling *per* Pound of ſuch Houſe Rents in Manner particularly before ſpecified.

Application of the Rates and Penalties.

LVI. And be it further enacted, That all the Monies to ariſe from the Rates and Aſſeſſments by this Act impoſed, and directed to be made and received, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of the ſame, ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to collect and receive the ſame, to be applied to and for the defraying, in the Firſt Place, the Charges and Expences of paſſing this preſent Act, and in the next Place, to pay off and diſcharge all ſuch Sum or Sums of Money as ſhall be laid out and employed by the ſaid Commiſſioners in better ſupplying the ſaid City with freſh Water, and in paving, lighting, cleanſing, and improving, of the ſame, and for the other Uſes and Purpoſes herein mentioned, and to and for no other Uſe, Intent, or Purpoſe, whatſoever: Provided always hereby, that as ſoon as this Act and the Aſſeſſments thereby impoſed ſhall take place and commence, the former Mode of taxing and aſſeſſing the Inhabitants of the ſaid City individually for ſupporting the Publick Wells, Lamps, and Streets, ſhall totally ceaſe and be diſcontinued during the Continuance of this Act.

Former Mode of taxing the Inhabitants to be diſcontinued.

The former Well Debt to be diſcharged.

LVII. And whereas a conſiderable Debt has already been contracted by the Community of *Aberdeen*, for collecting and bringing into the ſaid City a Supply of freſh Water for the Service of the Inhabitants, and for building and erecting of Fountains and Reſervoirs for that Purpoſe, both within and without the City, which, with the ſeveral Watercourſes, and all other Matters and Things relative or annexed thereto, are now to be given off to and veſted in the ſaid Commiſſioners as aforeſaid, during the Continuance of this Act, to be uſed and employed for the Purpoſes thereof only; and of which Debt the Community of the ſaid City might claim to be reimburſed and indemnified by the ſaid Commiſſioners, out of the Monies to be raiſed under this Act, if the ſame were not otherwiſe provided: Be it therefore enacted by the Authority aforeſaid, That the Monies and Duties to be raiſed and levied by the ſaid Commiſſioners in conſequence of this Act, ſhall nowiſe be burdened or affected with the Payment of any Part of the ſaid Well Debt, or Intereſt thereof; but that the ſame, and all Claims and Demands of every Kind that have hitherto ariſen and been made by the Town Council againſt the Inhabitants of the ſaid City for a Supply of freſh Water, from and after the Term of *Whitſunday* One thouſand ſeven hundred and ninety-five, ſhall be and are hereby declared and appointed to ceaſe, determine, and be totally extinguiſhed and diſcharged, alike as if the ſame had never exiſted.

Magiſtrates and Council empowered to pay what may be afforded from the Treaſury

LVIII. And be it alſo enacted, That it ſhall and may be lawful to the Magiſtrates and Council of the ſaid City for the Time being, and they are hereby authorized and empowered, to pay in to the ſaid Commiſſioners, out of the Funds and Revenue belonging to the Treaſury or common Good of the ſaid City, ſuch Sum or Sums of Money, to be applied

Funds towards executing this Act.

applied towards executing the Purpoſes of this preſent Act, as the ſaid Town Council, from Time to Time, ſhall find may be afforded to be paid out of the ſaid Funds, after defraying and diſcharging the ordinary and neceſſary annual Expenditure therefrom.

Money to be borrowed on the Credit of the Rates.

LIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall and may, and they are alſo hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt, any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thouſand Pounds Sterling, and to grant, aſſign, and ſet over, for Security and Payment thereof, and Intereſt to ariſe on the ſame, in Manner herein-after mentioned, the ſeveral Rates, Duties, and Aſſeſſments, given and granted by this preſent Act, to any Perſon or Perſons who ſhall be willing to advance and lend Money thereon; and that all the Monies ſo to be borrowed and advanced ſhall be employed for the reſpective Purpoſes aforeſaid, and no other Uſe or Purpoſe whatſoever.

Commiſſioners may iſſue Bonds and Aſſignments of the Rates and Monies in Security.

LX. And, for the greater Security of the Perſon or Perſons who ſhall advance or lend ſuch Monies, and effectually to provide for the Payment of the ſame during the Continuance of this Act, be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby empowered and required to iſſue to ſuch Perſon or Perſons as ſhall advance or lend Money in virtue of this Act, ſeparate Bonds and Aſſignments, for the Sum of One hundred Pounds Sterling of Principal Money in each Bond and Aſſignment, bearing the Intereſt, and of the Form and Tenor, transferrable by Indorſation, and payable in Manner herein-after provided; and that ſuch Bonds and Aſſignments ſhall be marked or numbered progreſſively from Number One to Number Thirty, according to the Time and Order in which the ſame ſhall be iſſued, and full Copies of the ſame ſhall be entered by the Treaſurer to ſuch Commiſſioners, who is hereby empowered and required to enter the ſame in the Sederunt Book of the ſaid Commiſſioners, or in ſuch other Book or Books to be kept for the Purpoſe of entering ſuch Securities as ſuch Commiſſioners ſhall direct, and which Copies ſo entered ſhall be ſigned by ſuch Treaſurer, and ſuch Two of the ſaid Commiſſioners as ſhall ſign and witneſs each particular Bond and Aſſignment as herein-after mentioned: Provided always, that no ſuch Monies ſhall be borrowed, or Bonds and Aſſignments iſſued, except at a Meeting or Meetings to be holden in conſequence of a previous Order of the Commiſſioners, for that Purpoſe, entered in their Sederunt Book, and of which all the Commiſſioners for the Time being ſhall have due Notice, and that ſuch previous Order ſhall likewiſe be printed in a Newſpaper publiſhed within the ſaid City of *Aberdeen*, at leaſt Eight Days before ſuch Meeting or Meetings; and that nothing in this Act contained ſhall empower the ſaid Commiſſioners to borrow any Principal Sums of Money, exceeding in the Whole the ſaid Sum of Three thouſand Pounds, or to iſſue any Bonds and Aſſignments under this Act, exceeding in the Whole in Number Thirty Bonds and Aſſignments for One hundred Pounds Sterling each of Principal Money, marked or numbered as aforeſaid, or of any other Form or Tenor, or transferrable or payable in any other Manner than as herein-after provided.

Proviſion for Payment of the Intereſt

LXI. And be it further enacted, That, out of the Monies to ariſe by this Act, the ſaid Commiſſioners, or their Treaſurer for the Time being,

ſhall pay, and they are hereby required, regularly Once in the Year at the leaſt, if demanded, to pay the Intereſt which ſhall become due upon each of ſuch Bonds and Aſſignments, to the Perſon or Perſons having Right to the ſame for the Time being, and to mark the Payment of ſuch Intereſt on the Back of ſuch Bonds and Aſſignments, and in the Sederunt Book of the ſaid Commiſſioners, or ſuch other Book or Books to be kept as aforeſaid: Provided always, that no Part of the principal Monies in the ſaid Bonds and Aſſignments ſhall be repaid before the Term of *Whitſunday*, which ſhall be in the Year One thouſand eight hundred and one, and that at ſuch Term of *Witſunday* One thouſand eight hundred and one; the ſaid Commiſſioners, or their Treaſurer for the Time being, out of the firſt and readieſt of the Monies to ariſe by virtue of this Act, ſhall pay, and they are hereby required to pay, to the Perſon or Perſons then having Right to the Two of the ſaid Bonds and Aſſignments which ſhall have been firſt iſſued, and marked or numbered Number One and Number Two as aforeſaid, the principal Money of One hundred Pounds Sterling contained in each, and all Intereſt due on the ſame at the Time; and at every ſucceeding Term of *Whitſunday* during the Continuance of this Act, ſuch Commiſſioners, or their Treaſurer for the Time being, ſhall pay out of the firſt and readieſt of the Monies to ariſe by virtue of this Act, and they are hereby required regularly to pay, other Two of ſuch Bonds and Aſſignments, in the Order in which the ſame ſhall have been iſſued and marked or numbered as aforeſaid, and the Intereſt then due upon ſuch Bonds and Aſſignments, to the Perſon or Perſons then having Right to the ſame, in ſuch Manner that Two of ſuch Bonds and Aſſignments ſhall be paid and retired yearly at ſuch Term of *Whitſunday*, which ſhall be in the Year One thouſand eight hundred and one, and at every ſucceeding Term of *Whitſunday* during the Continuance of this Act; and that the Bonds and Aſſignments which ſhall have been firſt iſſued, or numbered and marked in their Order as aforeſaid, ſhall be firſt paid and retired.

of ſuch Bonds and Aſſignments;

and of the Principal Monies.

LXII. And be it further enacted, That the ſaid Commiſſioners, and the Treaſurer to ſuch Commiſſioners, ſhall keep and preſerve all ſuch Bonds and Aſſignments, ſo paid and retired, with the Transfers by Indorſement, and Diſcharges or Receipts for Payment of the Intereſt or Principal Monies on the Back of the ſame; and, in the Event that any Perſon or Perſons having Right to any of ſuch Bonds and Aſſignments, at the Time when the ſame by virtue of this Act ſhall become due and payable, ſhall neglect to demand or refuſe to receive Payment of ſuch principal Monies and Intereſt then due upon the ſame, or ſhall refuſe or be incapable to grant a ſufficient Diſcharge upon Payment, that then and in that Event, the ſaid Commiſſioners, or their Treaſurer for the Time being, ſhall be empowered, and they are hereby required, upon Application to and by Warrant of the Sheriff Depute or Subſtitute of the ſaid County of *Aberdeen*, (which Warrant ſuch Sheriff Depute or Subſtitute is hereby empowered and required to grant), and upon ſuch due Notice as ſuch Sheriff Depute or Subſtitute ſhall appoint to be given to the Perſon or Perſons then having Right to ſuch Bond and Aſſignment, to conſign ſuch principal Monies, and the Intereſt then due upon the ſame, in the Hands of the Caſhier of ſuch Banking Company in the ſaid City of *Aberdeen*, (on Account of the Perſon or Perſons then having Right to ſuch Bond and Aſſignment), as ſuch Sheriff Depute or Subſtitute ſhall appoint; and that upon Payment, or upon ſuch Conſignation, the Bond and Aſſignment, or Bonds and Aſſignments, as the

Preſerving Bonds and Aſſignments paid, and for Conſignation of Money where the Perſon holding the ſame ſhall neglect or refuſe to receive Payment, or grant a ſufficient Diſcharge.

Caſe may be, ſo granted, and having become payable as aforeſaid, ſhall be diſcharged and become void, and the Lien for the ſame upon ſuch Rates and Monies payable by this Act ſhall ceaſe and determine: Provided always, that the ſaid Commiſſioners, or their Treaſurer for the Time being, ſhall enter, and they are hereby required regularly to enter, a Memorial of ſuch Payments or Conſignations, with the Date of the ſame, and Names of the Parties, and Number of the Bond and Aſſignment, in the Sederunt Book of the ſaid Commiſſioners, or ſuch other Book or Books to be kept as aforeſaid.

LXIII. And be it further enacted, That ſuch Bonds and Aſſignments, and Securities for the Monies to be borrowed as aforeſaid, ſhall be in the Words and of the Form and Tenor following; *(videlicet,)*

Form of the Bonds and Aſſignments,

'BY virtue of an Act, made in the Thirty-fifth Year of the Reign 'of His Majeſty King *George* the Third, intituled, *An Act for the 'better paving, lighting, cleanſing, and otherwiſe improving the Streets, 'Lanes, and other Publick Paſſages of the City of* Aberdeen, *and the 'Roads and Avenues within the Royalty thereof; for the better ſupplying 'the Inhabitants with freſh Water; and for the removing and preventing 'all Obſtructions and Annoyances within the ſaid City and Royalty*; I 'A. B. Treaſurer to the Commiſſioners by the ſaid Act appointed, and 'by the Authority of the ſaid Commiſſioners, in Conſideration of the 'Sum of One hundred Pounds Sterling, inſtantly lent and paid to me 'on Account of the ſaid Commiſſioners, and for the Purpoſes of the 'ſaid Act, by *C. D.* of *E.* do hereby bind and oblige the ſaid Commiſ-'ſioners for the Time being, out of the firſt and readieſt of the Rates 'and Monies by the ſaid Act granted, to pay to the ſaid *C. D* his 'Executors, Adminiſtrators, or Aſſigns, Intereſt for the ſaid Sum of 'One hundred Pounds, at the Rate of Five Pounds *per Centum per An-'num*, regularly Once in the Year at leaſt, if demanded, from the Date 'hereof, and to repay ſuch Principal Sum of One hundred Pounds, 'and all Intereſt which ſhall ariſe thereon, not before paid to the ſaid 'C. D. his Executors, Adminiſtrators, or Aſſigns, at the Term of '*Whitſunday*, which ſhall be in the Year One thouſand eight hundred 'and one;' [*for the Two firſt Bonds which ſhall be iſſued, and marked or numbered Number One and Number Two, and for every other Two of the ſaid Bonds and Aſſignments, in the Order in which they ſhall be iſſued, and marked or numbered as aforeſaid, the Term of Payment of the Principal Monies ſhall be at each ſucceeding Term of* Whitſunday, *during the Continuance of this Act, according to the true Intent and Meaning of the ſame*]: 'And for the further Security of the ſaid *C. D.* I do hereby aſſign to the 'ſaid *C. D.* his Executors, Adminiſtrators, or Aſſigns, ſuch Proportion 'of the Rates and Monies by the ſaid Act granted, as ſhall be equivalent 'to the ſaid Sum of One hundred Pounds, and the Intereſt to become 'due thereon as aforeſaid, at the Term aforeſaid. Dated, and marked 'or numbered, at *F.* this *G.* Day of *H.* in the Year *I.* and Number *K.*'

which ſhall be a ſufficient Security, and a Lien on the Rates and Monies granted by the Act,

And that ſuch Bonds and Aſſignments, on Paper duly ſtamped, and ſigned by the Treaſurer of the ſaid Commiſſioners, and witneſſed by any Two of the ſaid Commiſſioners, all for the Time being, and iſſued at ſuch regular Meeting or Meetings as aforeſaid, ſhall be a ſufficient Security to the Perſon or Perſons ſo lending or advancing ſuch Monies for the ſame; and that till Repayment, ſuch Principal Monies, and the Intereſt to ariſe thereon, ſhall be a Lien and Charge on the Rates and

Monies by this Act granted, and entitle the Holder of such Securities for the Time being, to recover such Principal Monies and Interest from such Commissioners, and their Treasurers, Clerk, or other Officers, having the Management of or receiving such Rates and Monies out of the first and readiest of such Rates and Monies; and that by Action to be brought, if necessary, before the said Sheriff Depute, or Substitute of the said County of *Aberdeen*, or by any other Form known and used in the Law of *Scotland*, together with the full Expences of such Action, or of recovering such Monies and Interests; and that every Person or Persons, to whom such Bonds and Assignments shall be issued and granted as aforesaid, or who, for the Time shall have Right to the same, may, from Time to Time, assign, or transfer, his, her, or their, Right, Title, or Interest, in the Premises, (by a Writing under his, her, or their Hand or Hands, to be indorsed on the Back of such Bond and Assignment, in the Presence of One credible Witness), to any other Person or Persons; and that such Transfer or Indorsement shall be in the following Words, or Words to the like Effect:

and may be recovered by Action or otherwise,

with full Costs,

and may be transferred.

'I *C. D.* do transfer this Bond and Assignment, with all the Right, Title, or Interest which I have under the same, to *E. F.* his, (her *or* their, as the Case may be) Executors, Administrators, or Assigns. Dated at *G.* this *H.* Day of *I.*

'Witnessed *K. L.* Signed *C. D.*' Form of Transfer:

Which Transfer or Indorsement shall be notified to the Treasurer of the said Commissioners, who shall cause, and he is hereby required to cause, an Entry or Memorial of such Transfer or Indorsement, containing the Date, Names of the Parties, and Number or Mark of such Bond and Assignment, and the Interest then due on the same, to be entered in the Sederunt Book of the said Commissioners, or such other Book or Books as shall be kept as aforesaid for entering such Transfers, Bonds, and Assignments, and shall certify such Entry on the Back of such Bond, and immediately under such Transfer or Indorsement; and after such Entry and Certificate, and not till then, such Transfer or Indorsement shall entitle the Person or Persons to whom the same shall be so made, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of such Bond and Assignment; and that every such Person to whom such Transfer shall be made as aforesaid may, in like Manner, transfer again such Bond and Assignment to any other Person or Persons so often as the Case shall happen; and that it shall not be in the Power of the Person or Persons making such Transfers by Indorsement, certified to have been entered as aforesaid, to make void, release, or discharge, such original Bond and Assignment, or Transfer or Transfers of the same, or any Monies due, or Benefit arising thereupon, or any Part thereof.

To be entered,

and certified by the Treasurer for the Time being,

and after such Entry and Certificate, cannot be released by the Persons making such Transfer.

LXIV. And be it further enacted by the Authority aforesaid, That all and every Act and Acts of the said Commissioners shall be entered in Books, to be kept for that Purpose by their Treasurer or Clerk, which, and all other Books and Entries respecting the same, or that contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every Publick Meeting, and shall be signed by the Preses or Clerk of the said Meetings; and such Entries shall be held and taken to be the original Orders and Proceedings of the said Meetings, and such Books

Proceedings to be entered in Books.

Books ſhall and may alſo be produced and taken in Evidence in all Courts whatſoever.

Accounts to be kept and diſperſed.

LXV. And be it further enacted, That the ſaid Commiſſioners, ſome Time between the Second *Tueſday* of *March* and the Second *Tueſday* of *April* in every Year, ſhall cauſe a fair and juſt Account to be made and wrote out of all the Monies received and paid by virtue or in purſuance of this Act, and to whom, when, and for what Purpoſes the ſame have been laid out, paid, and expended; a Copy or Duplicate of which Account, ſigned by the Preſes and Clerk, ſhall be depoſited with the Clerk, who ſhall be obliged to cauſe to be printed and diſperſed, authenticated Abſtracts of the ſaid yearly Accounts, as ſoon as they are ſigned; and ſhall alſo permit any Perſon aſſeſſed as aforeſaid, to inſpect and examine the ſaid Accounts themſelves, as well as the ſaid Minute and Sederunt Books of the Commiſſioners, at all ſeaſonable Times, without Payment of any Fee or Reward for ſuch Inſpection; and the ſaid Clerk ſhall alſo, upon Demand, give cerified Copies or Extracts of the ſaid Books and Accounts, or any Part thereof, to any Perſon, upon Payment of ſuch reaſonable Fee or Reward for the Clerk's Trouble, as the ſaid Commiſſioners ſhall determine and appoint; and a Copy of the ſaid Account, ſigned as aforeſaid, ſhall likewiſe be annually depoſited in the Office of the Town Clerk of *Aberdeen*.

Commiſſioners to be accountable for Miſapplication of Money.

LXVI. And be it alſo enacted, That in caſe the ſaid Commiſſioners ſhall miſapply any Part of the ſaid Monies and Funds, by this Act authorized and appointed to be raiſed, they may be proſecuted and made accountable therefore before any Court of Law competent, at the Inſtance of any Two or more Occupiers or Poſſeſſors of Houſes qualified to act as Electors of Commiſſioners under this Act: Provided always, that ſuch Actions or Proſecutions ſhall be commenced within Six Calendar Months after the Balance of the Books or Accounts ſhall be ſtruck for the Year in which the Offence or Miſapplication proſecuted for ſhall be alledged to have been committed.

Penalties to be levied, and Mode of Recovery.

LXVII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Collector to be appointed by them for receiving the Monies and Rates granted by this Act, to proſecute for and recover the ſeveral Fines, Penalties, Forfeitures, and Damages, hereby impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed,) by Action, Bill, Complaint, or Information, exhibited within Six Calendar Months after ſuch Offence is committed, before any One or more of the Magiſtrates of *Aberdeen*, (notwithſtanding they may happen to be Commiſſioners under this Act for the Time,) or other Judge competent within whoſe Juriſdiction the Offender or Offenders ſhall reſide or be apprehended; and that the Magiſtrates or other Judges aforeſaid ſhall, and they are hereby empowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and upon Conviction of the Offender or Offenders by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſaid ſeveral Fines, Penalties, Forfeitures, and Damages, which

ſhall

ſhall be awarded and ordered by the ſaid Magiſtrates or other Judges, the Perſon or Perſons who ſhall be convicted of any of the Offences before deſcribed, ſhall and may be ſent by them to the Common Priſon of *Aberdeen*, and there be kept in Confinement for ſuch Time, not exceeding One Calendar Month, as ſuch Magiſtrate or Magiſtrates ſhall direct, unleſs the Sums ſo awarded againſt them ſhall be ſooner paid and diſcharged.

Penalties may be mitigated.

LXVIII. Provided always, That it ſhall and may be lawful to and for the Magiſtrates and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence, or Determination ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen any of the Fines, Penalties, or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act, where ſuch Penalty is ſpecially fixed; and that every ſuch Mitigation and Compoſition ſhall be a ſufficient Diſcharge to the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

To compel the Payment of the Subſcription Money.

LXIX. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers towards the Expence of obtaining and paſſing this Act, and carrying the ſame into Execution, or any One or more of them, or any Perſon or Perſons who ſhall hereafter become or agree to be a Subſcriber or Subſcribers for the Purpoſe aforeſaid, ſhall, after Fifteen Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Commiſſioners, for that Purpoſe, to him, her, or them given, or left at his, her, or their Dwelling Houſe, or uſual Place or Places of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to bring or cauſe to be brought an Action againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any Court competent in that Part of *Great Britain* called *Scotland*; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, ſuch Perſon or Perſons, his, her, or their Heirs, Executors, or Adminiſtrators, ſhall be compelled to pay the Sum or Sums of Money ſo by him, her, or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, together with full Expences of Proceſs: Provided nevertheleſs, that the Money ſo ſubſcribed and paid ſhall be repaid out of the Monies allowed to be borrowed in virtue of this Act, and out of the Monies ariſing from the Rates and Duties by this Act granted; and until Repayment, the Monies advanced by the Subſcribers ſhall be a Lien and Charge on ſuch Rates and Aſſeſſments.

Rights of *Aberdeen* reſerved.

LXX. And be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction, Power, or Authority of the Magiſtrates and Council of the City of *Aberdeen*, and Community thereof, or the Rights, Privileges, and Pro-

perty, of any Perſon or Perſons whatſoever, but that the ſame ſhall remain entire and effectual, to all Intents and Purpoſes, both to ſuch Magiſtrates, Council, and Community, and to every other Perſon, except in ſo far as the ſame are meant and intended to be taken away by this Act.

Commencement and Duration of the Act.

LXXI. And be it further enacted, That this Act, and the whole Clauſes, Powers, and Authorities, of the ſame, with the Rates and Duties thereby granted, ſhall commence and have Continuance from the Firſt Day of *June* in the Year One thouſand ſeven hundred and ninety-five, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Act to be pleaded in Actions brought.

LXXII. And be it alſo enacted, That in caſe any Suit or Action ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Suit or Action may produce this Act, and plead that the ſaid Things were done by the Authority thereof; and if it ſhall appear ſo to be done, that then the Defendant or Defendants ſhall be abſolved from every ſuch Suit or Action, and ſhall have Triple Coſts and Expences in the Defence thereof awarded to them, from and againſt the Proſecutor or Proſecutors of the ſame.

Triple Coſts.

Publick Act.

LXXIII. And be it further enacted, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act in due and effectual Execution; and that this Act ſhall be deemed, taken, and allowed, in all Courts of Law and Equity, as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch accordingly, without ſpecially pleading the ſame.

FINIS.