SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD OF HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the Orders apply.

Stratford upon Avon.	Derby.
Dartford.	Dover.
Newport.	Chelmsford.
Brecon.	York.
Harrow.	

CAP. XXXIII.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for paving, draining, cleansing, lighting, and improving the same. [15th *July* 1850.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled
3 & 4 W.4. c.46. '*An Act to enable Burghs in* Scotland *to establish a general System of Police:* And whereas
3 & 4 W.4. c.77. 'an Act was passed in the same Session of Parliament, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs:* And whereas an Act was passed in the Session of Parliament holden in
10 & 11 Vict. c. 89. 'the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend an Act to enable Burghs in* Scotland *to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors in certain Burghs and Towns of* Scotland: And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and also for paving, draining, cleansing, lighting, supplying Water to, and otherwise improving the same:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first and last-recited Acts be and the same are hereby repealed, except only as regards such Burghs as have already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act.

First and last recited Acts repealed, except where already adopted.

Interpretation of Terms.

II. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, and Burgh of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained in Terms of this Act; the Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councils were provided by the said second-recited Act; the Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Royal Burgh, or Burgh of Regality or Barony, or Burgh or Town to which Magistrates and Councillors were by the said second-recited Act provided, containing a Population of Twelve hundred Inhabitants or upwards; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations; the Word "Householder" shall mean a Male Occupier of a Dwelling House or other Heritable Subjects of the yearly Value of Ten Pounds or upwards; the Word "Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let; the Expression "Lodging House" shall mean a House in which Lodgers are housed at an Amount not exceeding Sixpence

Sixpence *per* Head *per* Night; the Word "County" shall include Stewartry; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include Sheriff Substitute, and also Steward and Steward Substitute; the Expression "the Commissioners" shall mean the Commissioners for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; the Words "Magistrates," or "Magistrates and Council," when applied to Royal Burghs, shall include the Provost; the Word "Magistrate" (except where used in reference to Proceedings with respect to the Adoption of this Act) shall mean a Magistrate of Police appointed and acting under this Act; the Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act; the Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other Houses and Buildings, and Yards and Places; the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court, Alley, Close, Wynd, Vennel, and Thoroughfare or public Passage; the Word "Month" shall mean Calendar Month; the Word "Oath" shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Owner," used with reference to any Lands or Premises in respect of which any Work is required to be done or any Assessment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rack-rent, would be entitled to receive, the Rack-rent from the Occupier thereof; the Expression "Rack-rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall be taken to be the Rent at which the Property ought reasonably to be expected to let from Year to Year, free from all Feu Duty, Ground Rent, and usual Tenants' Rates and Taxes, and deducting therefrom the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent; the Expression "private Assessment" shall mean any Assessment or Charge on Individuals for private Improvement Expenses, or for House Drainage, or otherwise, under this Act; the Expression "District Assessment" shall mean any Assessment other than a "private Assessment" which is confined only to a Portion or District of any Burgh; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.

The Boundaries of Parliamentary Burghs to be those fixed by 2 & 3 W. 4. c. 65.

III. And be it enacted, That the Boundaries of such Burghs and Towns as send or contribute to send a Member or Members to Parliament shall for the Purposes of this Act be the same as the Boundaries which are fixed by an Act passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland.

Boundaries of all other Royal Burghs, and Burghs of Regality and Barony, how to be fixed.

IV. And be it enacted, That the Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall for the Purposes of this Act be fixed by the Sheriff as after mentioned, but so as not at any Point to extend more than One thousand Yards beyond the Bounds of such Burghs as established by Charter, Grant, Prescription, or Act of Parliament; and on the Application of any Twenty-one or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, being always within the Limits of such One thousand Yards aforesaid; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated,

situated, such Portion shall for the Purposes of this Act be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid.

Boundaries of populous Places how to be fixed.

V. And be it enacted, That on the Application of any Seven or more Householders in any populous Place of which the Population shall not exceed Three thousand Inhabitants, and on the Application of any Twenty-one or more Householders in any populous Place of which the Population shall exceed Three thousand Inhabitants, and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year Boundaries to be held to be unascertained.

VI. And be it enacted, That if at the Expiration of One Year from the Date of such Deliverance in regard to any Burgh or populous Place this Act shall not have been adopted by such Burgh or Place, in whole or in part, the Boundaries of such Burgh or Place shall for the Purposes of this Act be held and taken to be still unascertained.

Power for Chief Magistrate, &c. of Burghs to convene a Meeting of Householders to consider of the Adoption of this Act.

VII. And be it enacted, That it shall be lawful for any Seven or more Householders in any Burgh of which the Population shall not exceed Three thousand Inhabitants, and for any Twenty-one or more Householders in any Burgh of which the Population shall exceed Three thousand Inhabitants, or for the Magistrates and Council of any such Burgh, whether exceeding in Population Three thousand Inhabitants or not, to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh, for the Purpose of considering whether the Provisions of this Act or any Part of the same shall be adopted and carried into execution within such Burgh: Provided always, that, previously to such Requisition being entertained by such Magistrate or Sheriff, the Boundaries of such Burgh shall have been ascertained, where required to be ascertained for the Purposes of this Act, by Proceedings under the same.

Boundaries of Burgh to be ascertained previously.

Return of the Population and Lists of Householders to be made out.

VIII. And be it enacted, That such Magistrate or Sheriff shall, upon receiving such Requisition for the convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, (except where previously made out and furnished as directed by this Act,) a Return showing to the best of his Knowledge and Belief the Amount of Population residing within such Burgh, and shall also direct the Collectors of the Poor Assessment within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Collectors are hereby required to make and certify on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein; and in case it shall be expedient to obtain such List otherwise than from such Collectors' Book, it shall be competent for such Magistrate or Sheriff to cause an accurate List to be taken and made up by Persons to be appointed for that Purpose.

Expenses attending the calling First Meeting, &c., how to be borne.

IX. And be it enacted, That if the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole Expenses incurred in relation

to

to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein-after specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party or Parties who shall have disbursed such Expenses is and are hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

Mode of calling First Meeting.

X. And be it enacted, That on Receipt of such Requisition such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk to act thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides his deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated by posting Handbills, &c.

XI. And be it enacted, That such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid; and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by Tuck of Drum, or other Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Qualification of Voters.

XII. And be it enacted, That at such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Houses or other Heritable Subjects of the yearly Value of Ten Pounds or of greater Value, so as to afford more than One Qualification of Ten Pounds, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and have Vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each Qualification of Ten Pounds afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

XIII. And be it enacted, That such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed; and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Preses to declare the Determination of the Meeting.

XIV. And be it enacted, That the Preses of such Meetings shall ascertain the Determination thereof by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same; which Declaration shall be final, unless the same shall not be unanimous, and a Poll shall be then demanded in Writing by any Five Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

XV. And be it enacted, That when such Poll shall be demanded as aforesaid such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places, and within such Period as he shall determine, not exceeding Two clear Days from the Day of the Date of such Demand in Writing, exclusive of *Sundays*, and the Polling shall commence

at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day, but may close earlier.

XVI. And be it enacted, That no Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon; and the Poll shall close at any Time after the Lapse of Two Hours without any qualified Person offering to vote.

Poll Books to be provided.

XVII. And be it enacted, That such Magistrate or Sheriff shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes, and the Voter shall sign his Name to such Entry or Inscription.

State of Poll to be ascertained and declared.

XVIII. And be it enacted, That as soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day; and any Householder present at such adjourned Meeting may then and there demand a Scrutiny, and, on finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, and to be held on a Day not later than the Third Day from such Second adjourned Meeting; and the Result of such Scrutiny as declared by such Magistrate or Sheriff, or, if there be no Scrutiny, the Result of the Poll as originally declared, shall be final, and the Party demanding such Scrutiny shall be liable in the Expense thereof.

Majority necessary to adopt this Act in whole or in part.

XIX. And be it enacted, That any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting to be worded if Act adopted in part only.

XX. And be it enacted, That if such Resolution shall be to adopt this Act only in part the Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matter, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopted; and it shall not be competent by such Resolution to adopt Part only of the Provisions applicable to a Matter provided for in this Act, but the whole Enactment with respect to such Matter must, if adopted, be adopted entire; and any Adoption of this Act, though in part only, shall infer the Adoption of the Enactments with respect to Commissioners, and shall also infer the Adoption of the Enactments with respect to Assessments, and shall also infer the Adoption of the Enactments with respect to Appeal to the Sheriff in so far as the Enactments relate to the Matter or Matters adopted, and shall also infer the Adoption of every other general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

If Act not adopted, Proposal may be reconsidered after Two Years.

XXI. And be it enacted, That where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, after the Expiration of Two Years from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or such Part thereof as may not have been formerly adopted, or determine not to adopt the same.

Where Parliamentary Boundaries include Royal Burgh, Householders may resolve it shall be held as a populous Place.

XXII. And be it enacted, That where the Parliamentary Boundaries of any Burgh include a Royal Burgh, the Householders of which Royal Burgh do not exceed in Number Three Fourths of the Householders within such Parliamentary Boundaries, it shall be competent for any Two Thirds or more of such Householders of such Burgh as are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, to resolve that such Burgh shall for the Purposes of this Act be deemed and taken to be only a populous Place, and

and such Burgh shall thereafter be deemed and taken for the Purposes of this Act as only a populous Place accordingly: Provided always, that in such Case the Magistrates of such Royal Burgh shall, *ex-officio* and along with the Commissioners to be elected in Terms of this Act, be Commissioners for the Purposes of this Act within such Parliamentary Boundaries, anything in this Act to the contrary notwithstanding; and provided also, that it shall not be lawful for the Commissioners to be elected for such Burgh in Terms of this Act to elect any Magistrates of Police, anything in this Act to the contrary notwithstanding, but the Magistrates of such Royal Burgh shall be the Magistrates of Police within such Parliamentary Boundaries.

Where Parliamentary Boundaries include Royal Burgh Act may be adopted in Royal Burgh separately.

XXIII. And be it enacted, That where the Parliamentary Boundaries of any Burgh which shall have resolved not to adopt this Act in whole or in part include a Royal Burgh, it shall be competent for such Royal Burgh, and for any populous Place within such Parliamentary Boundaries, and without the Limits of such Royal Burgh, to take Measures for adopting this Act within such Royal Burgh and populous Place respectively, in so far as not adopted within such Parliamentary Boundaries.

When Parliamentary Boundaries include Places which might otherwise have separately adopted Act, Provision for their still doing so in certain Circumstances.

XXIV. And be it enacted, That where the Parliamentary Boundaries of any Burgh include One or more Towns or Places, which if not included within such Parliamentary Boundaries might have separately adopted this Act, and where such Town or Place, Towns or Places have a separate Magistracy or separate Magistracies, or a separate Police Act or separate Police Acts, this Act shall not be adopted in whole or in part within such Burgh, unless a Majority not only of the Householders of such Burgh but of the Householders of each such Town or Place, who shall be present at the Meeting held in Terms of this Act to consider or determine as to the Adoption of this Act within such Burgh, or who shall vote at the Poll following thereon, shall be in favour of such Adoption; and where in such Burgh this Act shall not have been adopted in whole or in part by reason of such Majorities not having been obtained, it shall be competent for each such Town or Place to take Measures for the Adoption of this Act separately, in the same Manner as if such Town or Place did not form Part of such Burgh.

Further Proceedings on Act being adopted.

XXV. And be it enacted, That where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and, except in the Cases after mentioned, and where it may be necessary to provide for the special Election of Commissioners and Magistrates of Police, the Householders thereof present at the Meeting adopting this Act unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Proceedings to be reported to the Sheriff.

XXVI. And be it enacted, That the Resolutions and whole Proceedings of such Meetings shall be reported to the Sheriff by the Transmission to him of the Minutes of such Meetings, and all Documents laid before the same, within Forty-eight Hours after the Close of the Proceedings aforesaid; and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Minutes to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Commissioners.

And with respect to Commissioners for the Purposes of this Act, be it enacted as follows:

Number of Commissioners:

XXVII. That the Commissioners for the Purpose of executing this Act, to be elected as herein-after provided, shall be in Number either Six, Nine, or Twelve, as may be determined as aforesaid.

XXVIII. That

Commissioners.

If Burgh divided into Wards.

XXVIII. That where the Burgh shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected in manner herein-after provided, shall be so settled and adjusted that there shall be Three such Commissioners for each such Ward.

Meeting for Election of Commissioners to be convened.

XXIX. That as soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to a Burgh adopting the same as aforesaid, and where Commissioners are to be elected, the Chief or Senior Magistrate or Sheriff, as the Case may be, shall convene a Meeting of the Householders of the Burgh, qualified as aforesaid, in the Town Hall or other convenient Place within the Burgh, or, if the Burgh shall be divided into Wards, at some convenient Place in their respective Wards, to be specified in the Notice to be given of such Meeting, for the Election of Commissioners for the Purpose of executing this Act, all which Meetings shall be summoned in the same Way and Manner and at the same Distance of Time as is provided for the First Meeting to be held in virtue of this Act; and in all such Burghs as shall be divided into Wards in manner herein provided the Ward Meetings shall elect their own Preses; and the Commissioners shall be elected by such Meeting or by such Wards.

Election of Commissioners.

XXX. That such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed at such Meeting by any Householder, and may be seconded by any other Householder; and the Preses of the Meeting shall thereupon ascertain and declare the Resolution thereof in manner aforesaid; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing, in the Manner before provided, at any Meeting for the Purposes of Election under this Act, such Magistrate or Sheriff or such Preses of such Meeting shall open and proceed with such Poll in the Manner herein-before provided; and such Magistrate or Sheriff or Preses of Wards respectively shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Book; and such Magistrate or Sheriff or Preses shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Money assessed and levied under the Authority of this Act.

First Meeting of Commissioners.

XXXI. That the whole Commissioners so returned as aforesaid shall, at Twelve of the Clock Noon on the First *Monday* after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Burgh, with Power to adjourn to such other Place as they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number, to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until, upon a Scrutiny, his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, though, by reason of Equality of Votes or otherwise, the full Number of Commissioners may not be filled up; and the Commissioners returned shall be arranged alphabetically according to their Surnames, and where the Burgh is divided into Wards the Commissioners for each Ward shall be kept in separate Lists.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

XXXII. That the Commissioners shall, at such First Meeting or adjourned Meeting, by a Plurality of Voices, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

Commissioners to be elected annually.

XXXIII. That One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, being in each Case those who are the

the highest on the List or Lists of Commissioners for the Time, shall go annually out of Office, *videlicet*, on the same Day at the Expiration of a Year on which Commissioners were last elected into Office, or on the next lawful Day thereafter; and on the same or the next lawful Day annually the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners, to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Meeting and Election, and where the Burgh is divided into Wards the Place of each Commissioner going out of Office shall in all Cases under this Act be filled up by the Ward which returned him; and the like Notice of each such annual Meeting shall be given as is herein-before directed to be given of such First Meeting for the Election of Commissioners; and the Commissioners elected at each annual Meeting, arranged alphabetically according to their Surnames, shall be placed at the Foot of the List of Commissioners, or, where the Burgh is divided into Wards, at the Foot of the List of Commissioners for their respective Wards; and where the Senior Magistrate of Police would in ordinary Rotation be One of the Commissioners going out of Office, but remains to complete the Period of Three Years Service as such Senior Magistrate, another Commissioner, being the highest on the List, or, where the Burgh is divided into Wards, the highest on the List for the Ward by which such Senior Magistrate was elected, shall go out in the Room of such Senior Magistrate. *Commissioners.*

XXXIV. That any of such out-going Commissioners may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment due under this Act shall at the Time of the Election have been owing for the Space of a Month, and shall since it became due have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief. Out-going Commissioners may be re-elected.

XXXV. That where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Commissioner whose Name is found highest on the Poll, shall have a double or casting Vote, in case of Equality: Provided always, that the Senior Magistrate shall always remain in Office for the Period of Three Years, and that he, as well as the Junior Magistrates, shall at all Times be capable of being re-elected. Vacancies in the Magistrates of Police how to be supplied.

XXXVI. That in case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners and Magistrates of Police to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward. Interim Vacancies how to be supplied.

XXXVII. That if the Electors shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners originally fixed and agreed to, it shall be lawful for the Commissioners who held Office immediately before the Time specified for such Election to supply the Deficiency. If Electors refuse, &c. to elect, Commissioners previously in Office may.

XXXVIII. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh having Magistrates and Council, the Magistrates and Council of such Burgh for the Time being shall be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh Magistrates and Councils in Royal and Parliamentary Burghs to be Commissioners for executing this Act.

Commissioners. Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

In Burghs of Regality or Barony having Magistrates and Councils the Householders may vest such Magistrates and Councils with the Office of Commissioners.

XXXIX. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh for the Time being shall always be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation as regards such Burgh; and in that Case, but in that Case only, such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

Commissioners not to hold Places of Profit under this Act.

XL. That no Commissioner shall, directly or indirectly, derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners to be summoned to attend Meetings.

XLI. That the whole Commissioners shall be cited to attend all Meetings, both Special and Statutory, (save only the First Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Shops, by written or printed Summonses issued by their Clerk, at least Twenty-four Hours before the Time of meeting; and the Senior Magistrate present, or in Absence of any Magistrate such one of the Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the Commissioners; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

Statutory Meetings of Commissioners.

XLII. That Meetings of the Commissioners shall be held, in such Places as they shall appoint within the Burgh, upon the Second *Monday* of the Months of *February*, *May*, *August*, and *November* in each Year, at Twelve of the Clock Noon.

Special Meetings may be called on Requisition.

XLIII. That the Clerk to the Commissioners, on Requisition being made to him, stating the Object of the intended Meeting, in Writing and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings by printed or written Summonses containing a Copy of such Requisition.

Special Meetings not to annul Rules made at Statutory Meetings.

XLIV. That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

XLV. That the Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described.

Commissioners to defray their own Expenses.

XLVI. That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expenses.

Power to appoint Committees.

XLVII. That the Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of

of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committee shall be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient. *Commissioners.*

XLVIII. That the Commissioners shall, in such Manner as to them shall seem best for the Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Purposes of this Act, and shall have Power, at such Times as they shall appoint, and from Time to Time, to order and direct Lists to be taken of the Inhabitants of the Burgh, and of the Value of Premises situate therein, and to appoint a Superintendent of Police at a fixed annual Salary, and also to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons at Pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers, from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also, with the Consent of the Proprietors, to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, and Regulations relative to the watching, lighting with Gas or otherwise, paving, and cleansing the Streets, Roads, Lanes, Passages, or public Ways or Places within the Burgh, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for the Prevention of infectious Diseases, and putting down and removing such Nuisances as may affect the Health of the Inhabitants, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings, and execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained. **Powers and Duties of Commissioners.**

XLIX. That the Commissioners, or any Committee of their Body thereunto especially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which such Agreement or Contract shall be made. **Commissioners may contract for Execution of Works.**

L. That the Monies arising from the Assessment hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever. **Property vested in Commissioners.**

LI. That the Commissioners shall appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees; which Book or Records, being signed by the Preses of each respective Meeting, or any Copy, or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever in any Case or Matter concerning this Act, and shall be open to the Inspection of any Person interested therein, without Payment of any Fee or Reward; and the Clerk shall, when required, give certified Copies, or Extracts therefrom, to all Persons requiring the same, upon Payment of such reasonable Sum as shall be fixed by the Commissioners, not exceeding One Shilling for every Three hundred Words. **Clerk to be appointed.**

LII. That no Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits of the Burgh as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act. **Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.**

Commissioners.

Treasurer and Collector to be appointed.

LIII. That the Commissioners shall in like Manner at their First Meeting elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit Triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

LIV. That the Commissioners may allow reasonable Salaries to the Clerk and Treasurer, and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

LV. That such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in one of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

LVI. That in case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed upon the Burgh at the next annual Assessment in the Manner herein prescribed with regard to annual Assessments, and shall be payable at such Time as the Commissioners shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

Treasurer and Collector may be same Person; but Clerk and Treasurer not to be same Person.

LVII. That it shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Actions by or against Commissioners, how to be brought, and not to abate.

LVIII. That all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners shall be in the Name of their Clerk or Treasurer or Collector for the Time being, as the Party, Pursuer, or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk

or

or Treasurer or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk or Treasurer or Collector, or by any Change in the Persons holding Office as Commissioners, but the Clerk, Treasurer, or Collector to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding. *Commissioners.*

LIX. That Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the Commissioners, shall be kept in Books by their Clerk; and all such Books of Accounts and Proceedings whatsoever may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final. Books of Accounts and Proceedings to be kept by Commissioners.

LX. That the Commissioners shall yearly, and previous to their Statutory Meeting in the Month of *February* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited as herein-after provided, shall be signed by Two of the Commissioners and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause to be printed, and inserted in One or more of the Newspapers published or circulated in the Burgh, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection. Account of Receipt and Application of Monies to be made out by Commissioners, and printed and published.

LXI. That the Commissioners shall, at their Statutory Meeting in the Month of *February* in each Year, appoint Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final. Auditors to be appointed.

LXII. That the Auditors so appointed shall attend as soon as conveniently may be after the said annual Meeting at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall proceed to audit the Accounts of the Commissioners for the Year preceding the said annual Meeting; and the Commissioners shall lay before such Auditors the Accounts for such Year, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Rate-payer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct such Auditors shall sign the same in token of their Allowance thereof, but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the Commissioners be dissatisfied with the Result of such Audit they may appeal to the Sheriff, whose Decision shall be final: Provided always, that unless the Balance as ascertained and fixed by the Auditors shall be appealed to the Sheriff within Fourteen Auditors to inspect Accounts, and may appeal against Part of the same if they think fit.

Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

General Assessments.

And with respect to General Assessments under this Act, be it enacted as follows:

Commissioners to make Assessment for the Purposes of this Act.

LXIII. That once in each Year the Commissioners (being summoned in manner hereinbefore directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Premises within the Burgh in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than Three Months from the Date of laying on such Assessment, on which the same shall be payable, and another Day, not being less than One Month preceding the Day on which such Assessment is so made payable, on or before which Appeals by any Parties, complaining that they have been improperly assessed, may be lodged with the Clerk, and another Day or Days on which Appeals shall be heard; and the Rate of Assessment, and Days, so fixed by the Commissioners, shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated; and the Decision of the Commissioners on such Appeals shall be final: Provided always, that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of Two Shillings and Sixpence in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of One Shilling and Sixpence in the Pound where such Enactments with respect to Water have not been adopted.

Exceptions from Assessments.

LXIV. That the Commissioners shall not assess any Premises which shall be unoccupied or unfurnished from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Town House of the Burgh, nor any Place used solely for Public Worship, nor any Buildings which are solely occupied for the Purposes of Religion, or of public Charity, or of Education, or which are exempted from County, Borough, Parochial, or other local Rates or Cesses by the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.*

6 & 7 Vict. c. 36.

Common Good to contribute towards the Purposes of this Act.

LXV. That when the Provisions of this Act shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there shall be annually contributed therefrom such a reasonable Proportion towards the Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided always, that if any Six or more Inhabitants liable in Assessment under this Act shall think proper, such Inhabitants may require, by Notice in Writing, that the Amount of such Contribution shall be submitted to the Decision of the Sheriff, who is hereby required thereupon to repair to such Burgh, and to inquire into all Facts and Circumstances which he may deem material, and to take in Writing the Statements of Parties, and such Evidence as he shall think necessary, and such Sheriff shall decide as to the Amount of such Contribution to be paid from the Common Good of such Burgh, and such Decision shall be recorded in the Books of the Burgh, and also in the Books of the Commissioners: Provided also, that in the event of any Change of Circumstances operating either towards the Increase or Diminution of the free Income of such Burgh, it shall be competent either to the Town Council or to the said Inhabitants, after the Expiration of Three Years after the Date of any such Decision, or Three Years after the Date of any after Decision, to propose an Amendment or Rectification of the existing Contribution; and in case of Disagreement between the Town Council and Inhabitants the Amount shall again be submitted to the Decision of the Sheriff; and the Decision of the Sheriff in both of the Cases above mentioned shall, subject to the foresaid Proviso, be final, and not subject to Review.

Contribution, how to be recovered.

LXVI. That the Sum which the Burgh shall thus agree to, or shall be directed to contribute annually as aforesaid, shall be recoverable by such and the like Process as Debts due from the Common Good of Royal Burghs in *Scotland* may now by Law be recovered.

LXVII. That

General Assessments.

Occupiers to pay Assessments.

LXVII. That the said Assessment shall be levied from the actual Occupiers of all Premises (whether Proprietors or Tenants); but in the Cases of Premises let at a Rent under Five Pounds, or for a less Period than Half a Year, the Person by whom the Assessment shall be paid shall be entitled to deduct the same from the Rent payable to the Person by whom the said Premises shall be so let, who shall be liable for such Assessment, and from whom the same may be levied, in case of the Removal or Default of the actual Possessor of such Premises; and Deduction shall be allowed by the Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished: Provided always, that where Premises are let to One or more Persons at a Rent or Rents not exceeding Five Pounds, payable by each such Person respectively as his own Rent or proper Share of Rent, and where the Assessments payable by the Occupier under this Act shall not have been recovered from such Occupier, it shall be lawful for the Commissioners to recover such Assessment from the Owner.

Names of Occupiers to be furnished by Collectors of Poor Assessments, &c.

LXVIII. That the Collectors of Poor Assessments shall furnish the Commissioners, as often as they shall require the same, with a List of the Names of all Occupiers of Premises situated within the Burgh, certified as aforesaid, and on Payment of such Fee as is before provided; and in like Manner the Clerks of such Burghs as are included in the said recited Act of the Second and Third Year of the Reign of His Majesty King *William* the Fourth shall, upon Requisition, furnish the Commissioners with a List of the Persons qualified to vote in such Burgh for a Member of Parliament.

Assessment Roll to be made up; and Appeals how to be entered and disposed of.

LXIX. That the Commissioners shall annually cause to be made up a Roll or Book of Assessment, showing the yearly Rent or Value of the whole Premises in the Burgh liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Roll or Book of Assessment shall be open to Inspection by all Rate-payers, in the Hands of the Clerk, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for hearing Appeals against the same; and the Commissioners shall have Power to rectify or alter any Valuation of Premises against which an Appeal may be taken by the Person liable to be assessed therefor, by Letter to the Clerk lodged with him on or before such Day as the Commissioners shall at the Time of laying on the Assessment appoint as aforesaid.

Commissioners may grant Relief from Assessment in case of Poverty.

LXX. That the Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Assessment Roll to be delivered to the Collector.

LXXI. That as soon as may be after disposing of the Appeals in each Year the said Roll or Book of Assessment, as finally adjusted by the Commissioners, or a Copy thereof, docqueted and signed by any Two of their Number, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act.

Recovery of Rates.

LXXII. That if any Assessment is not paid when the same falls due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for recovering from the different Parties liable therein and remaining in arrear; and thereupon the Collector may present the said Roll or Book of Assessment, or a Copy thereof, docqueted and signed and endorsed as aforesaid, to any One of the Magistrates of Police or other Magistrates of the Burgh, who is hereby authorized and required to grant such summary Decrees and Warrants as may be necessary for levying the same; and where any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him, for the Space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to apply to any such Magistrate for a Warrant to any of the Officers of the Burgh to enter any Premises rented or possessed by the Person assessed and refusing and neglecting as aforesaid, and to seize and take possession of his Goods and Effects, and which Warrant such Magistrate is hereby authorized

General Assessments.

authorized and required to grant, upon a Certificate, signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person assessed being in arrear to the Amount stated in the Certificate; and if such Assessment shall not be paid within Three Days after such Seizure is made, together with the Charges and Expenses thereby incurred, then the Collector is hereby authorized to sell by public Roup, either on the Premises where the said Goods were seized or any other Place, the whole or such Part of the said Goods or Effects as shall be sufficient to pay the said Assessment, with the Expenses attending such Seizure and Sale, returning the Surplus, if any be, to the Owner; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Magistrate shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to prosecute for and recover all or any Part of such Assessment in arrear before the Sheriff's Small Debt Court, or otherwise according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of any Assessment under this Act shall prejudice the Recovery of such Assessment and Expenses, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment of such Assessment under the Provisions of this Act.

Private and District Assessments.

And with respect to Private and District Assessments under this Act for Sewers, Drains, and private Improvements, be it enacted as follows:

Commissioners may assess for Private Improvement Expenses.

LXXIII. That where by this Act the Occupiers of any Premises are made liable to the Payment of any Expenses which are directed to be recoverable as Private Improvement Expenses, the Commissioners may charge the Occupiers of such Premises respectively with special Rates, over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of such private Improvements respectively, such special Rates to be payable during Thirty Years next after such Expenses have been incurred.

Where new Sewers are made Commissioners may make special Sewer Rates.

LXXIV. That whenever any new Sewer shall be made the Commissioners may charge the Occupiers of all Premises liable to contribute to the Rates for making the same with special Sewer Rates, over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of making such new Sewer, such special Sewer Rates to be payable during Thirty Years next after such Expenses have been incurred.

Commissioners may make a general Sewer Rate distinct from other Rates.

LXXV. That the Commissioners may make a Sewer Rate, to be called the general Sewer Rate, distinct from any other Rate which they may be authorized to make under this Act; and the Money to be raised by such general Sewer Rates shall be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, and for securing and paying off any Monies which may be borrowed for the Purposes aforesaid on Security of the special Sewer Rates under the Provisions of this Act, and the Interest of such Monies which the special Sewer Rates shall be insufficient to defray.

LXXVI. That

Private and District Assessments.

LXXVI. That the Commissioners shall from Time to Time make the general Sewer Rate of such Amount as will with the special Sewer Rates raise Money sufficient not only to defray the current Expenses of maintaining the Sewers that shall have been purchased or made, but also to keep down the Interest of any Monies borrowed on Security of the special and general Sewer Rates, and to pay off the Principal of such Monies within a Period not longer than Thirty Years.

Sewer Rate to be of such Amount as to pay off Monies borrowed thereon in 30 Years.

LXXVII. That where by this Act the Commissioners are authorized to order that any Rate shall be levied by Assessments to be made for separate and distinct Districts, the Commissioners from Time to Time may order Assessments to be made in respect of the Rates authorized to be so levied upon separate and distinct Districts, and in such Case the Commissioners shall cause their Surveyor to describe and define in the Plan of the Burgh every such separate and distinct District for the Purposes of separate Rating as aforesaid, and so from Time to Time as Occasion shall require.

Cases where Rates may be charged upon separate and distinct Districts.

LXXVIII. That the Commissioners may in such Case, instead of making One Assessment for the whole Burgh, make separate and distinct Assessments, as Occasion shall require, for every such separate and distinct District respectively, and may appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in a fair and equitable Manner.

Rates to be levied on separate and distinct Districts.

LXXIX. That in all Cases when the Commissioners have paid or become liable to the Payment of any Expenses in constructing or laying any Drain or Pipe from any House or Building, or in providing any Privy, Ashpit, or Cesspool for the Use of the Occupiers thereof, and when neither the Owner nor Occupier of such House or Building is willing to defray the said Expenses forthwith, the Commissioners shall lay Drainage Rates on the Occupiers of such Houses and Buildings respectively, to be continued for Six successive Years and no longer; and the Sum to be annually levied by every such Drainage Rate shall be One Fifth Part of the whole Expense incurred in constructing, laying, or providing such Drain, Privy, Ashpit, or Cesspool as aforesaid, and shall be applied in satisfaction thereof; and the Amount of any such Drainage Rate may be added to any other Rate levied from the Occupiers of such Houses and Buildings, and recovered therewith by the like Ways and Means.

Drainage Rates.

LXXX. That every Occupier of any such House or Building at a Rent not less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct Three Fourths of the Rate so paid by him from the Rent payable by him to his Landlord; and every Occupier at a Rent less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct from the Rent payable by him to his Landlord such Proportion of Three Fourths of the Rate so paid by him as the Rent payable by him bears to the Rack Rent.

Occupiers may deduct a Proportion of Drainage Rate from their Rent.

LXXXI. That, without the written Consent of the Owner of any such House or Building, the Commissioners shall not be empowered to expend during any Term of Six successive Years more in the whole than One Year's Rack Rent thereof in constructing or laying any such Pipe or Drain, or in providing any such Privy, Cesspool, or Ashpit.

Limitation of Expenditure for House Drains, &c.

LXXXII. That all Private and District Assessments leviable under this Act may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day or Days on which Appeals in

Assessment how to be imposed, and how Appeals to be entered and disposed of.

Private and District Assessments.

in reference to such Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so assessed, stating the Particulars of the intended Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least Four Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; and the Commissioners may rectify or alter any Private or District Assessment as regards any Person liable to be assessed therefor, by whom an Appeal may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Appeals as the Commissioners shall have fixed as aforesaid: Provided always, that it shall be lawful for any Person considering himself aggrieved by any Private or District Assessment imposed as aforesaid to appeal from the Decision of the Commissioners to the Sheriff in the Manner and to the Effect herein-after mentioned.

Recovery of Private and District Assessments.

LXXXIII. That as soon as may be after disposing of the Appeals against any Private or District Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment applicable thereto, and the same, or a Copy thereof, docqueted and signed by any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Assessments; and if the said Assessments shall not be paid when the same fall due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for Recovery of the same; and the Collector may present such Roll or Book of Assessment, or a Copy thereof, docqueted, signed, and endorsed as aforesaid, to any One of the Magistrates of Police, or other Magistrates of the Burgh, and thereupon the whole Provisions of this Act in reference to the Recovery of any other Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

Application of surplus Assessment.

LXXXIV. That if any Surplus of the Assessment for General Purposes under this Act, or any Surplus of any other Assessment under this Act, shall remain at the End of any Year, after the whole Expenses for which such Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall be applied towards the same Purpose in the Year following, so that such Assessment may be proportionally diminished; and if any such Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency in the following and subsequent Years until the same shall be fully paid: Provided always, that the Rates hereby authorized to be levied shall in no One Year be exceeded.

Constables, &c.

And with respect to the Police of Burghs, and to the Appointment, Powers, Duties, and Privileges of Constables, be it enacted as follows:

Appointment of Superintendent of Police and of Constables.

LXXXV. That the Commissioners shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as the Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the above Duty, and to direct their Distribution within the Burgh, and to remove them at Pleasure.

Duties of Superintendent of Police and Constables.

LXXXVI. That it shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police under the Control of the Commissioners, to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the Burgh,

fall

Constables, &c.

fall to be tried in another Jurisdiction, and to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Bye Laws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh; and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Powers and Privileges of Superintendent of Police and Constables.

LXXXVII. That the Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Constables not to resign without Leave or Notice.

LXXXVIII. That no Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Constables dismissed to deliver up Accoutrements.

LXXXIX. That every Constable appointed under this Act who is dismissed from or ceases to hold and exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without hard Labour, for any Time not exceeding One Month; and the Sheriff or any Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

XC. That every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

XCI. That every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before the Sheriff or a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, he may lawfully be imprisoned for any Time not exceeding One Month, with or without hard Labour.

Power to provide Offices, Watch-houses, &c.

XCII. That the Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses, Prisons and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

Obstructions and Nuisances.

And with respect to the Police of Burghs, and to Obstructions and Nuisances in the Streets, be it enacted as follows:

Power to prevent Obstructions in the

XCIII. That the Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of

Streets during public Processions, &c.

the Streets of the Burgh, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

XCIV. That if any Cattle be at any Time found at large in any Street of the Burgh without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses

XCV. That if the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

XCVI. That every Person who in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before the Sheriff or a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof; or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep

Obstructions and Nuisances.

keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons, and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the first Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck or Barrow, or any Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon:

Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad:

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door; or who wilfully and unlawfully extinguishes the Light of any Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Obstructions and Nuisances.

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Story:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach or Strand within the Boundaries of a Burgh, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

XCVII. Every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

Fires.

And with respect to the Police of Burghs and to Fires, be it enacted as follows:

Penalty for wilfully setting Chimneys on fire.

XCVIII. That every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

XCIX. That if any Chimney within the Burgh accidentally catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Sheriff or Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.

Fire Engines may be provided and Firemen employed by the Commissioners.

C. That the Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit.

CI. That

Fires.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

CI. That the Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner of the Premises where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as Damages.

Places of public Resort.

And with respect to the Police of Burghs and to Places of public Resort, be it enacted as follows:

Penalty on Victuallers entertaining Constables while on Duty.

CII. That every Victualler or Keeper of any Public House, or Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, within the Burgh, who knowingly harbours or entertains or suffers to remain in his Public House or Place wherein he carries on his Business any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

CIII. That every Person keeping any House, Shop, Room, or other Place of public Resort within the Burgh for the Sale or Consumption of Refreshments of any Kind, who knowingly suffers common Prostitutes or reputed Thieves to assemble at and continue in his Premises, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals; and on Persons found therein.

CIV. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment, with or without hard Labour, for a Time not exceeding One Month; and the Commissioners may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequence to which he is liable for the Nuisance thereby occasioned.

Hackney Carriages.

And with respect to the Police of Burghs and to Hackney Carriages, be it enacted as follows:

Hackney Carriages to be licensed.

CV. That the Commissioners may from Time to Time license to ply for Hire within Five Miles from the General Post Office of the Burgh such Number of Hackney Coaches or Carriages of any Kind or Description adapted to the Carriage of Persons as they think fit.

What to be Hackney Carriages.

CVI. That every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

CVII. That

Hackney Carriages.

Fee to be paid for Licences.

CVII. That for every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Commissioners direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

CVIII. That before any such Licence is granted a Requisition for the same, in such Form as the Commissioners may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

What shall be specified in the Licence.

CIX. That in every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit.

Licences to be registered.

CX. That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licence to be in force for One Year only.

CXI. That every Licence so to be granted shall be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Commissioners.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

CXII. That so often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned either solely or in Partnership with any Person in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Commissioners, specifying in such Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for plying for Hire without a Licence.

CXIII. That if the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance, without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly

openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings. *Hackney Carriages.*

CXIV. That no Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act to ply for Hire within such prescribed Distance without first obtaining a Licence from the Commissioners, which Licence shall be registered by the Clerk to the Commissioners, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned. Drivers not to act without first obtaining a Licence.

CXV. That if any Person acts as such Driver as aforesaid without having obtained such Licence or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings. Penalty on Drivers acting without Licence.

CXVI. That in every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before the Sheriff or a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be adjudged guilty of the Offence alleged against him, such Sheriff or Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings. Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned. Magistrates may endorse Convictions upon Licence. Penalty on Proprietors for Neglect.

CXVII. That when any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before the Sheriff or a Magistrate to answer the said Complaint; and such Sheriff or Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint, and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Sheriff or Magistrate shall direct the immediate Redelivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation. Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise, Proprietor to summon them. Compensation in case of Licence being improperly withheld.

CXVIII. That the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Bye Law made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver. Licences to be suspended or revoked for Misconduct.

CXIX. That no Hackney Carriage shall be used or employed or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form following, (that is to say,) "To carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be required to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon. Number of Persons to be carried in a Hackney Carriage to be painted thereon.

CXX. That if the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having Penalty for Neglect or for Refusal to carry the prescribed Number.

Hackney Carriages.

having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

CXXI. That any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Commissioners, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Bye Law of the Commissioners, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

CXXII. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Bye Law made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

CXXIII. That no Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Bye Law made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before the Sheriff or a Magistrate, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Sheriff or Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

CXXIV. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon according to the Fare allowed by any Bye Law made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

CXXV. That every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Bye Law made under this Act shall be liable to a Penalty not exceeding Forty Shillings, and such Penalty may be recovered before the Sheriff or a Magistrate; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in Proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

CXXVI. That any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the

CXXVII. That no Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act

act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence. Consent of the Proprietor.

CXXVIII. That if the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person by wanton and furious Driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Sheriff or Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months. Penalty on Drivers misbehaving.

CXXIX. That if the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Sheriff or Magistrate before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Sheriff or Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage. Penalty for leaving Carriages unattended at Places of public Resort.

CXXX. That in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Sheriff or Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding Five Pounds as appears to such Sheriff or Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages. Damage done by Driver may be recovered from the Proprietor.

CXXXI. That any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings. Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

CXXXII. That if the Driver of any Hackney Carriage be summoned or brought before the Sheriff or any Magistrate to answer any Complaint or Information touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Bye Law made under this Act, and such Complaint or Information be afterwards withdrawn or quashed or dismissed, or if such Driver be acquitted of the Offence charged against him, such Sheriff or Magistrate, if he think fit, may order the Complainer or Informer to pay to such Driver such Compensation for his Loss of Time in attending such Sheriff or Magistrate touching or concerning such Complaint or Information as to such Sheriff or Magistrate seems reasonable; and in default of Payment of such Compensation such Sheriff or Magistrate may commit such Complainer or Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid. Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

CXXXIII. That if any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Bye Law made under this Act, such Fare Penalty for refusing to pay the Fare.

Hackney Carriages.

Fare may, together with Costs, be recovered before the Sheriff or any Magistrate as a Penalty.

Penalty for damaging Carriage.

CXXXIV. That any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Sheriff or Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Commissioners may make Bye Laws for regulating Hackney Carriages.

CXXXV. That the Commissioners may from Time to Time (subject to the Restrictions of this Act) make Bye Laws for all or any of the Purposes following; (that is to say,)

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Bathing.

And with respect to the Police of Burghs, and to public Bathing, be it enacted as follows:

Bathing Machines and bathing.

CXXXVI. That where any Part of the Sea-shore or Strand of any River used as a public Bathing-place is within the Burgh, the Commissioners may make Bye Laws for the following Purposes; (that is to say,)

For fixing the Stands of Bathing Machines on the Sea-shore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

Precautions during Repairs.

And with respect to the Police of Burghs, and to Precautions during the Construction and Repair of Sewers, Streets, and Houses, be it enacted as follows:

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

CXXXVII. That the Commissioners shall, during the Construction or Repair of any Streets, and during the Construction or Repair of any Sewers or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and shall cause such Bars or Chains to be fixed across or in any of the Streets, to prevent the Passage of Carriages and Horses while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof by them, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who takes down, alters, or removes any of the

the said Bars or Chains, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Precautions during Repairs.

CXXXVIII. That every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any Street or Footway will be obstructed or rendered inconvenient by means of such Work, shall before beginning the same cause sufficient Hoards or Fences to be put up, in order to separate the Building where such Works are being carried on from the Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers, outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition, to the Satisfaction of the Commissioners, during such Time as the public Safety or Convenience requires, and shall in all Cases in which it is necessary in order to prevent Accidents cause the same to be sufficiently lighted during the Night; and every such Person who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a reasonable Time afterwards, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Hoards to be set up during Repairs.

CXXXIX. That when any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any of the Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

CXL. That in no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person who causes such Materials or other Things to be laid or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence; and in any such Case the Proof that the Time has not exceeded the necessary Time shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole to be made.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

CXLI. That if any Building or Hole or any other Place near any Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Street, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent Danger therefrom; and the Expenses of such Repair, Protection, or Enclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or enclosed, and shall be recoverable from him as Damages.

Dangerous Places to be repaired or enclosed.

And with respect to the Police of Burghs, and to cleansing the Streets, be it enacted as follows:

Cleansing Streets.

CXLII. That the Commissioners shall cause all the Streets, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all Dust and Filth of every Sort found thereon to be collected and removed, and shall cause all the Dust, Ashes, and Rubbish to be carried away from the Houses and Premises of the Inhabitants of the Burgh, at convenient Hours and Times, and shall cause the Privies and Cesspools within

Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses.

Cleansing Streets.

the Burgh to be from Time to Time emptied and cleansed in a sufficient and proper Manner: Provided always, that the Occupier of any House or Premises within the Burgh may keep and remove any such Soil, Ashes, or Rubbish as shall be made on his own Premises, and shall be kept for Manure, so that the same be not a Nuisance to the Inhabitants residing near such Premises, and that the same be removed at such Times and in such Manner as shall be approved of by the Commissioners.

Occupiers to cause Footways to be swept.

Penalty for Neglect.

CXLIII. That the Occupiers of Premises within or adjoining the Streets shall once in every Day (*Sundays* excepted) before Eight of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Premises; and every such Occupier making default herein shall for every such Offence be liable to a Penalty not exceeding Five Shillings; and for the Purpose aforesaid, when any House shall be let in separate Apartments, the Person letting such Apartments shall be deemed the Occupier.

Commissioners may compound for sweeping Footways.

CXLIV. That the Commissioners may compound, for such Time as they think fit, with any Person liable to sweep or cleanse any Footway under the Provisions of this Act, for sweeping and cleansing the same in the Manner directed by this Act.

Dust, &c. collected to be vested in the Commissioners.

CXLV. That the Dust and Filth which the Commissioners shall cause to be collected from the Streets, Privies, Sewers, and Cesspools, and all the Dust, Ashes, and Rubbish which the Commissioners shall cause to be collected and carried away from the Houses or Premises, or elsewhere within the Burgh, shall be the Property of the Commissioners, and the Commissioners shall have Power to sell and dispose of the same as they think proper, and the Money arising from the Sale thereof shall be applied towards the Purposes of this Act.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

CXLVI. That the Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Buildings by them considered necessary, or they may cause any new Building to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act.

Dust Boxes to be erected by Commissioners.

CXLVII. That the Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who after such Dust Boxes or Conveniences have been so provided shall deposit or cause or permit to be deposited any Ashes or Dust in any Part of any Street, except in some of such Dust Boxes or other Conveniences, and every Person who shall lay or cause to be laid any Dirt, Dung, or other Filth in any Part of any Street, shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

CXLVIII. That the Commissioners may erect such public Water-closets, Privies, and Urinals within the Burgh and in such Situations as they think fit, so as not to create a Nuisance, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Monies to be levied under this Act.

Commisioners to cause Streets to be watered, and Wells, Pumps, &c. to provided.

CXLIX. That the Commissioners shall, as often as Occasion requires, cause the Streets to be watered, and they may contract with any Water Company or other Party for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any of the Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

CL. That the Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Company or other Person to employ Scavengers, for sweeping, cleansing,

Cleansing Streets.

ing, and watering the Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and from the Houses and other Premises therein, and for emptying Privies and Cesspools, in the Manner by this Act directed; and such Scavengers shall, on such Days, and at such Hours, and in such Manner as the Commissioners from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any Street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, Rubbish, or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Scavengers.

CLI. That every Occupier of any Premises within the Burgh, and every other Person, who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

CLII. That every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be removed by Persons employed by the Commissioners, from any Street or public Place within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty for conveying offensive Matter at improper Times.

CLIII. That the Commissioners may from Time to Time fix the Hours within which only it shall be lawful to empty Privies or remove offensive Matter within the Burgh; and when the Commissioners have fixed such Hours, and given public Notice thereof, every Person who within the Burgh empties or begins to empty any Privy, or removes along any Thoroughfare within the Burgh any offensive Matter, at any Time except within the Hours so fixed, and also every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart or of the Stench thereof, or who wilfully slops or spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably slopped or spilled, shall be liable to a Penalty not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Driver or Person having the Care of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Nuisances.

And with respect the Police of Burghs, and to the Prevention of Nuisances, be it enacted as follows:

Stagnant Pools of Water and other Annoyances to be removed.

CLIV. That no Person shall suffer any waste or stagnant Water to remain in any Cellar or other Place within any Premises belonging to or occupied by him within the Burgh, so as to be a Nuisance; and every Person who so suffers any such Water to remain for Forty-eight Hours after receiving Notice from the Commissioners to remove the same, and every Person who allows the Contents of any Privy or Cesspool to overflow or soak therefrom, to the Annoyance of the Occupiers of any adjoining Property, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Five Shillings for every Day during which such Nuisance continues; and the Commissioners may drain and cleanse out any stagnant Pools, Ditches, or Ponds of Water within the Burgh, and abate any such Nuisance as aforesaid, and for that Purpose may enter, by their Officers and Workmen, into and upon any Premises within the Burgh at all reasonable Times, and do all necessary Acts for any of the Purposes aforesaid; and the Expenses incurred thereby shall be paid by the Person committing such Offence or occupying the Premises whence such Annoyance proceeds, and, if there be no Occupier, by the Owner of such Premises, and shall be recoverable as Damages.

CLV. That

Nuisances.

Bed of running Streams to be kept clear.

CLV. That when the Contents of any Sewer, or any other Flow of Filth or Refuse, are discharged into any River or Stream in the Bed or Channel of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off to supply any Mill Race, Course, or Dam, or by any other natural or artificial Cause, as to be insufficient to keep such Channel clean or clear, it shall be lawful for the Commissioners to make Alterations on the Bed of such River or Stream by cutting in such Bed a Trough or Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed, or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population: Provided always, that the Commissioners shall not be entitled in any way to interfere with the Rights of the Owners or Occupiers of Mills on such River or Stream, or to diminish in any respect the Quantity of Water flowing in such River or Stream, or available to such Owners or Occupiers, previously to and at the Time of making the Alterations or Operations hereby allowed.

Regulations to prevent Accumulation of Dung, &c.

CLVI. That if the Dung or Soil of any Stable, Cowhouse, or Pigstye, or other Collection of refuse Matter, elsewhere than in any Farmyard, be at any Time allowed to accumulate within the Burgh for more than Twenty Days, or for more than Seven Days after a Quantity exceeding One Ton has been collected in any Place not allowed by the Commissioners, such Dung, Soil, or Refuse, if not removed within Forty-eight Hours after Notice from any Officer of the Commissioners for that Purpose, shall become the Property of the Commissioners, and they, or any Person with whom they have at that Time any subsisting Contract for the Removal of Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act.

Regulations against Cow-houses injurious to the Health of the Neighbourhood.

CLVII. That no Person shall be allowed to keep any Cow or Cows in any Byre or Cowhouse or other Place where it shall have been ascertained by competent Medical Evidence that the keeping of such Cow or Cows in such Place is injurious to the Health of the Neighbourhood, and the Commissioners shall have ordered such Place not to be so used or occupied: Provided always, that any Person who shall think himself aggrieved by any Order of the Commissioners in this Matter shall be entitled to appeal to the Sheriff, whose Decision shall be final.

On Certificate of the Officer of Health, Filth to be removed.

CLVIII. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hand to the Commissioners that any Accumulation of Dung, Soil, or Filth, or other noxious or offensive Matter, within the Burgh, ought to be removed, as being injurious to the Health of the Inhabitants, the Clerk to the Commissioners shall forthwith give Notice to the Owner or reputed Owner of such Dung, Soil, or Filth, or to the Occupier of the Land where the same are, to remove the same within Twenty-four Hours after such Notice; and in case of Failure to comply with such Notice such Dung, Soil, or Filth shall thereupon become vested in the Commissioners, and they, or any Person with whom they have at that Time contracted for the Removal of all such Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act.

Houses to be whitewashed and purified, on Certificate of Officer of Health, &c.

CLIX. That if at any Time the Officer of Health, or, if there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hands to the Commissioners that any House or Part of any House or Building within the Burgh is in such a filthy or unwholesome Condition that the Health of the Inmates or of the Neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any House or Building or any Part thereof would tend to prevent or check infectious or contagious Disease therein, or that any Drain, Privy, or Cesspool is in such a defective State that the Health of the Neighbours is thereby affected or endangered, the Commissioners shall order the Occupier of such House or Part thereof to whitewash, cleanse, and purify the same, and the Owner of such Drain, Privy, or Cesspool to amend the Condition thereof, in such Manner and within such Time as the Commissioners deem reasonable; and

Nuisances.

and if such Occupier or Owner do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof; and in such Case the Commissioners may cause such House or any Part thereof to be whitewashed, cleansed, and purified, or the Condition of such Drain, Privy, or Cesspool to be amended, and may recover the Expense thereof from such Occupier or Owner in the same Manner as Damages.

No Interment in any Grave without leaving Thirty-six Inches clear of Soil above the Coffin.

CLX. That no Coffin containing a Corpse shall be buried in any Grave within the Burgh, not being a Vault or Catacomb, without at least Thirty-six Inches of Soil between the ordinary Surface of such Burial Ground and the upper Side of the Coffin; and if the Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin permit the Coffin to be buried in such Grave, or if the Person having the Control of the Burial Ground knowingly permit any Coffin to be buried in any Grave in which there is not left after the Burial thereof Thirty-six Inches at the least of Soil, measuring from the ordinary Surface of such Burial Ground to the upper Side of the Coffin, the Person having the immediate Charge of the Preparation of the Grave, and the Person having the Control of the Burial Ground in which such Burial is made, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Commissioners to order Costs of Prosecutions to be paid out of the Rates.

CLXI. That the Commissioners may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Burgh, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Assessments authorized to be imposed under the Provisions of this Act.

Act not to affect present Law as to Nuisances.

CLXII. That nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Person which is, or but for this Act would be, deemed to be a Nuisance, nor to exempt any Person guilty of Nuisance from Prosecution or Action in respect thereof, in the same Way and Manner as before the passing of this Act.

Power to provide Premises for the Reception of the Dead previously to Interment.

CLXIII. That the Commissioners may, if, for the Purpose of preventing the Evils occasioned by the Retention of the Dead in the Dwellings of the Poor or otherwise, they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the Commissioners may, upon Application, and subject to such Regulations, and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial Grounds, &c. dangerous to Health may be prohibited.

CLXIV. That if upon an Application by the Commissioners, and after Evidence to his Satisfaction that there is sufficient Ground to justify the Conclusions of such Application, the Sheriff shall certify (such Certificate to be published in the *Edinburgh Gazette* and in some One or more of the public Newspapers usually circulated within the Burgh) that any Burial Ground situate within the Burgh is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of public Worship within the Burgh is dangerous to the Health of Persons frequenting the same by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful after a Time to be named in such Certificate to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever after Notice of such Certificate buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

As to Interments within Churches or

CLXV. That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in the Burgh, after the Adoption

Burial Grounds newly erected or formed.

Adoption of this Act with respect to Burial Grounds and Interments, and no Burial Ground shall be made or formed within any District after such Adoption of this Act, without the Consent of the Sheriff first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before such Adoption of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for any such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Grounds for Burials may be purchased in place of those closed.

CLXVI. That it shall be lawful for the Commissioners to purchase or provide for the Use of the Inhabitants of the Burgh a suitable Piece or Plot of Ground for the Purpose of supplying the Place of such Burial Ground as it may be necessary to shut up; provided that the Commissioners shall not charge a higher Price on Fees for Graves or Interment in such new Ground than were previously paid in the old Burial Ground.

Lodging Houses.

And with respect to the Police of Burghs, and to Lodging Houses, be it enacted as follows:

For the Regulation and Inspection of Lodging Houses.

CLXVII. That it shall not be lawful to keep or use as a Lodging House within the Burgh any House, not being a licensed Victualling House, unless such House shall have been registered as a Lodging House in a Book to be kept by the Commissioners for that Purpose.

Commissioners to keep a Register of Lodging House Keepers, and make Rules for promoting Cleanliness and Ventilation.

CLXVIII. That the Commissioners shall cause a Register to be kept in which shall be entered the Names of all such Persons as apply to have the Houses occupied by them registered as Lodging Houses, and the Situations of such Houses; and the Commissioners shall from Time to Time fix the Number of Lodgers who may be received into each such Lodging House, and make Rules for promoting Cleanliness and Ventilation in such Lodging House; and they shall order that a Ticket containing the Number of Lodgers allowed to be received into the House, and a Table of Rules for promoting Cleanliness and Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times observe such Rules, and give Access to such Lodging Houses when required by any Persons appointed by the Commissioners, for the Purpose of Inspection thereof, or for the Purpose of performing therein any disinfecting Process which the Commissioners may order.

Penalty on Lodging House Keepers not complying with the Provisions of the Act.

CLXIX. That every Person who shall keep any Lodging House, or receive Lodgers therein, without such Lodging House having been duly registered, or who shall receive into the same more Lodgers than shall be allowed by the Commissioners, or who shall fail to keep such Ticket or such Table of Rules as aforesaid hung up or displayed as required by the Commissioners, or who shall neglect to cause such Rules to be observed in such Lodging House, or who shall refuse to admit to such Lodging House at all reasonable Times any Person appointed by the Commissioners for any of the Purposes aforesaid, or who shall wilfully obstruct any such Person in performing any disinfecting Process therein which the Commissioners may order, shall be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Keepers of Lodging Houses to report Cases of Fever.

CLXX. That all Keepers of Lodging Houses shall, in the event of any Person in their respective Houses becoming ill of Fever or any other Disease, forthwith make Intimation thereof to one of the Magistrates of Police, or the Superintendent of Police, or the Officer of Health, in order that the Nature of the Complaint of such Person may be ascertained, and the proper medical Attendance and Treatment procured; and if any Lodger or other Person in any Lodging House shall have been confined to Bed for Twenty-four Hours by Illness, of whatever Kind, without the Keeper of such House making such Intimation, such Keeper shall for such Neglect be liable to a Penalty not exceeding Forty Shillings.

Commissioners may make Orders in Cases of infectious

CLXXI. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hands to the Commissioners that any infectious or contagious Disease

Disease in Lodging Houses.

Disease exists in any Lodging House, the Commissioners shall have Power to pronounce such Order as the Officer of Health, or, failing him, such Medical Persons, shall sanction with reference to the Health of the Patient and other Inmates and of the Public; and if such Keeper do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof, and in such Case the Commissioners may cause such Lodging House to be cleansed and purified, and may recover the Expense thereof from such Keeper in the same Manner as Damages.

Slaughter-houses.

And with respect to the Police of Burghs, and to Slaughter-houses, be it enacted as follows:

Commissioners may license Slaughter-houses.

CLXXII. That the Commissioners may license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

None new Slaughter-houses in future to be erected without a Licence.

CLXXIII. That no Place shall be used or occupied as a Slaughter-house within the Burgh which was not in exclusive Use and Occupation as such at the Time of the Adoption by such Burgh of this Act, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof, as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh not used exclusively as such at the Time of the Adoption by such Burgh of this Act, and so continued to be used ever since, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

Existing Slaughter-ter houses to be registered.

CLXXIV. That every Place within the Burgh which shall be used as a Slaughter-house shall, within Three Months after the Date of such Adoption of this Act, be registered by the Owner or Occupier thereof at the Office of the Commissioners, and on Application to the Commissioners for that Purpose the Commissioners shall cause every such Slaughter-house to be registered in a Book to be kept by them for that Purpose; and every Person who after the Expiration of the said Three Months, and after One Week's Notice of this Provision from the Commissioners, uses or suffers to be used any such Place as a Slaughter-house, without its being so registered, shall be liable to a Pennlty not exceeding Five Pounds for such Offence, and a Penalty not exceeding Ten Shillings for every Day after the first Day during which such Place shall be used as a Slaughter-house without having been so registered.

Commissioners may put down Slaughter-houses on making Compensation to Owners.

CLXXV. And be it enacted, That it shall be lawful for the Commissioners, where they shall think proper, to put down any existing Slaughter-houses within the Burgh, on making Compensation, where any legal Claim for Compensation exists, to the Owners thereof, in the Manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof.

Commissioners may make Bye Laws for Regulation of Slaughter-houses, &c.

CLXXVI. That the Commissioners shall from Time to Time, by Bye Laws, to be made and confirmed in the Manner herein-after provided, make Regulations for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty therein, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Bye Laws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Nuisance the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the first Offence.

Licence of Slaughter-houses may be suspended, in addition to Penalty imposed.

CLXXVII. That the Sheriff or Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Bye Laws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act, or, in case such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid for any Period not exceeding Two Months the slaughtering of Cattle therein; and such Sheriff or Magistrate, upon the Conviction of any Person for a second or other sub-

Slaughter-houses.

sequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked, or, if such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid absolutely the slaughtering of Cattle therein; and whenever the Licence of any such Person is revoked as aforesaid, or whenever the slaughtering of Cattle in any registered Slaughter-house is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked, or on account of whose Default the slaughtering of Cattle in any registered Slaughter-house has been forbidden.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

CLXXVIII. That every Person who during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, and every Person who during the Period that the slaughtering of Cattle in any such registered Slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any Cattle in any such registered Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the first Offence.

Saving Rights of Persons incorporated by Act of Parliament for maintaining Slaughter-houses.

CLXXIX. Provided always, and be it enacted, That nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, or that may be passed during the present Session of Parliament, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Burgh, or Place.

Offensive Trades newly established to be subject to Regulation of Commissioners.

CLXXX. That the Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh, without the Consent of the Commissioners; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Unwholesome Food.

And with respect to the Police of Burghs, and to the Sale or Exposure for Sale of unwholesome and adulterated Food, be it enacted as follows:

Provision against Sale of unwholesome Meat;

CLXXXI. That in any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man, otherwise than entirely separate and apart, and ticketed as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and the Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Commissioners for that Purpose, may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to any Magistrate, or to the Sheriff, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the

the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, and as to which such Magistrate or Sheriff shall be satisfied that it was intended for the Food of Man. *Unwholesome Food.*

CLXXXII. That if any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, or other Article of Food, knowing the same to be adulterated, such Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, and such adulterated Article shall be forfeited, and disposed of as the Sheriff or any Magistrate shall direct; and it shall be lawful for the Sheriff or Magistrate, on the Application of the Superintendent of Police or Officer of Health, or other Officer acting under this Act, setting forth that he has received Information and has just Cause to believe that any adulterated Article of Food is in the Possession of any Person for the Purpose of being disposed of, to grant Warrant to enter upon the Premises of such Person, and to search for and seize such Article of Food, and to forfeit and dispose of the same as to him shall seem proper. and against Sale of adulterated Food.

CLXXXIII. And with respect to the Police of Burghs, and to Gunpowder, be it enacted, That no Gunpowder shall be sold within the Burgh by Gas or Candle or other artificial Light, under a Penalty not exceeding One Pound to be paid for each Offence by the Person so selling the same; and no Person shall keep at any Time in any Place more than Ten Pounds Weight of Gunpowder, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding Three Pounds, and for the Third and any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all the Gunpowder which shall be found in such Place exceeding the aforesaid Weight; and the aforesaid Quantity of Ten Pounds Weight of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Premises in which such Quantity of Gunpowder not so kept and secured as aforesaid shall be found: Provided always, that the Commanding Officer of any of Her Majesty's Military or Naval Forces, or of any Volunteer or Yeomanry Corps, may keep such a Quantity of Gunpowder as he may think necessary for Military Purposes. Regulations as to Gunpowder.

And with respect to the Police of Burghs, and to the weighing of Articles, and the Prevention of Frauds, be it enacted as follows: *Weighing Machines.*

CLXXXIV. That it shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the different Streets or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble. Weighing Machines to be erected.

CLXXXV. That it shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines; and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid; and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced. Power to Purchaser of Coals to require them to be weighed.

CLXXXVI. That it shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Power to provide portable Machines for weighing Coals.

Weighing Machines.

Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

CLXXXVII. That for the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Penalty on Driver refusing to weigh.

CLXXXVIII. That if any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before the Sheriff or Magistrate, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

CLXXXIX. That if the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the proper Load therein, or shall alter the Tare or Weight or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed or stated or represented to be weighed at any such Machine as aforesaid, then and in every such Case every Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

CXC. That in order to prevent Fraud in the Weight of Hay and Straw, or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Sheriff or Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to

to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Brokers and Pawnbrokers.

And with respect to the Police of Burghs, and to Brokers and Pawnbrokers, be it enacted as follows:

Brokers to be licensed.

CXCI. That from and after the passing of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Magistrates of Police, which Licence such Magistrates shall have a discretionary Power of granting or refusing, as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year, and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person to whom such Licence shall be given or renewed shall for each such Licence or Renewal thereof pay to the Clerk a Sum not exceeding Two Shillings and Sixpence, as the Expense of such Licence or Renewal, and of recording the same in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that no licensed Pawnbroker carrying on Business as such shall be entitled to carry on the Trade or Business of a Broker (but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act), and it shall not be lawful for the Magistrates to issue any such Broker's Licence to any Pawnbroker.

Brokers to furnish a Description of their Premises, and keep Books.

CXCII. That every Person who shall apply to be licensed as a Broker shall at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the course of his Trade; and all Brokers shall enter in Books to be kept by them a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to make proper Entries in such Book he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on failing to make proper Entries.

Brokers to retain Articles for Seven Days after having received them.

Penalty for Neglect.

CXCIII. That all Articles purchased or received by such Brokers shall be kept by them in their Shops, or other Places where their ordinary Business is carried on, for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of, or remove from his Premises as aforesaid, any such Articles, before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to produce Articles, on Demand.

CXCIV. That every Broker shall at all reasonable Times exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him and having the Authority of the Sheriff or Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for

Brokers and Pawnbrokers.

for the Ends of Justice, or, upon Proof of Ownership to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same are or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds; without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawnbroker to produce his Books, on Demand.

CXCV. That every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

CXCVI. That if any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall without unnecessary Delay give Information to the Magistrate or at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Sheriff or Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

CXCVII. That if any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

Brokers not to carry on Business of Publicans, nor to purchase Tickets of Pawnbrokers.

CXCVIII. That it shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to take Articles in Pledge.

CXCIX. That if any Broker shall receive or take any Goods or Articles in Pledge, such Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

CC. That

CC. That it shall not be lawful for a Pawnbroker and a Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Pawnbroker and Broker not to carry on Business in the same Premises.

CCI. That it shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on Brokers transacting Business with Persons under 14 Years of Age.

CCII. That it shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday;* and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty on Brokers transacting Business between certain Hours.

CCIII. That any Pawnbroker or Broker who shall, either by himself or his Servant, or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued as aforesaid, and legibly marked as or known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods. Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

CCIV. That every Person licensed as a Broker shall have his Name, with the Words "Licensed Broker," painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings. Brokers to have their Names painted over Shop Doors.

Vagrants and Beggars.

And with respect to the Police of Burghs, and to the Suppression of Vagrants and Beggars, be it enacted as follows:

CCV. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood, within the Burgh, and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days; and if any Money be found upon their Persons, such Money may be applied towards their Maintenance while in Prison, and towards their Transmission thereafter to the Parish of their Settlement. Vagrants and Beggars to be apprehended, and, upon Conviction, imprisoned.

CCVI. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person, by Imprisonment for a Period not exceeding Thirty Days. Procedure as to Persons sending out Children to beg.

CCVII. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, Beggars and Vagrants to be handed over to the Parochial Authorities.

as

Vagrants and Beggars.

as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

Keepers of Lodging Houses for Mendicants to report Persons resorting thereto.

CCVIII. That every Person letting Lodgings or giving Accommodation for the Night or Day to mendicant or vagrant Persons within the Burgh shall, if required by any Order of the Commissioners specially made and served upon such Person, be bound to report each and every Day at the Police Office, or to the Superintendent of Police or Constable of the District, every Person who has resorted to such House during the preceding Night or Day; and for that Purpose Schedules shall be furnished by the Commissioners to the Persons so ordered to report, which Schedules they shall be bound to fill up with the Information required, and transmit to the Police Office, or to the Superintendent of Police or Constable of the District as aforesaid; and if any such Person shall fail to comply with any such Order he shall, upon Conviction before the Magistrate, for each Offence be liable to a Penalty not exceeding Five Shillings.

Penalty against Chain-droppers, Swindlers, &c.

CCIX. And with respect to the Police of Burghs, and to the Punishment of Chain-droppers and Swindlers, be it enacted, That all Chain-droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice, or who shall induce or entice, any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before the Sheriff or Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Thirty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

Paving.

And with respect to paving and maintaining Streets, be it enacted as follows:

Power to the Commissioners to improve and form public Streets.

CCX. That the Commissioners may from Time to Time cause all or any of the Streets within the Burgh, not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they may also form, with such Materials as they think fit, any Footways for the Use of Passengers in any such Street, and cause such Streets and Footways to be repaired from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour or other Fund by Law applicable to the Maintenance or Repair of such Streets.

Commissioners may place Fences to Footways.

CCXI. That the Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Foot Pavements.

CCXII. And be it enacted, That the Owners of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Square, or other public or principal Place within any Burgh, shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of the said Streets, Squares, or other public or principal Places, to be made, and to be well and sufficiently paved with flat, hewn, or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct; and in case such Owners shall refuse or neglect or delay so to do, any Magistrate before whom such Complaint shall be brought may fine and amerce such Owners in a Penalty not exceeding double the Amount of the estimated Expense, and on Recovery shall thereout defray the Expense incurred in making such Footways.

CCXIII. That

Paving.

Where public Streets have not heretofore been paved, Commissioners may cause them to be paved at the Expense of the Occupiers of adjoining Lands.

CCXIII. That if any Street have not before the Adoption of this Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may cause such Street, or the Parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Occupiers of the Lands abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such Expenses shall be recoverable from such Occupiers respectively as herein provided with respect to Private Improvement Expenses, and thereafter such Street shall be repaired by the Commissioners out of the Assessments levied under this Act.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

CCXIV. That every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Flags, or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered.

Lighting.

And with respect to the lighting of Burghs, be it enacted as follows:

Commissioners may contract for lighting Streets.

CCXV. That the Commissioners may contract for any Period not exceeding Three Years at any One Time with the Owners of any Gasworks, or with any other Person, for the Supply of such Gas or Oil or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Burgh.

Price to be paid for Gas to be ascertained in case of Dispute.

CCXVI. That if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Officers.

And with respect to the Improvement of Burghs, and to the Officers to be appointed by the Commissioners for the Purposes of Burgh Improvement, be it enacted as follows:

Commissioners may appoint a Surveyor.

CCXVII. That the Commissioners may appoint a Person, duly qualified, to act as a local Surveyor of the Paving, Drainage, and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the Assessments levied under this Act; and if any such Surveyor die, resign, or be removed, the Commissioners may appoint another Person, so duly qualified, in the Room of the Surveyor so dying, resigning, or removed; and the Commissioners may remove any such Surveyor.

Commissioners may appoint an Inspector of Nuisances.

CCXVIII. That the Commissioners may appoint some Person, by the Title of "Inspector of Nuisances," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations of the Commissioners, and the Existence of any Nuisances within the Burgh; and the Commissioners shall duly publish the Name of any Inspector of Nuisances appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations made by the Commissioners for the Preservation of due Order and Cleanliness or for the Suppression of Nuisances; and the Inspector of Nuisances shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Burgh or other Person interested; and it shall be the Duty of such Inspector of Nuisances, subject to the Direction of the Commissioners, to make Complaints before the Sheriff or a Magistrate to whom the same may competently be preferred, and take

Officers.

legal Proceedings for the Punishment of any Person who has committed any Offence under this Act, or under any Bye Laws made by virtue thereof.

Same Person may be Surveyor and Inspector.

CCXIX. That the Commissioners may, if they think fit, appoint the same Person to be both Surveyor and Inspector of Nuisances.

Commissioners to provide Offices for Surveyor and Inspector.

CCXX. That the Commissioners shall provide Offices for the Use of the said Surveyor and Inspector in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given twice at the least in some Newspaper circulating within the Burgh.

Commissioners may appoint, subject to Approval of Secretary of State, an Officer of Health.

CCXXI. That the Commissioners may, if they think fit, appoint, subject to the Approval of One of Her Majesty's Principal Secretaries of State, a Person of competent Skill and Experience, who shall be styled "The Officer of Health," whose Duty it shall be to ascertain the Existence of Diseases within the Burgh, especially Epidemics and contagious Diseases, and to point out any Nuisances or other local Causes likely to cause and continue such Diseases, or otherwise injure the Health of the Inhabitants, and to point out the best Means for checking or preventing the Spread of such Diseases within the Burgh, and also the best Means for the Ventilation of Churches, Chapels, Schools, registered Lodging Houses, and other public Buildings within the same, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature which may be required of him; and the Commissioners, with the same Approval which is necessary for the Appointment of the Officer of Health, shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Assessments to be levied under this Act; and the Commissioners, with the like Approval, may discontinue such Office, or remove any such Officer of Health.

Surveys and Plans.

And with respect to the Improvement of Burghs, and Plans of the same, and of the Works to be executed under the Powers of this Act, be it enacted as follows:

Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection.

CCXXII. That the Commissioners shall procure or cause to be made a Survey and Map of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands within the Burgh.

Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

CCXXIII. That the Principal Officers of Her Majesty's Ordnance may, if they think fit, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh, or any Part thereof, which shall have been made under the Direction of the said Ordnance Officers, or may cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

CCXXIV. That the Commissioners shall cause to be marked on the Map so procured or caused to be made by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear, upon due Inquiry, to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be

be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corners of Streets, on Posts, Houses, or other prominent Objects within the Burgh.

Surveys and Plans.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

CCXXV. That the Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made under their Direction, and any Costs incurred by them in regard to any such Ordnance Map, out of the Assessments authorized to be levied under this Act.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

CCXXVI. That the Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of the Premises and Streets within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Premises and from the Surface of the Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

Before giving Notice of Construction of Works, Plans to be prepared and deposited in the Office of the Commissioners, and be open to Inspection.

CCXXVII. That, before giving Notice of their Intention to construct any Work of which by this Act they are required to give Notice, the Commissioners shall cause Plans of the intended Work to be made, under the Direction of their Surveyor, on a Scale not less for a horizontal Plan than One Inch to Eighty-eight Feet, and for a vertical Section not less than One Inch to Two Feet, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans shall be deposited in the Office of the Commissioners, or some other convenient Place appointed for that Purpose, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Time for which such Notice is required to be given.

Sewers.

And with respect to the Improvement of Burghs, and to making and maintaining the public Sewers, be it enacted as follows:

Sewers, &c. vested in Commissioners.

CCXXVIII. That all Sewers and Drains within the Burgh, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers and Drains the private Property of any Person or Persons, or made and used as of private Right by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Land,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Power to purchase, &c. certain Sewers.

CCXXIX. That the Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Sewers.

Private Sewers or Watercourses, &c. not to be used without Consent.

CCXXX. That nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, Improvement, or Irrigation of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

CCXXXI. That the Commissioners shall from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands and Buildings to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as aforesaid.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

CCXXXII. That the Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given, and the Plans and Estimates to be prepared, cause to be made under the Streets such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and also all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any of the Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if for completing any of the aforesaid Works it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may also cause such Sewers to communicate with and empty themselves into the Sea or any public River, or they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection and Sale for agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that in making any such Main and other Sewers, or in repairing, re-constructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall not be diverted therefrom to the Prejudice of any actual existing legal Right.

Commissioners may alter Sewers from Time to Time.

CCXXXIII. That the Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others.

Penalty for Neglect.

CCXXXIV. That if any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse or do not within Seven Days next after Notice in Writing served upon them begin and thereupon diligently proceed to restore to its former effective State such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners to cause Estimates to be pre-

CCXXXV. That before entering into any Contract for executing any such Work as aforesaid the Commissioners shall procure from their Surveyor an Estimate of the probable Expense

Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and each Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years. pared before Execution of Works.

CCXXXVI. That the Expense of making any new Sewer shall be defrayed as herein provided by special Sewer Rates to be levied on the Occupiers of all Premises within the Drainage District in which such Sewer is situated: Provided always, that where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Occupiers thereof shall be entitled to have such Deduction made from the special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, and for such Time as the Commissioners shall deem to be just, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer. As to the Expense of making new Sewers. Where Premises were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates.

CCXXXVII. That the Expense of maintaining and cleansing all Sewers vested in the Commissioners, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, shall be defrayed by general Sewer Rates to be levied as herein provided on the Occupiers of all Premises within the Drainage District in which such Sewers are severally situated. As to the Expense of maintaining Sewers, &c.

CCXXXVIII. That every Person, not being employed for that Purpose by the Commissioners, who shall make any Drain into any of the Sewers or Drains so vested in the Commissioners, shall forfeit to the Commissioners a Sum not exceeding Five Pounds; and the Commissioners may cause such Branch Drain to be remade as they think fit, and all the Expense incurred thereby shall be paid by the Person making such Branch Drain, and shall be recoverable by the Commissioners as Damages. Penalty for making unauthorized Drains.

CCXXXIX. That no Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar, and shall be recoverable as Damages. Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CCXL. That the Commissioners may stop any Street, and prevent the same from being used as a common Passage or Thoroughfare, for a reasonable Time during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain in or under such Street. Streets may be stopped up during Repairs.

CCXLI. That all Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench. All Sewers, &c. to be covered with Traps.

CCXLII. That any Person being the Owner or Occupier of any Lands beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Property which may be lawfully made therefrom of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners. Sewers may be used by Owners and Occupiers of Land beyond Limits of Burgh.

CCXLIII. Pro-

Sewers.

Persons aggrieved may appeal to the Sheriff.

CCXLIII. Provided always, That as regards the making, altering, and maintaining Sewers and Drains, it shall be lawful for any Person whose Property may be taken or affected, or thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

House Drains.

And with respect to the Improvement of Burghs, and to the Drainage of Houses, be it enacted as follows:

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

CCXLIV. That if any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer, or with the Sea or some public River, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Feet of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall, as they think necessary for the Drainage of such House or Building, its Areas, Water-closets, Privies, and Offices; provided that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House or Building; and the Expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the Owner or Occupier shall be defrayed by the Drainage Rates herein authorized to be levied.

No House to be hereafter built without Drains being constructed.

CCXLV. That no House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners either then existing or marked out upon the Map herein-before directed to be made by them, or into the Sea, or some public River into which the Commissioners are empowered to empty their Sewers; and if there be such Means of Drainage existing within One hundred Feet of such intended House or Building, the Commissioners shall cause a Drain leading thereunto from the intended Site of such House to be made of such Materials, of such Size, at such Level, and with such Fall, as they think fit, or if there be no such Means of Drainage within One hundred Feet of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof, until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are rebuilt, the Level shall be sufficient to allow a Drain to be constructed.

CCXLVI. That whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Notice of Buildings and Rebuildings to be given to the Commissioners.

CCXLVII. That before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by reference to some Level ascertained under the Direction of the Commissioners.

Commissioners may signify Disapproval within 14 Days.

CCXLVIII. That within Fourteen Days after receiving such Notice the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may within the said Fourteen Days fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may cause Houses built

CCXLIX. That in default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen

Fourteen Days, or determined on Appeal as after mentioned, or in any other respect contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid, and shall be recoverable as Damages.

without Notice, or contrary to Provisions of this Act, to be altered.

CCL. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid, within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

If Commissioners fail to signify their Approval, &c. within 14 Days, Parties may proceed without.

CCLI. That the Commissioners may require the Owner of every House within the Burgh to which no sufficient Privy is attached to provide, where it appears to them that there is Room enough for the Purpose, such Privy, in such Situation, not disturbing any Building then already erected, as the Commissioners deem necessary for the Use of the Inmates and Occupiers thereof; and every such Privy shall be constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof: Provided always, that where a Privy is used in common by the Inmates and Occupiers of Two or more such Houses, the Commissioners may, if they think fit, dispense with the providing of a Privy for each such House.

Power to Commissioners to require Owners of Houses to provide Privies for the same.

CCLII. That the Owner of any such House shall provide the same with a Privy as aforesaid, to the Satisfaction of the Commissioners, within One Month next after Notice in Writing for that Purpose given by the Commissioners to him or to the Occupier of such House, and in default thereof the Commissioners shall cause such Privy to be provided, so nevertheless that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House; and the Expense incurred thereby shall be defrayed by the Drainage Rates by this Act authorized to be levied.

Penalty for neglecting to provide Privies, &c.

CCLIII. That it shall be lawful for the Commissioners to make such Provision as they shall think fit for the due Removal of the Ashes and other Refuse of each House within the Burgh by the Occupier or Occupiers of such House.

Commissioners to provide for Removal of Ashes.

CCLIV. That if at any Time it shall appear to the Commissioners upon the Report of their Surveyor, that any House is used or intended to be used as a School, or Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Certain Water-closets to be constructed in Factories, &c.

CCLV. That all Branch Drains, as well within as without the Premises to which they belong, and all Privies, Ashpits, and Cesspools within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order, at the Costs and Charges of the Owners of the Premises to which the same belong or for the Use of which they are constructed or continued; and if the Owner and Occupier of any Premises to which any such Drain, Privy, Ashpit, or Cesspool belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may cause such Drain, Privy, Ashpit, or Cesspool to be altered, repaired, covered, and put in good Order; and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Owners by whom the same ought to have been done, and shall be recoverable as Damages.

Drains, Privies, and Cesspools to be kept in good Order by Owners.

If Owners neglect, Commissioners may cause the same to be done, and charge the Owners with the Expense.

CCLVI. That the Surveyor of the Commissioners may inspect any Drain, Privy, Ashpit, or Cesspool within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after

As to the Inspection of Drains, Privies, and Cesspools.

House Drains.

after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain, Privy, Ashpit, or Cesspool is attached, may enter upon any Premises, with such Assistants and Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain, Privy, Ashpit, or Cesspool be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expenses of opening, closing, and making good such Drain, Privy, Ashpit, or Cesspool shall in that Case be defrayed by the Commissioners.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

CCLVII. That if any such Drain, Privy, or Cesspool be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain, Privy, or Cesspool which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain, Privy, or Cesspool as they think fit; and the Expense attending any such Amendment or Alteration shall be paid by the Person by whom such Sewer was improperly constructed, rebuilt, or altered, and shall be recoverable from him as Damages.

Parties aggrieved may appeal to the Sheriff.

CCLVIII. Provided always, That as regards House Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

New Streets.

And with respect to the Improvement of Burghs, and to laying out new Streets in the same, be it enacted as follows:

Notice of Intention to lay out new Streets to be given to Commissioners.

CCLIX. That every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any Street has, previous to the First Day of *May* One thousand eight hundred and fifty, been in whole or in part the subject of any Contract now existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Levels to be fixed by the Commissioners.

CCLX. That the Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be kept thereafter by every Person raising any House or other Building in such Street.

If the Commissioners fail to fix the Level, the Party may proceed without.

CCLXI. That if the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out the Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

CCLXII. That every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of the said Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners, shall be liable to defray all the Expenses consequent upon any Change of the Level of that Part of the Street on which such House or Building abuts which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be

CCLXIII. That for the Purposes of this Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Water-works

works or Gasworks laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith, as soon as conveniently may be, any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

altered at the Expense of the Commissioners.

CCLXIV. That if the Person to whom any such Pipes or Works belong do not proceed forthwith, or as soon as conveniently may be after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

CCLXV. That it shall not be lawful to make or lay out any new Street unless and until the proposed Width thereof shall, with reference to the Height of the Houses and other Circumstances, be approved of by the Sheriff.

As to the Width of new Streets.

CCLXVI. Provided always, That as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Parties aggrieved may appeal to the Sheriff.

And with respect to the Improvement of Burghs, and to naming the Streets and numbering the Houses, be it enacted as follows:

Naming Streets.

CCLXVII. That the Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets to be marked with Numbers as they think fit, and shall cause to be put up or painted on a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Houses to be numbered and Streets named.

CCLXVIII. That the Owners of Houses and other Buildings in the Streets shall mark their Houses with such Numbers as the Commissioners approve of, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number approved of by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require, and the Expense thereof shall be repaid to them by such Owner, and shall be recoverable as Damages.

Numbers of Houses to be renewed by Owner.

And with respect to the Improvement of Burghs, and to improving the Line of the Streets, and removing Obstructions, be it enacted as follows:

Improving Streets.

CCLXIX. That the Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward, for improving the Line of the Street in which such Building, or any Building adjacent thereto, is situated.

Houses may be set forward for improving Line of Street.

CCLXX. That the Commissioners may agree with the Owners of any Lands within the Burgh for the absolute Purchase thereof, for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they shall resell any Parts of the Land so purchased which shall not be wanted for the Enlargement of the Street.

Power to purchase Houses, &c. for additional Improvements.

CCLXXI. That when any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof,

Houses projecting beyond Line of Street,

when taken down, to be set back.

thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains.

Future Projections of Houses, &c. to be removed, on Notice.

CCLXXII. That the Commissioners may give Notice to the Occupier of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign-post, Sign-iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Occupier so making default, and shall be recoverable as Damages: Provided always, that, except in the Case in which such Obstructions or Projections were made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of the House or Building.

Commissioners may cause existing Projections to be removed and Compensation to be made.

CCLXXIII. That if any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit; provided that they give Notice of such intended Removal or Alteration to the Occupier of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun, and, if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CCLXXIV. That all Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Occupier of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Occupier, and shall be recoverable from him as Damages, and he shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards may be altered.

CCLXXV. That if any such Door, Gate, or Bar was before the Adoption of this Act hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

Penalty for Neglect.

CCLXXVI. That when any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if such Occupier do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Waterspouts to be affixed to

CCLXXVII. That the Owner of every House or Building in, adjoining, or near to any Street shall, within Seven Days next after Service of an Order of the Commissioners for that

that Purpose, put up, and keep in good Condition, a Shoot or Trough of the whole Length of such House or Building, and shall connect the same either with a similar Shoot on the adjoining House or with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along the Street, or flow over the Footpath; and in default of Compliance with any such Order within the Period aforesaid such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default.

Houses or Buildings.

CCLXXVIII. Provided always, That as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Parties aggrieved may appeal to the Sheriff.

Ruinous or dangerous Buildings.

And with respect to the Improvement of Burghs, and to ruinous or dangerous Buildings, be it enacted as follows:

CCLXXIX. That if any Building or Wall, or any Thing affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff to order the Owner, or in his Default the Occupier (if any), of such Building, Wall, or other Thing, to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found on whom to serve such Order, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such Fence, and of taking down, repairing rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

Ruinous or dangerous Buildings to be taken down or secured by Owners, &c.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

CCLXXX. That if such Owner can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand, and Neglect or Refusal, signed by Two of the Commissioners, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner in the Sheriff Small Debt Court, or otherwise as accords of Law.

The Expenses to be levied on the Owner.

CCLXXXI. That if such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, or on the Land whereon such Building stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

 CCLXXXII. That

Ruinous or dangerous Buildings.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

CCLXXXII. That if any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Objections to Works.

And with respect to the Improvement of Burghs, and to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, and Appeal to the Sheriff from the Decision of the Commissioners, be it enacted as follows:

Commissioners to give Notice of new Levels or Sewers.

CCLXXXIII. That Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time when and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Commissioners to hear Objections.

CCLXXXIV. That the Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection or his Agent has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

CCLXXXV. That any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff in his Discretion thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor on the Hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and

CCLXXXVI. And in respect to Appeal as to all other Matters and Things which the Commissioners are by this Act empowered to do or perform or to authorize to be done

or

or performed, and the Cost attending which is by this Act directed to be provided for by way of Private or District Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office or delivered personally or at their Dwelling Houses to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Appeal to the Sheriff.

Decision of the Sheriff to be final.

Prevention of Fire.

CCLXXXVII. And with respect to the Improvement of Burghs, and to the Construction of Houses for Prevention of Fire, be it enacted, That the Party Walls of all Buildings erected after the Adoption of this Act by any Burgh shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Walls belong; and all such Party Walls, and the external Walls of all Buildings, erected after the Adoption of this Act, in or near any Street, or within the Curtilage of any House adjoining any Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building within the Burgh, having at the Date of the Adoption by such Burgh of this Act a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provisions herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

Ventilation.

And with respect to the Improvement of Burghs, and to supplying Buildings with fresh Air, be it enacted as follows:

CCLXXXVIII. That before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Fourteen Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, have been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners.

Regulating Construction of Buildings intended as Places for public Meetings.

No Person to begin to build until Plan has been approved by Commissioners.

CCLXXXIX. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of such Building, with respect to

If Commissioners fail to signify their

Approval of Plan within Seven Days, Party may proceed to build.

to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

Persons may appeal against Determination of Commissioners.

CCXC. Provided also, That if the Person so intending to build be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner, as herein-before provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

Cellars in Courts not to be occupied as Dwellings after letting prohibited.

CCXCI. That it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar under any House in any Court within the Burgh, after the Commissioners have given Notice to the Owners thereof that the letting of Cellars as Dwelling Places in such Court is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Court within the Burgh.

No Cellars under the Height of Seven Feet from the Floor to the Ceiling to be let as Dwellings.

CCXCII. That it shall not be lawful, after Prohibition by the Commissioners, to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or undergr ound Room (not being entirely open on one or other of its Sides) built or rebuilt after the Adoption of this Act, or which shall not have been so let or occupied before the Adoption of this Act, and it shall not be lawful, after such Prohibition, to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) whatsoever, which Vault, Cellar, or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet and Six Inches wide from the Level of the Floor of such Vault, Cellar, or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Water-closet or Privy, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace, with a Chimney or Flue or which Vault or Cellar, being an inner or back Vault or Cellar let or occupied along with a front Vault or Cellar as Part of the same Letting or Occupation, has not a ventilating Flue, (unless such inner or back Vault or Cellar shall be Part of a House built before the Adoption of this Act,) or which shall not be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room; but any Person considering himself aggrieved by any such Prohibition may within Ten Days after the same is made known to him appeal against the same to the Sheriff.

Penalty on letting such Cellars as Dwelling Places.

CCXCIII. That every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings, and a further Penalty not exceeding Five Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Water.

And with respect to the Improvement of Burghs, and to the Supply of Water, be it enacted as follows:

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

CCXCIV. That the Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct

construct any Number of new Cisterns, Pumps, Conduits, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

CCXCV. That the Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water in case of Dispute.

CCXCVI. That if the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Price to be paid for such Supply, then such Price (except where by the Act authorizing such Waterworks some other Mode of determining such Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Commissioners to cause Fireplugs, &c. to be provided and maintained.

CCXCVII. That the Commissioners shall cause Fireplugs, and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with any Water Company or other Party, and they shall paint or mark on the Buildings and Walls in the Streets Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid as they may from Time to Time deem expedient.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

CCXCVIII. That the Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may from Time to Time contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the Burgh: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff upon summary Application by either of the Parties.

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners, not to construct Waterworks, &c. if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

Service Pipes to be laid by Owners.

CCXCIX. And be it enacted, That where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Burgh shall be supplied with Water by means of such Service Pipes,

Water.

Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter upon such House or Premises and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages.

Water to be used only for domestic and ordinary Purposes unless by Agreement with the Commissioners.

CCC. And be it enacted, That no Person within the Burgh shall be entitled, without special Agreement with the Commissioners to use the Water supplied through the Pipes of the Commissioners except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any Public Baths and Wash-houses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

CCCI. That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

CCCII. That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners or under their Management or Control shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf, which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from

and on Proprietors of Gasworks, &c.

Water.

from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape, provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as Damages may be recoverable under this Act, or as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the General Assessments levied under this Act, and be recoverable from them upon summary Application to the Sheriff, or otherwise as any Debt may be recovered by the Law of *Scotland.*

Commissioners may make Bye Laws in reference to Water.

CCCIII. And be it enacted, That it shall be lawful for the Commissioners to make Bye Laws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

Clocks.

Power to Commissioners to provide public Clocks.

CCCIV. And with respect to the Improvement of Burghs, and to Clocks, be it enacted, That the Commissioners may from Time to Time provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner and Occupier, upon or against any private Building, the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

Execution of Works by Commissioners.

And with respect to Entry by the Commissioners or their Officers in execution of this Act, be it enacted as follows:

Commissioners empowered to enter upon Premises for the Purposes of this Act.

CCCV. That the Commissioners shall for the Purposes of this Act have Power, by themselves or their Officers, to enter, at all reasonable Hours in the Daytime, into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Twenty-four Hours Notice for that Purpose given to the Occupier.

Penalty on Persons obstructing Commissioners in their Duty.

CCCVI. That every Person who shall at any Time obstruct the Commissioners, or any Person employed by them, in the Performance of anything which they are respectively empowered or required to do by this Act, shall be liable to a Penalty not exceeding Five Pounds.

Execution of Works by Owners.

And with respect to ensuring the Execution of the Works by this Act required to be done by Owners or Occupiers, be it enacted as follows:

As to Service of Notice on Owners and Occupiers.

CCCVII. That where under this Act any Notice is required to be given to the Owner or Occupier of any Premises, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises, and his Residence, are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by the Post, addressed to the Residence of such Owner.

Commissioners, in default of Owner or Oc-

CCCVIII. That whenever, under the Provisions of this Act, any Work of any Kind is required to be executed by the Owner or Occupier of any Premises, and Default is made in

cupier, may execute Works, and recover Expenses.

the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall, except in the Case in which such Expenses are herein directed to be defrayed by Drainage Rates, be repaid to them by the Person by whom such Work ought to have been executed.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

CCCIX. That whenever Default is made by the Owner of any Premises in the Execution of any Work by this Act required to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due from him to such Owner.

How Expenses are to be recovered from Owner.

CCCX. That if the Owner of any Premises made liable by this Act for the Repayment to the Commissioners of any Expenses incurred by them do not, as soon as the same become due and payable from him, repay all such Expenses to the Commissioners, the Commissioners may recover the same from such Owner in the same Manner as Damages may be recovered under this Act, or as any Debt may be recovered by the Law and Practice of *Scotland*.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

CCCXI. That the Commissioners may, by way of additional Remedy, require the Payment of all or any Part of the Expenses payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as any Assessment or Rate may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Expenses.

Occupier not to be liable for more than the Amount of Rent due.

CCCXII. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Expenses charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Expenses are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect any special Contract made between any such Owner or Occupier respecting the Payment of the Expenses of any such Works as aforesaid.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

CCCXIII. That where any such Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment of such Expenses, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; but all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Proceedings in case of Tenants opposing the Execution of this Act.

CCCXIV. That if the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Sheriff may make an Order in Writing requiring such Occupier to permit the Owner to execute

execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner during the Continuance of such Refusal shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Execution of Works by Owners.

CCCXV. That nothing in this Act contained shall extend to avoid any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting existing Contracts for building.

CCCXVI. That nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

Respecting Contracts for Leases.

And with respect to Things to be done by the Commissioners by Special Order only, be it enacted as follows:

Special Order.

CCCXVII. That where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by the Commissioners in some Meeting whereof special Notice has been given, and has been confirmed in a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

As to certain Matters authorized to be done by the Commissioners by Special Order only.

CCCXVIII. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall in such Advertisement and Notice be made to some Place provided by the Commissioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Rate-payers; and if before the Expiration of such Month a Remonstrance in Writing against carrying into effect such Resolution or any Part thereof, signed by a Majority of the Rate-payers having Votes in the Election of the Commissioners, be presented to the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect; and where any such Remonstrance applies to Part only of any such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit.

Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Rate-payers remonstrate against the same.

CCCXIX. That the Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, purchase, rent, build, or otherwise provide such Slaughter-houses as they think proper for slaughtering Cattle within the Burgh.

Commissioners may provide Slaughter-houses;

Special Order.

Places for public Recreation;

CCCXX. That the Commissioners may by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh, or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

and Public Bathing Places and Drying Grounds.

CCCXXI. That the Commissioners may from Time to Time by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide, either within the Burgh or at a reasonable Distance therefrom, suitable and convenient Premises, to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants, at such reasonable Charges, and under and subject to such Regulations, as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

Proportion of Baths for the Working Classes.

CCCXXII. Provided always, That the Number of Baths for the Use of the Working Classes in any Building provided by the Commissioners shall not be less than twice the Number of the other Baths of any higher Class.

Charges for the Use of Baths.

CCCXXIII. That the Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Recovery of Charges for the Use of Baths, &c.

CCCXXIV. That for the Recovery of the Charges at such Wash-houses and Drying Grounds the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects in or upon any such Wash-house or Drying Ground of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Publication of Bye Laws in regard to Baths, &c.

CCCXXV. That a printed Copy or sufficient Abstract of the Bye Laws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath Room, Bathing Place, and Wash-house.

Sale of Baths, &c. on discontinuing them.

CCCXXVI. That whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Application may be made to Parliament if additional Powers necessary.

CCCXXVII. That if it appear that any Works which the Commissioners deem necessary for promoting the Health or Convenience of the Inhabitants of the Burgh cannot lawfully be carried into effect by the Commissioners under the Powers vested in them by this Act, by reason either that the Monies authorized to be raised by them are insufficient for the Purpose, or that any Lands are required which the Commissioners are not by this Act authorized to take or use, or for any other Reason, the Commissioners may, by Special Order, as herein defined, but not otherwise, cause Application to be made to Parliament for an Act to enable them to execute such Works, and may defray the Expenses of such Application out of the Assessments authorized to be levied by them under this Act.

Bye Laws.

And with respect to the Bye Laws to be made by virtue of this Act, be it enacted as follows:

Bye Laws.

CCCXXVIII. That the Commissioners may from Time to Time make such Bye Laws as they think fit for the several Purposes for which they are by this Act empowered to make Bye Laws, and from Time to Time repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Law of *Scotland* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners, and, if affecting other Persons than the Officers or Servants of the Company, be confirmed and published as herein provided.

Bye Laws may be enforced by Imposition of Penalties.

CCCXXIX. That the Commissioners, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws be so framed as to allow the Sheriff or Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Bye Laws to be confirmed.

CCCXXX. That no Bye Law made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Bye Laws tendered to him for that Purpose, and to allow or disallow of the same as he may think meet.

Notice of Confirmation to be given.

CCCXXXI. That no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Bye Law, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Bye Laws to be open to Inspection.

CCCXXXII. That for One Month at least previous to any such Application for Confirmation of any Bye Law a Copy of the proposed Bye Laws shall be kept at the principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCCXXXIII. That such Bye Laws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same, without Charge, or at a Charge not exceeding One Halfpenny; and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate; and such Boards, with the Bye Laws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CCCXXXIV. That such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

CCCXXXV. That the Production of a written or printed Copy of the Bye Laws requiring Confirmation by the Sheriff, authenticated by the Signature of the Sheriff who approved of the same, and a written or printed Copy of the Bye Laws not requiring such Confirmation, authenticated by the Signatures of Two Commissioners, shall be Evidence of the

Bye Laws.

the Existence and of the due making of such Bye Laws in all Prosecutions under the same, without adducing Proof of the Signature or Signatures of the Sheriff or Commissioners; and with respect to the Proof of the Publication thereof it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

Penalty on pulling down Boards.

CCCXXXVI. That any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, be it enacted as follows:

Recovery of Damages and Penalties.

CCCXXXVII. That all such Damages and Penalties may be recovered by summary Proceedings upon Complaint in Writing made by the Superintendent of Police or by the Procurator Fiscal to a Magistrate of the Burgh or to the Sheriff of the County within which such Damages or Penalty shall arise or be incurred, or to the Sheriff of any County in which the Offender may be found, and on such Complaint being made such Magistrate or Sheriff shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded, and either upon the Appearance or on the Default to appear of the Party complained against it shall be lawful for such Magistrate or Sheriff to proceed to the Hearing of the Complaint, and upon Proof either by the Confession or Admission of the Party complained against, or upon the Oath of One credible Witness or more, and without any written Pleadings or Record of Evidence, to convict or give Judgment against the Party complained against, and thereupon to decree, adjudge, and sentence him to pay the Damages or Penalty which have arisen or been incurred, and the Expenses attending the Proceedings, and to grant a Warrant for imprisoning him until such Damages or Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Damages, or Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Damages or Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and such Damages and Penalties shall be paid to the Commissioners, or to their Treasurer or Collector, and be applied for the general Purposes of this Act within the Burgh; and the Decision of such Magistrate or Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review, or to be set aside on the Merits, or on any Ground of Want of Form or other Ground, or by Suspension, Reduction, Advocation, or Appeal to any Court whatever.

Limitation of summary Prosecutions.

CCCXXXVIII. That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Six Months after the Commission of the Offence or after the Cause of Action shall have occurred.

Penalty on Persons giving false Evidence.

CCCXXXIX. That every Person who, upon any Examination upon Oath under the Provisions of this or the special Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.

Borrowing of Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows:

Power to Commissioners to borrow Money for the Purposes of this Act.

CCCXL. That it shall be lawful for the Commissioners to borrow and take up for the Purpose of procuring a Police Office, erecting a Slaughter-house or Weigh-house, or for erecting Lamps, or for making and constructing Common Sewers, or for procuring or supplying Water or Gas, or for procuring Fire Engines, or for any of the other Purposes authorized

authorized by this Act, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners, and they are hereby authorized and required, at their first annual Meeting for Assessment after such borrowing, to assess all Occupiers of Premises within the Burgh liable in Assessment under this Act, in such additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money borrowed, until the Debt shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment of Two Shillings and Sixpence *per* Pound Sterling, or One Shilling and Sixpence *per* Pound Sterling, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and Notice in manner above provided.

Borrowing of Money.

CCCXLI. That no Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

Commissioners not to be personally liable.

CCCXLII. That all Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*;

As to Bonds to be granted.

'Number [*here state the Number*].

'By virtue of an Act made in the Year of the Reign of Her Majesty Queen 'Victoria, intituled "An Act [*specify this Act*]," I *A.B.* [*state whether Treasurer or Col-*'*lector, or both,*] of the Commissioners of Police for the Burgh of [*insert the Name of the* '*Burgh*], and by Authority of the said Commissioners, in consideration of the Sum of '[*insert the Sum in Words*] instantly advanced and paid to me on account of the said Com-'missioners, and for the Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and oblige 'the said Commissioners for the Time being, out of the first and readiest of the Monies to 'be raised under the annual Assessments by the said Act authorized to be imposed and 'levied, to pay at the Term of [*insert Term of Payment*] to the said *C.D.*, his Executors 'or Assignees, the said Sum of [*state the Sum*], and also the Interest thereof at the Rate 'of [*insert the Rate of Interest*] per Centum per Annum from the Date hereof, at the 'Terms of Whitsunday and Martinmas in each Year, till the said Sum is paid; and for 'the further Security of the said *C.D.* I do hereby assign to him, his Executors or Assig-'nees, such Proportion of the said Monies to be raised under the said annual Assessment 'as shall be equivalent to the said Sum now paid to me, and the Interest thereon as aforesaid 'from the Date hereof to the Term of Payment; and I consent to the Registration hereof 'in the Books of Council and Session, or others competent, for Preservation, and that all 'competent Diligence may pass and be directed hereon, in Form as effeirs, and thereto con-'stitute my Procurators. In witness whereof [*insert Testing Clause in common* '*Form*].

A.B.

'*K.L.*, Commissioner.

'*M.N.*, Commissioner.'

And

Borrowing of Money.

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

CCCXLIII. That such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; *videlicet;*

'I *C.D.*, within designed, do transfer this Bond, with all Right, Title, or Interest which 'I have under the same, to *E.F.*, his [*or* her, *or* their, *as the Case may be,*] Executors and 'Assignees. In witness whereof [*insert Testing Clause in common Form*].

C.D.

'*K.L.*, Witness.

'*M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

CCCXLIV. That before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Treasurer of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer, and the said Bond, being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation.

Jurisdiction of Police Courts.

And with respect to the Jurisdiction of Magistrates of Police under this Act, and the Forms of Procedure before such Magistrates, be it enacted as follows:

Jurisdiction of Magistrates of Police under this Act.

CCCXLV. That the Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction in all Matters arising in such Burgh under this Act, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in and for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

CCCXLVI. That it shall be lawful for the Magistrates of Police under this Act to appoint, from Time to Time, by Writing, and during Pleasure, a fit Person to be Procurator Fiscal of the Burgh in which they act as such Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal of a Royal Burgh in reference to such Royal Burgh.

Interim Fiscal.

CCCXLVII. That in the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other necessary Cause, it shall be lawful for the Magistrates of Police to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

CCCXLVIII. That all Actions, Prosecutions, and Proceedings before the Magistrates of Police or any of them shall commence by a Complaint, written or printed or partly written and partly printed, at the Instance of the Procurator Fiscal or Superintendent of Police, to be appointed as herein authorized, or at the Instance of any Person duly authorized to act for them respectively, in which latter Case such Proceedings, though subscribed by such Person, shall be commenced and conducted throughout in Name of the Procurator Fiscal or Superintendent of Police respectively; and (with the Exception of Complaints against Chain-droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft, or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole other Procedure before such Magistrates or any of them shall be

be conducted summarily, *vivâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings, except the Complaint, and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation or Informality in the Warrant or Execution. *Jurisdiction of Police Courts.*

CCCXLIX. That the Magistrates of Police and the Sheriff, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch the Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution. Forms of Procedure to be framed.

CCCL. That if it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet,*) Murder, Robbery, Rape, and Wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been Twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been Twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at Wilful Fire-raising, or of Culpable Homicide, or of Forgery, or of uttering Forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chaindroppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted. Certain Crimes not competent to be taken cognizance of in the Police Court.

CCCLI. That no Complaint at the Instance of any private Party, or of the Procurator Fiscal or Superintendent of Police, for any Offence under this Act, shall be received or entertained unless the same be presented within Six Months after the Commission of the Offence. Limitation of Police Prosecutions.

CCCLII. That upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful, in the Absence of the Magistrate, for the Superintendent of Police to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not Superintendent in certain Cases may accept of Bail or Deposit.

Jurisdiction of Police Courts.

subject the Superintendent of Police to any Claim for Damages, wrongous Imprisonment, or Claim of any other kind whatsoever.

Persons in Custody to be taken before the Magistrate.

CCCLIII. That every Person taken into Custody, and who shall be detained in Custody, shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to Prison, when remanded for affording Time to find Bail or for further Examination, such further Examination always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

CCCLIV. That this Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Provisions of this Act, or of any Bye Law made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith.

Offenders removing from the Bounds of Police, how to be proceeded against.

CCCLV. That Warrants granted by the Magistrate for apprehending or citing Persons charged under this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties, when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant to be dealt with according to Law, without the Necessity of such Warrants being backed or endorsed by any Magistrate other than the Sheriff of the County within which the same shall be so granted: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of this Act.

In certain Cases Offenders may appear by Agent or other Party.

CCCLVI. That when any accused Person summoned to answer to any Complaint charging an Offence inferring merely the Payment of a pecuniary Penalty, and the finding of Caution as aforesaid, shall, from Indisposition or other good Cause, fail to attend at the Time and Place to which he shall have been cited, and for whom there shall appear a Procurator, Agent, or other Party duly authorized by such Person to act for him, it shall be lawful for the Magistrate, on such Procurator, Agent, or other Party admitting the Charge, or Part thereof, to pronounce Judgment, and fine such accused Person, and to ordain him to find Caution as aforesaid: Provided always, that in every such Case the Sentence shall bear that the Offence complained of, or such Part thereof as was admitted, was proved by the Confession of the Person charged in the Complaint.

Examination of Witnesses.

CCCLVII. That where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecution are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

CCCLVIII. That

CCCLVIII. That if any Person who shall be summoned as a Witness to give Evidence before the Magistrate, either on the Part of the Prosecutor or the Person accused, shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, the Magistrate may cause such Person to be apprehended and committed to Prison until he finds Security to appear and give Evidence; and if such Person shall not be apprehended until after the Case on which he had been summoned to give Evidence has been disposed of by the Magistrate, and it shall be made to appear that his Non-compliance arose from a Desire on his Part to defeat the Ends of Justice, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days: Provided always, that Proof on Oath shall be made that he had been duly summoned at least Twenty-four Hours before the Meeting of the Diet of Court.

Penalty in case of Witnesses failing to appear.

CCCLIX. That if any Person summoned as a Witness to give Evidence before the Magistrate, and appearing, shall refuse to be sworn or examined upon Oath, or in case of a Quaker or other Person privileged by Law to be examined upon solemn Affirmation, or after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Magistrate shall cause such Person to be committed to Prison for any Period not exceeding Thirty Days.

Penalty in case of Witness refusing to give Evidence.

CCCLX. That if any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate, or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Thirty Days; and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Affirmation as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to transmit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

Witnesses prevaricating may be punished summarily.

CCCLXI. That in case any pecuniary Penalty authorized by this Act shall not be immediately paid or consigned in manner after mentioned, it shall be lawful to sentence the Person found liable in the same to be imprisoned till such Penalty be paid; but in no Case shall the Period of Imprisonment exceed Thirty Days.

In default of paying Fines Parties to be imprisoned.

CCCLXII. That it shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour, or for keeping the Peace, for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds; and in the event of such Person being detained for Want of such Caution, it shall be lawful to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Thirty Days.

Power to order Offenders to find Caution in lieu of Imprisonment or Fine;

CCCLXIII. That in every Case where an accused Party has been sentenced to Imprisonment, or to pay a Fine or pecuniary Penalty, in either of which Sentences the Period of Imprisonment specified does not extend to the Term of Thirty Days, it shall be lawful for the Magistrate in addition to such Sentence to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution should not then be found it shall be lawful to sentence the Person ordained to find such Caution to be further detained in the said Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Thirty Days.

or to find Caution in addition to Imprisonment or Fine.

 CCCLXIV. That

Warrant of Commitment.

CCCLXIV. That in all Cases where Imprisonment takes place under the Powers of this Act a short Extract of the Charge and Sentence, certified by the Clerk or his Depute, shall be a sufficient Warrant of Commitment.

Juvenile Male Offenders may be chastised by whipping.

CCCLXV. That it shall be lawful for the Magistrate, in the Case of juvenile Male Offenders whose Age in the Opinion of the Magistrate shall not exceed Fourteen Years, instead of committing such Offenders to Prison, to adjudge them to be chastised by private Whipping, in such Manner and according to such Regulations as shall be made by the Magistrates and Sheriff.

Articles stolen, &c. may be restored.

CCCLXVI. That it shall be lawful for the Magistrate to order all Goods and Effects, of whatever Kind or Description, which may have been stolen, fraudulently obtained, or disposed of in breach of Trust, within the Burgh, and taken possession of by Officers acting in virtue of the Powers hereby conferred, and which it may be no longer necessary to detain for the Purpose of Evidence, to be restored to the proper Owners, upon *vivâ voce* Evidence being adduced to the Satisfaction of the Magistrate that such Goods were so stolen, fraudulently obtained, or disposed of in breach of Trust, whether the Offenders have been secured and punished or not, and that without any other Form or Process of Law whatsoever.

Offenders may be punished summarily for Contempt of Court.

CCCLXVII. That in Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, it shall be competent for the Magistrate, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a written Sentence, specifying the Offence, and inflicting a Fine not exceeding Three Pounds, or Imprisonment for any Period not exceeding Twenty Days, or to direct the Offender to be prosecuted after the ordinary Form at the Instance of the Superintendent of Police, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of other Offences before the Magistrate: Provided always, that when the Magistrate proceeds to punish summarily he shall cause a Record to be kept containing a Statement of the Facts which may have led to such Punishment.

Police Officers may be dismissed by the Magistrate.

CCCLXVIII. That it shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

CCCLXIX. That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension or Advocation or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and which Suspension or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Stay of Execution to prevent Payment of Penalties.

CCCLXX. That no Suspension or Stay of Execution of any Sentence pronounced by the Magistrate, in so far as concerns any Penalty, shall be competent to the Effect of preventing immediate Payment to the Clerk, or Consignation of the Amount of the said Penalty; and the Person against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody at the Time shall immediately be taken into Custody, and so kept till the said Penalty be paid, and if the same be not immediately paid or consigned such Person shall be committed to Prison till liberated in manner herein mentioned; reserving nevertheless to any Person having paid or consigned such Penalty, if he shall consider himself aggrieved, to seek Redress as is herein-before provided; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses

Expenses incurred in the Proceedings in such other Court to be defrayed out of the Assessment authorized to be levied for the General Purposes of this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal or Superintendent of Police shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in such Action by such Procurator Fiscal or Superintendent of Police subsequent to such General Meeting shall be defrayed out of the said Assessments. *Jurisdiction of Police Courts.*

CCCLXXI. That all Forfeitures, Penalties, and Fines imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times, as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month. Fines to be paid to the Clerk.

CCCLXXII. That the whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid by the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Assessment authorized to be levied for the General Purposes of this Act; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall form Part of the Funds for the General Purposes of this Act. Application of Penalties.

CCCLXXIII. That when any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour, or for keeping the Peace, as aforesaid, shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk, within Six Days after the Date of such Citation, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Detention shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by this Act directed to be applied. For Recovery of forfeited Bail Bonds and Bonds of Caution.

CCCLXXIV. That any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof. Cautioners in Bonds.

CCCLXXV. And be it enacted, That it shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively valued at Three Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration aforesaid, but in no Case to an Amount exceeding Three-pence in the Pound *Assessments in Burghs.* Assessments in Burghs having no Revenues.

Assessments in Burghs.

Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Assessments leviable under this Act for other Purposes are authorized to be imposed, levied, and recovered by the Commissioners.

Burghs maintaining Police to be exempted from County Assessment.

CCCLXXVI. And be it enacted, That no Burgh in which a Police is maintained by Assessment upon such Burgh under the Provisions of this Act shall be liable for any Assessment for the Police Purposes of the County in which such Burgh is situated, anything in any Act or Acts of Parliament to the contrary notwithstanding.

Incapacitated Persons authorized to sell.

CCCLXXVII. And be it enacted, That it shall and may be lawful for all Corporations, Trustees, Heirs of Entail, Tutors, or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any Lands or other Heritages, whether held in Fee Simple or under Entail, which may be necessary for the Purposes of this Act, to contract and agree with the Commissioners for the Sale of, and to sell and convey to the Commissioners, all or any of such Lands or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing, to the contrary notwithstanding; and all and every such Corporation, Trustee, Heir of Entail, Tutor or Curator, married Woman, and other Person, is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application of Compensation Money amounting to 200*l.*

CCCLXXVIII. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into a chartered or other Bank, and without Fee or Reward; and such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a summary Petition to be preferred by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or destined, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when less than 200*l.* and not less than 20*l.*

CCCLXXIX. And be it enacted, That if any Money so agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person

or

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or Persons making such Option, and approved of by the Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

CCCLXXX. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, the Court may order Payments and Expenses.

CCCLXXXI. And be it enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the Commissioners, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the Commissioners, or any Two or more of them, to pay the Sum and Sums of Money so payable as aforesaid into one or other of the said Banks, as the Case may be, to the Credit of the Parties interested in the said Lands or Heritages, describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them, subject to the Order, Control, and Disposition of the Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by summary Petition, shall be and are hereby empowered to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of such Bank who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

CCCLXXXII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expenses in certain Cases.

CCCLXXXIII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Rights of Heritable Property how to be taken.

CCCLXXXIV. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners

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sioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Right, may be made according to the following Form:

Form of Conveyance.

'I *A.B.* in consideration of to me paid [*or* in consideration of the annual Rent of to me to be hereafter paid by yearly or half-yearly Payments, as may be agreed on,] by the Commissioners of Police for the Burgh of do hereby grant, dispone, and convey to as Clerk, to and for behoof of the said Commissioners, and his Successors in Office, all and whole [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to the same, to be holden by the said Commissioners and their Successors for ever, by virtue of an Act [*specify this Act*]. In witness whereof I have subscribed these Presents, written by this Day of in the Year of our Lord before these Witnesses [*here insert Witnesses Names and Designations*].'

Which said Conveyance, being registered in the Register of Sasines of the Burgh or of the County respectively in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers are hereby authorized and required to register, shall receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed, and followed by Sasine recorded according to the Form of the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

CCCLXXXV. And be it enacted, That wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature, upon any ground or in any manner of way whatever.

Burghs which have adopted 3 & 4 W. 4. c. 46. may adopt this Act, and thereafter the said Act shall cease to apply.

CCCLXXXVI. And be it enacted, That any Burgh which has already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; but from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh, the said first-recited Act shall cease to apply thereto, and shall, as regards such Burgh, be thenceforward held as repealed, and it is hereby, from and after such Date, as regards such Burgh, repealed accordingly.

Burghs having Local Acts may adopt this Act, and thereupon Local Acts to be repealed.

CCCLXXXVII. And be it enacted, That any Burgh or Place possessed of any Local Act or Acts of Parliament for the Purpose of regulating the Police thereof, or for paving, draining, cleansing, lighting, or improving the same, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; and from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh or Place, such Local Act or Acts shall cease to apply to or be in operation in such Burgh or Place, and shall as regards such Burgh or Place be held as repealed; and all such Local Acts are hereby, from and after such Date, as regards such Burgh or Place, repealed accordingly, in so far only as regards the Subject Matter adopted in such Burgh under this Act.

Contracts under former Act to be saved.

CCCLXXXVIII. Provided always, and be it enacted, That when this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, or in any Burgh or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such first-recited Act, or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such first-recited Act, or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such first-recited Act and of such Local Act or Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

CCCLXXXIX. And

CCCLXXXIX. And be it enacted, That no Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Court of Guild, where the Case shall, in the first instance, have been brought before or taken up by such Court of Guild. Jurisdiction of Courts of Guild to be preserved.

CCCXC. And be it enacted, That any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates. Act may be incorporated, either in whole or in part, with any future Act.

CCCXCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Occupiers of Premises in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act*, within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff*,] of the real yearly Rent or Value of £10 or upwards, are hereby required to meet upon the Day of next, at of the Clock, within when the said Act shall be laid before the Meeting, with the view of adopting it in whole or in part.

Dated at the Day of 18 .

(Signed)
E. F., Chief or Senior Magistrate,
or Sheriff [*as the Case may be*].

SCHEDULE (B.)

FORM OF THE BOOK TO BE USED AT THE MEETING FOR RESOLVING WHETHER THIS ACT SHALL COME INTO OPERATION.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Signatures of Voters.

SCHEDULE (C.)

FORM OF THE BOOK TO BE USED IN THE ELECTION OF COMMISSIONERS.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.	2.		

CAP. XXXIV.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [15th *July* 1850.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-one, or, if Parliament be then sitting, until the End of the then Session of Parliament.

12 & 13 Vict. c. 47.

Acts for making, &c. Turnpike Roads in Ireland which will expire on 31st July 1850, &c. further continued.

II. Pro-