

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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CAP. XLVI.

An Act to enable Burghs in *Scotland* to establish a general System of Police. [14th *August* 1833.]

WHEREAS it is expedient that Provision should be made to enable the Royal Burghs, and Burghs of Regality and of Barony, in *Scotland*, to establish such a System of Police, and to adopt such Powers of paving, lighting, cleansing, watching, supplying with Water, and improving such Burghs respectively, as may be necessary and expedient, and consistent with the Powers, Authorities, Provisions, and Regulations granted and prescribed by this Act: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Seven or more Householders in any of the said Burghs whose Population shall not exceed Three thousand Inhabitants, and for Twenty-one or more Householders in any of the said Burghs whose Population shall exceed Three thousand Inhabitants, each such Householder occupying in such Burgh respectively a Dwelling House or other Premises of the yearly Value of Ten Pounds or upwards, to apply in Writing to the Chief Magistrate of such Burgh, requiring him to convene a Meeting of Householders qualified as aforesaid 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.

Authorizing Requisitions for Meetings, to determine whether the Provisions of this Act shall be adopted in Burghs.

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

In other Burghs the established Limits, and a Space not exceeding 1,000 Yards therefrom.

II. And be it enacted, That for the Purposes of this Act the Boundaries of such of the said Burghs as send or contribute to send Members to Parliament shall be the same as the Boundaries which are fixed by an Act passed in the Second and Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; and the Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall be such as are established by Charter, Grant, Prescription, Act of Parliament, or otherwise, and within a Distance not exceeding One thousand Yards from the Bounds of such last-mentioned Burghs; and such last-mentioned Burghs, and Limits hereby thereto attached, shall be deemed and taken to be Burghs within the Intent and Meaning of this Act.

In Absence of Chief Magistrate, the next in Seniority may act.

III. And be it enacted, That in the Absence of the Chief Magistrate of any Burgh directed or required to act in the Execution of any of the Powers or Provisions of this Act, the next senior Magistrate of such Burgh who shall be present shall officiate in the Place and Stead of such absent Chief Magistrate; and that where a Royal Burgh and a Burgh of Regality or Barony shall be united within the same Bounds of Police, the Chief Magistrate or other Magistrate so directed to preside in such Meetings shall be held to mean a Magistrate of such Royal Burgh.

Lists of the Population to be made out.

IV. And be it enacted, That such acting Chief Magistrate shall upon receiving such Application, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expences after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, Lists showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors of the House Tax to furnish him, within the like Period, with a List of the Names of all Occupiers of Premises of the Value aforesaid situated within such Burgh; which List of the Occupiers of Premises as aforesaid, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors 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 Parties; and in case it shall be expedient to obtain such List otherwise than from the Assessor's Book, it shall be competent for such Chief Magistrate to cause accurate Lists to be made up and taken by Persons to be appointed for that Purpose.

In case of Disputes touching Returns, &c.

V. And be it enacted, That in case of any Dispute arising touching the Correctness of such Population Return, or of any List of Occupiers of Houses or Premises to be made and furnished under the Provisions of this Act, or the Value of the same, or the Boundary of any Burgh not being a Burgh sending or contributing to send a Member or Members to Parliament, the same shall, for the Purposes of this Act, on the Application of either Party, after Six Days Notice given to the other Party, be settled by the Sheriff of the County, whose Determination therein shall be final.

VI. And

Expences attending the calling such Meetings, &c., how to be borne.

VI. And be it enacted, That if the Provisions of this Act shall be adopted in whole or in part, all the Expences incurred in relation to the calling the first Meetings, making out the Population Returns of Occupiers of Houses, 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 any such Meeting as aforesaid, in whole or in part, then the whole Expences incurred in relation to the calling and holding such Meeting, making out Lists, taking Polls, and all other Expences whatsoever thereto relating, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Chief Magistrate to whom such Requisition is addressed is hereby authorized to pursue for and recover the same, with Expences of Process.

Mode of calling such Meeting.

VII. And be it enacted, That on Receipt of such Application the acting Chief Magistrate of such Burgh shall convene the Occupiers of Premises of the yearly Value aforesaid in the Town Hall or other convenient Place within such Burgh; and the said acting Chief Magistrate shall lay this Act before such Meeting, together with such Certificate, Requisition, and Lists 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 shall in case of Equality of Votes, besides his deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated.

VIII. 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 shall have received such Requisition as aforesaid; and Intimation thereof shall be made by affixing such Notice upon the Doors of the Town House and of the several Parish Churches 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 at the Market Cross of 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.

IX. And be it enacted, That at all Meetings and Elections under this Act all Persons occupying Premises in any such Burgh of the Value of not less than Ten Pounds shall be entitled to vote; and Companies or Copartnerships occupying Premises of the Value aforesaid, 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 have vote accordingly: Provided always, that such Company or Copartnerships 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.

X. And

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

X. And be it enacted, That such Meeting shall proceed to consider and determine whether the Provisions of this Act, or any of them, shall 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.

XI. And be it enacted, That the Preses of all 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 and conclusive, unless the same shall not be unanimous, and a Poll shall be demanded in Writing, within Twenty-four Hours thereafter, by any Five Persons present, and qualified to vote at such Meeting.

Preses to direct a Poll.

XII. And be it enacted, That when such Poll shall be demanded as aforesaid, such Magistrate shall direct the same to be proceeded in 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 *Saturdays* and *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 begin on a Saturday, or be open more than Two Days.

XIII. And be it enacted, That no Poll by this Act authorized to be taken shall be directed to begin on a *Saturday*, or shall be kept open for more than Two consecutive Days, and that only between the Hours of Nine in the Morning and Four in the Afternoon for the First Day, and between the Hours of Eight in the Morning and Four in the Afternoon for the Second Day.

Poll Books to be provided.

XIV. And be it enacted, That the Chief Magistrate of such Burgh shall direct the necessary Number of Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which the Names of every Person qualified and requiring to vote, together with his Designation and the Manner in which he shall vote, shall be entered.

Poll may close earlier.

XV. And be it enacted, That the Poll shall sooner close, provided all Persons duly qualified and desirous to vote shall have voted, or at any Time after the Lapse of an Hour without any qualified Person offering to vote.

State of Poll to be ascertained and declared.

XVI. And be it enacted, That as soon after the Close of the Poll as may be, the Poll Clerks shall transmit to such Magistrate the State of the respective Polls, 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.

Majority necessary to adopt this Act.

XVII. And be it enacted, That no Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual, unless it shall be carried by at least Three Fourths of the Number of Persons voting and qualified as aforesaid.

XVIII. And

XVIII. And be it enacted, That if such Resolution shall be to adopt the Act only in part, the Clauses so adopted shall be set forth and declared in the Minutes of such Meeting. If part adopted, to be so set forth in Minutes.

XIX. And be it enacted, That where such Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Inhabitants thereof, qualified as aforesaid, 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. If not adopted, Proposal may be reconsidered after Two Years.

XX. And be it enacted, That where, by such Proceedings, this Act shall be so adopted in such Burgh, in whole or in part, such Resolution so to adopt shall not be subject to any further Question; and the Inhabitants thereof, qualified as aforesaid, present at the Meeting adopting the same 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 Limits beyond the Boundary of such Burghs, not included in the said recited Act, to which the Provisions of this Act shall extend, and not exceeding the Distance of One thousand Yards as aforesaid, and also shall determine whether such Burgh shall be divided into Wards, and in that Case shall set forth and describe the Bounds and Limits of such Wards, and shall specify the Number of Commissioners, to be elected by the Inhabitants, to carry this Act into operation, and shall also fix the maximum Rate of Assessment (which shall in no Case exceed One Shilling and Sixpence in the Pound of the Rent of Premises, to be assessed in manner after mentioned,) to be levied for the Purposes of this Act for the Three succeeding Years, and shall set forth and specify the Proportion of such Assessment which shall be made applicable to each of the several Purposes of this Act. Further Proceedings after Act adopted.

XXI. And be it enacted, That the Commissioners to be elected as herein-after provided shall not be, in any Case, fewer than Five or more than Twenty-one, including the Chief Magistrate of the Burgh, who shall be Commissioner *ex officio*, and shall, when present, preside at all Meetings of the Commissioners; and the said Commissioners, together with a further Number of Commissioners chosen by the Magistrates and Town Council of such Burgh from among themselves, amounting as near as may be to One Fifth Part of such elected Commissioners, shall be the Commissioners for carrying this Act into operation. Number of Commissioners.

XXII. Provided always, That where such Burgh shall be divided into Wards, 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 One such Commissioner for each such Ward. If Burgh divided into Wards.

XXIII. And be it enacted, That it shall be lawful and competent for the Inhabitants of the said Burgh, qualified as aforesaid, at a Meeting Regulations as to Alteration of Wards.

Meeting or adjourned Meeting, called as aforesaid, to alter, vary, add to, or diminish such Wards or any of them in such Manner as the State of the Population thereof or other Circumstances shall to them appear from Time to Time to require; and in the Event of any Addition being made to the Number of Wards by the Subdivision thereof or otherwise, Commissioners shall be chosen for such additional Wards in manner and for the Purposes herein mentioned, but so as that the Number of Wards shall in no Case exceed Twenty.

Contiguous Burghs may unite, and adopt the Act as One Burgh.

XXIV. And be it enacted, That where, by reason of Contiguity of any Two or more Burghs, it shall be desirable and expedient for such contiguous Burghs jointly to adopt the Provisions of this Act, it shall and may be lawful for such Burghs intending so to unite, as if such Burghs were One Burgh, and to follow forth such and the like Measures and Forms in all respects in which the same can be observed, for adopting the Provisions of this Act, as are directed and prescribed for One Burgh intending to adopt the same; and such united Burghs shall, in respect of Division into Wards, Election of Commissioners, Assessments for the Expence of carrying this Act into execution, and every other Power, Particular, Matter, or Thing granted, provided, or prescribed in relation to single Burghs adopting this Act, be and be taken to be as One Burgh; and the Chief Magistrate of each such Burgh shall, *ex officio*, be a Commissioner for such District of Burghs under this Act; and the Magistrates and Council of each such Burgh shall, in addition to the Chief Magistrate hereby appointed an *ex officio* Commissioner, elect One or more Members from among their own Body to be Commissioners, so as that the Number so elected shall, with such Chief Magistrate, make as nearly as may be One Fifth of the elected Commissioners of such United Burghs; and if the Number of Commissioners to be elected by the Magistrates and Council does not admit of each Burgh electing One Commissioner, or of each Burgh electing an equal Number, such Burghs, where all cannot elect, shall elect successively, and according to a Rotation to be established by such Burghs, and in like Manner where each Burgh cannot elect an equal Number, the Right of electing the greater Number shall be enjoyed in succession, according to such Rotation; and the Chief Magistrate of each such united Burghs shall respectively and successively, annually, be the Preses of the Commissioners of such united Burghs, according to such Rotation, and the Preses of all public Meetings to be held thereafter; and in case of any Difference as to such Rotation, Election, or Right of Election, it shall be competent to either Party to apply to the Sheriff of the County in which such Burghs are situated to determine the same, Six Days previous Notice being given to the other Party of such Application; and the Determination of the Sheriff thereon shall be final and conclusive: Provided always, that nothing herein contained shall affect or be construed to affect the Rights, Powers, Privileges, or Jurisdictions of any Magistrates and Council within their own Burghs.

Proceedings to be reported to the Sheriff.

XXV. And be it enacted, That the Resolutions and whole Proceedings of such Meetings shall be reported to the Sheriff of the County within which such Burgh shall be situated by the Transmission

mission to him of the Minutes of such Meetings and all Documents laid before the same, which Transmission the acting Chief Magistrate as aforesaid is hereby required to make within Forty-eight Hours after the Close of the Proceedings aforesaid; and the said Sheriff shall, within Forty-eight Hours after the Receipt thereof, affix 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 of the Burgh to which they specially apply, and in the Books of the Commissioners of Police, herein-after appointed to be kept, where such shall be the Case.

Meeting for Election of Commissioners to be convened.

XXVI. And be it enacted, That on Receipt of such Deliverance, such Magistrate aforesaid shall convene a Meeting of Occupiers of Houses and Premises of such Burgh, qualified as aforesaid, and if the Burghs 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 (except the Chief Magistrate of the Burgh, and the Commissioners to be elected by the Magistrates and Town Council of such Burghs,) shall be elected by such Meeting or by such Wards.

Election of Commissioners.

XXVII. And be it enacted, That such Elections shall be proceeded with in manner following; (that is to say,) each Candidate who shall be qualified to vote as aforesaid, and residing within such Burgh, shall be eligible to be elected a Commissioner for the Purposes of this Act, and shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified; and the Preses of the Meeting shall 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 and within the Time before provided, at such or any other Meeting for the Purposes of Election under this Act, such Chief Magistrate or such Preses of such Meeting shall open and proceed with such Poll in the Manner herein provided; and the said Chief Magistrate or Preses of Wards respectively shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll; and the said Chief Magistrate or Preses shall be reimbursed all such reasonable Charges or Expences as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Rates and Duties to be collected in virtue of this Act.

XXVIII. And

Magistrates and Council to elect Commissioners to be appointed by them.

XXVIII. And be it enacted, That the Magistrates and Council of such Burgh shall, on or before the Day fixed for such Election, nominate and appoint the Commissioner or Commissioners, as the Case may be, who is or are to be elected by them under the Provisions of this Act; and the acting Chief Magistrate shall report such Nomination and Appointment to the First Meeting of Commissioners, to be held in manner herein-after provided.

First Meeting of Commissioners.

XXIX. And be it enacted, That the whole Commissioners 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.

Commissioners to be elected annually.

XXX. And be it enacted, That One Third, or as nearly as may be One Third, of such elected Commissioners of each such Burgh as aforesaid, who shall be the highest on the List of such Commissioners, to be arranged alphabetically according to their Surnames, and the One of the Commissioners elected by such Magistrate as aforesaid who shall be the highest of such last-mentioned Commissioners on the List, to be also arranged alphabetically, shall go annually out of Office, *videlicet*, on the same Day at the Expiration of a Year on which they were elected into Office, or on the next lawful Day thereafter; and on the same or the next lawful Day, annually, the Places of such Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen, *videlicet*, the Third Part of such elected Commissioners, or as nearly as may be the Third Part, from among the Candidates qualified as aforesaid, by the Electors of the Burgh, or by the several Wards where such Burgh shall be divided into Wards, and the Commissioners to be elected from among the Magistrates and Town Council of such Burghs, by the Magistrates and Town Council of the Burghs as aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Meeting and Election; and the like Notice of such annual Meeting shall be given as is herein-before directed to be given of such First Meeting for electing Commissioners; and the Persons so elected shall be placed at the Foot of the List of Commissioners.

Notice for, and the Proceedings at, Triennial Meetings.

XXXI. And be it enacted, That there shall be held in each such Burgh adopting the Provisions of this Act, at the Expiration of the Third Year after the First Meeting held to determine the maximum Assessment, and at the Expiration of every Third Year thereafter, a Meeting of the Inhabitants thereof, qualified as aforesaid, in order to determine the Amount of the maximum Assessment for the Three Years next succeeding, and the Clerks to the said Commissioners shall give Notice thereof in the same Manner as by this Act the Chief Magistrate is required to give Notice with respect to the First Meeting to be held under this Act, that a Meeting will be holden on such Day for fixing the maximum Amount of the Assessment for the Three Years next succeeding; and previous to such Meeting the said Commissioners shall furnish to the acting Chief Magistrate of the Burgh a List of the Names of the Occupiers of Premises, qualified as aforesaid, which List shall be sufficient Evidence and

Proof of the Qualifications of the Parties to vote at such Meeting: Provided always, that in default of giving due Notice of such Meeting in manner above provided, the Clerk to the said Commissioners shall forfeit and pay to the said Commissioners a Penalty of One hundred Pounds.

Procedure at subsequent Meetings as to Assessment.

XXXII. And be it enacted, That the Person presiding shall at such Triennial Meetings proceed in the same Manner as at the First Meeting to be held under this Act in regard to the Ascertainment of the Sum agreed to be assessed: Provided always, that the Rate of Assessment shall not be diminished so long as any Money borrowed on the Security of such Assessment shall remain unpaid, and that the Rate of Assessment for any Three succeeding Years shall not be less than Two Thirds of the Rate agreed to at the last preceding Triennial Meeting held under the Provisions of this Act; and that if a larger Sum shall not be agreed to, the Commissioners shall have Power to levy such Two Thirds of the original Assessment, without any farther Authority.

Outgoing Commissioners may be re-elected.

XXXIII. And be it enacted, That any of such outgoing 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 a sufficient Evidence of such Arrears or Relief.

Vacancies how to be supplied,

XXXIV. And be it enacted, That in case the Place of any of the Commissioners 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 to nominate Persons duly qualified to supply such Vacancies; and the 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 Period at which the Person in whose Stead he is nominated would have gone out by Rotation; and if the Electors shall refuse or neglect to meet, or if at such Meeting the Electors shall 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.

Electors refusing or neglecting to elect.

Magistrates and Town Council may be elected Commissioners.

XXXV. And be it enacted, That instead of electing Commissioners it shall be competent and lawful to the Inhabitants duly qualified as aforesaid to determine by a Majority of Three Fourths of the Votes of the Persons assembled as aforesaid at any Meeting called for such Purpose, that the Magistrates and Town Council of

such Burgh for the Time being shall carry this Act, or such Part thereof as shall have been adopted, into execution; and such Magistrates and Town Council then shall have the same Rights, Powers, and Authorities, and be subject to the like Rules, Liabilities, and Regulations, as are hereby conferred or imposed upon the Commissioners herein-before authorized and directed to be elected, as far as the same are applicable and capable of taking effect, according to the true Intent and Meaning of this Act.

Commissioners not to hold Places of Profit.

XXXVI. And be it enacted, That none of the Commissioners for the Purposes of this Act shall, directly or indirectly, derive any Emolument or Profit for any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable of acting as such during the Time he shall enjoy 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 shall any such Commissioner 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.

XXXVII. And be it enacted, 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 in the Absence of the said acting Chief Magistrate such one of the said Commissioners as shall be chosen by the Meeting shall preside in all Meetings of the said 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 said Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

Statutory Meetings of Commissioners.

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

Special Meetings may be called on Requisition.

XXXIX. And be it enacted, That the Clerk to the said Commissioners, on Requisition being made, stating the Object of the intended Meeting in Writing, and signed by Two of the said 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

XL. And be it enacted, 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

have been made and framed at any of the Four Meetings hereby appointed to be held annually. Statutory Meetings.

XLI. And be it enacted, That the said Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described. Meetings may be adjourned.

XLII. And be it enacted, That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expences. Commissioners to defray their own Expences.

XLIII. And be it enacted, That the said 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 this Act into execution, and to delegate to such Committees the Powers competent to the said 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. Power to appoint Committees.

XLIV. And be it enacted, That the said 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 such Burgh, and of the Value of Premises situate therein, and shall for such Purposes appoint, at such Salaries as they shall judge meet, Collectors, Clerks, Surveyors, Officers of Police, Watchmen, and all other Persons to be employed in the Execution of this Act, and to remove them at Pleasure, and to fix the Number and Description of Officers to be employed, and the Wages to be paid to them respectively, 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 said 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 any such 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 any Burgh, and generally for the due and effectual Enforcement thereof, 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 Sterling, and execute the whole other Matters specified in this Act and committed to their Charge: Powers and Duties of Commissioners.

Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to any thing in this Act contained.

Commissioners may contract for Execution of Works.

XLV. And be it enacted, That the said Commissioners, or any Committee of their Body thereunto especially empowered, are hereby authorized to contract with any Person for carrying into execution any of the Operations herein authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which the said Agreement or Contract shall be made.

Property vested in Commissioners.

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

Clerk to be appointed.

XLVII. And be it enacted, That the Commissioners shall at their First Meeting 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 said Commissioners, not exceeding One Shilling for every Three hundred Words.

Clerk not to be concerned in any Prosecution.

XLVIII. And be it enacted, 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 foresaid; and in the Event of a Contravention of such Provision, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Clerk and Treasurer not to be same Person.

XLIX. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the 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 the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said 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 said 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 Expences, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Incapacitated Persons authorized to sell,

L. 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 for, sell, and convey to the said 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.*

LI. 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 the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward; to the Intent that 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 Petition to be preferred in a summary Way 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 Debts, or such other 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 therewith 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 limited, 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 mean-time, 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.*

LII. 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 Persons making such Option, and approved of by the said 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

LIII. 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 said 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 Expences.

LIV. 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 said 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 to and

and for the said Commissioners, or any Two or more of them, to pay the Sum and Sums of Money so payable as aforesaid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, 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 said 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 Petition, shall be and are hereby empowered, in a summary Way of proceeding, or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, 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.

LV. 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 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 Expences in certain Cases.

LVI. 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 of 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 Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable,

sonable, 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.

LVII. 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 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 [*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 of Parliament made in the Third and Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title of 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.

How the Commissioners may sue and be sued.

LVIII. And be it enacted, That the said Commissioners shall and may sue and be sued in the Name of any one of the said Commissioners or of their Clerk; and no Action or Suit which may be so brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioner or Clerk: Provided always, that every Commissioner or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall be reimbursed, out of the Money to be raised by virtue of this Act, all such Damages, Charges, and Expences as such Party shall be put to or become chargeable with by reason of his being so made Pursuer or Defender therein.

Treasurer and Collector to be appointed.

LIX. And be it enacted, 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 said Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector and Treasurer who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector or Treasurer foresaid shall forfeit Triple the Amount thereof to the said Commissioners.

Allowance to Collectors.

LX. And be it enacted, That such Collector shall be allowed for his Trouble in collecting such Rates and Assessments 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.

LXI. And be it enacted, That such Collector shall be obliged to lodge all Money received by him in one or other of the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, or in one of the Branches thereof, and if there are no Branches of any of such Banks in such Town, then in some other Bank to be fixed by the said 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 said 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 said Commissioners, who shall countersign all such Drafts.

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

LXII. And be it enacted, That in case any such Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his 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 said 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.

Names of Occupiers to be furnished by House Tax Assessors.

LXIII. And be it enacted, That the Assessors of the House Tax, or other Assessors as aforesaid, shall furnish the said Commissioners, as often as they shall require the same, with a List of the Names of all Occupiers of Premises as aforesaid, certified as aforesaid, and on Payment of a Fee in manner before provided; and the Clerks of such Burghs as are included in the said recited Act shall, upon Requisition, furnish such Commissioners with a Copy of the List of the Persons qualified to vote in such Burgh for Members of Parliament.

Commissioners to make Assessment.

LXIV. And be it enacted, That on or before the Second *Monday* of *November* in each Year the said Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Tenants, Occupiers, and Possessors of Premises valued at Two Pounds or upwards of yearly Rent within such Burghs as shall adopt the Provisions of this Act, in the Sums necessary to be levied for the Purposes of this Act; which Assessment shall be calculated from *Whitsunday* to *Whitsunday*, and shall be payable in the Months of *October* and *November* annually; the first Year's Assessment being for One whole Year from the *Whitsunday* preceding to the *Whitsunday* next ensuing: Provided always, that the said Assessment shall not in any Year exceed the maximum Rate of Assessment that shall be fixed for such Year above provided.

Exceptions from Assessments.

LXV. And be it enacted, That the said 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 Science or Education; and no Person occupying Premises within the aforesaid Distance of One thousand Yards beyond the Boundary of any Burgh not comprehended within the said recited Act shall be assessed under or by virtue of this Act, unless he shall receive Benefit under the Provisions thereof; and if assessed, he shall only be assessed in respect of the House or other Premises which he may occupy, and not in respect of any Land held by him for agricultural Purposes, or as Nursery or Garden Ground, nor shall he be assessed in respect of such House or Premises excepting for and on account of such or such one of the Purposes of this Act as shall be extended and be beneficial to such House or Premises; and in case of any Dispute in relation to such Assessment, or the Benefit derived by the Person so assessed or sought to be assessed under the Provisions of this Act, the same shall, on the Application of the Party complaining, after Six Days Notice to the other Party, be heard and determined by the Sheriff of the Bounds, whose Determination shall be final.

Common Good to contribute.

LXVI. And be it enacted, That when the Provisions of this Act shall have been adopted in any Burghs 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 and the said Commissioners shall concert and adjust: Provided always, that if these Parties shall not agree thereupon, either of them may require, by Notice in Writing, that the Amount of such Contribution shall be submitted to the Decision of the Sheriff of the County wherein such Burgh shall be situated, and such Sheriff 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

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 said Commissioners: Provided nevertheless, that if either Party shall be dissatisfied with such Decision, such Party may, within Four Weeks, but not thereafter, require that such Statements and Evidence, together with the Deliverance, shall be transmitted to the Court of Exchequer, which Court shall thereupon proceed in the Matter in such Way as may seem best to the said Court; and the Decision of the said Court shall be final: Provided always, 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 Magistrates and Town Council, or to the said Commissioners, 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 Magistrates and Commissioners, the Amount shall again be submitted to the Decision of the Sheriff, and in case of Dissatisfaction, to the Determination of the Court of Exchequer, as is herein provided in relation to the first Contribution.

Contribution how to be recovered.

LXVII. And be it enacted, That the Sum which such 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.

Possessors and Tenants to pay Assessments.

LXVIII. And be it enacted, That the said Assessment shall be levied from the actual Possessors of all Premises (whether Proprietors or Tenants); but in the Cases of Premises let for a less Period than a whole 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 any 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.

Rental Books to be delivered to the Collector.

LXIX. And be it enacted, That the Lists of Occupiers made up by Order of the Commissioners, or furnished by the Assessors for the House Tax as aforesaid, or a Copy thereof, docqueted and signed by the Preses of any Meeting of the said Commissioners, shall forthwith be delivered over to the Collector of the said Assessment as his Rule for allocating the same, who shall forthwith make out a Roll or Book of Assessment: Provided always, that the said Commissioners shall have Power to rectify or alter any such 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 the first lawful Day in *June* in each Year.

LXX. And

Recovery of Rates.

LXX. And be it enacted, That the said Collector shall present the said List or Book of Assessment to any one of the Magistrates of such Burgh who is hereby authorized and required to grant such summary Decreets 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 Rate or 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 said Collector to apply to such Magistrate for a Warrant to any of the Officers of the said Burgh to enter the Premises rented or possessed, and to seize and take possession of the Goods and Effects of the Person assessed and refusing and neglecting as aforesaid; and which Warrant the said Magistrate is hereby 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 being in arrear to the Amount to be stated in the Certificate; and if such Rate or Assessment shall not be paid within Three Days after such Seizure is made, together with Charges and Expences thereby incurred, then the said Collector is hereby authorized to sell by public Roup, either on the Premises where the said Goods were seized, or any other Place, such Part of the said Goods or Effects as shall be sufficient to pay the said Rate, with the Expences attending such Seizure and Sale, returning the Surplus, if any be, to the Owner; and failing the Recovery of all or any Part of the Rate or Assessment in arrear in manner before described, the said Collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to Law; 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 Expence 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 the said Magistrate of any thing 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 the Magistrate shall be final, and not subject to Review in any Court by any Form whatever.

Relief in case of Poverty.

LXXI. And be it enacted, That the said Commissioners may, upon the Petition of any Occupier of any Premises subject to the Payment of the said Rates or Assessments, on the Ground of Poverty or Inability to pay the same, to remit, in whole or in part, Payment of the said Rate or Assessment by such Occupier or Owner respectively, in such Manner as the said Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Books to be kept.

LXXII. And be it enacted, That Accounts of all Property, heriotable and moveable, vested in the said 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 Clerks; and all Books of such Accounts and Proceedings whatsoever may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person rated, and also by Persons who shall be entitled to any Money due and owing on the Credit of such Rates; and such Persons may take Copies of or Extracts from any of the said Books, Accounts, and Proceedings, and of the said respective Rates, 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 rated 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 Account, such Person may appeal against the same by Petition to the Magistrates of the Burgh, in which shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the said Magistrates shall proceed to hear and determine the Matter of such Appeal, and the Decision shall be final and not subject to Review.

Account of Application of Monies to be made out and distributed among Commissioners.

LXXIII. And be it enacted, That the said Commissioners shall yearly, between the last *Monday* in *January* and the second *Monday* in *February*, 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, signed by the Preses of the Meeting and Clerk, shall be deposited with the Clerk, who shall cause to be printed, and inserted in One or more of the Newspapers published or circulated in such 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.

Watchmen, &c. to become Constables.

LXXIV. And be it enacted, That the Watchmen and other Officers of Police appointed under the Authority of this Act shall, in virtue of their Appointment, and so long as they hold the same, and no longer, be subject to all the Regulations, and possess and exercise all the Powers applicable and belonging to the Office of Constable by the Law of *Scotland*, and shall, before acting, be respectively sworn in as Constables by the Chief Magistrate of the Burgh or Sheriff of the County.

Penalty for enticing Watchmen off their Duty.

LXXV. And be it enacted, That every Person who shall lodge, harbour, or entertain, or entice from their Duty, any such Watchman or other Police Officer during their Hours of Duty, shall, on Conviction, forfeit and pay a Sum not exceeding One Pound for every such Offence.

Penalty for obstructing Officers.

LXXVI. And be it enacted, That every Person who shall assault, strike, obstruct, hinder, or molest any Officer or other Person employed under this Act, in the Execution of his Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds

Sterling, without Prejudice to the Officer or other Person to sue for and recover a Recompence, Damages, or Expences for the Injury which he may sustain, and to have the same awarded in the due Course of Law.

Penalty on Officers taking any other Emolument than their Salary.

LXXVII. And be enacted, That if any such Officer shall demand any Emolument whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners) for or on account of any thing whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay a Sum not exceeding Twenty Pounds for every such Offence, together with full Expences.

Magistrates empowered to suspend Watchmen.

LXXVIII. And be it enacted, That it shall be in the Power of any Magistrate within any such Burgh, on Complaint made to him, to suspend any of the said Watchmen for Neglect of Duty, declaring that any such Suspension shall be intimated to the next Meeting of the Commissioners, who shall have Power to do in the Matter as to them shall appear proper.

Persons in Custody to be taken before a Magistrate.

LXXIX. And be it enacted, That all Persons taken into Custody within any such Burgh as shall have adopted the Provisions of this Act or any Part thereof, by the Officers of Police, shall be taken before one of the said Magistrates of such Burgh as soon as may be, and in no Case later than in the Course of the first lawful Day after they shall be so taken into Custody, to be proceeded with as the said Magistrate shall direct.

Vagrants, &c. to be apprehended.

LXXX. And be it enacted, That the Officers aforesaid may apprehend and bring before any such Magistrate all Vagrants and common Beggars found within any such Burgh, for Examination, who shall be sent to any Parish in whole or in part within the Jurisdiction of the Court in which they shall have acquired a legal Residence, or otherwise shall be ordered to leave the Territory of the Jurisdiction in which they shall have been apprehended; and if after the Expiration of Forty-eight Hours they shall be again found idle or begging within such Burgh, they may be apprehended and carried before the Magistrate, who may commit them, as disorderly Persons, to Prison or Bridewell for any Space not exceeding Thirty Days.

Keepers of Tippling Houses to find Security.

LXXXI. And be it enacted, That on a Complaint by the Procurator Fiscal, any such Magistrate may and is hereby authorized and empowered to appoint all Persons convicted of keeping Houses resorted to by riotous or disorderly People, or who shall supply Spirituous Liquors to any Person under the Age of Fourteen Years, within any such Burgh, to find Security, of not less than Ten Pounds and not exceeding Fifty Pounds, for their good Behaviour for any Period not exceeding Twelve Months, and on failure to do so, to deprive them of their Certificates for selling Ale or Spirituous Liquors; and such Forfeiture shall forthwith be reported to the Collector of Excise within the District.

LXXXII. And

LXXXII. And be it enacted, That all Brokers and Dealers in Second-hand Goods, other than licensed Pawnbrokers, resident within any such Burgh, shall be bound under a Penalty for Failure of Twenty Shillings to register their Names and Place of Residence at the Office of the Clerk of Court, where they shall obtain a Certificate, under the Hands of the said Clerk, of such Registration, on Payment of a Fee of One Shilling; and all such Dealers in Second-hand Articles, as well as all Pawnbrokers, shall at all reasonable Times produce, on Demand, to the Fiscal of Court, or the Officers acting under his Orders, all Articles of whatsoever Description in their Possession which they may have purchased or received in pawn, and shall also keep Books, in which the Description of all such Articles shall be entered, and shall produce such Books when required; and such Persons are hereby required, on being informed that such Articles in their Possession were stolen or fraudulently obtained, to deposit the same with the Procurator Fiscal of the Court, who shall be bound to grant a Certificate of such Depositation, and to enter the same in a Book in manner after directed, in order that they may be produced in such Manner as may be necessary for the Ends of public Justice, or restored by Order of a Magistrate; and all Persons so dealing in Second-hand Articles without being first duly licensed as aforesaid, or who shall be found guilty of offending against the said Provisions and Enactments, shall for every such Offence forfeit a Sum not exceeding Five Pounds Sterling, without Prejudice to such Persons being also proceeded against as Receivers or Resetters of stolen Goods, according to Law; and in case of Refusal to produce such Articles in their Possession, or to deliver up any such Articles alleged to be stolen, any Magistrate of such Burgh may grant a Warrant to search for and produce to the Procurator Fiscal such Articles: Provided always, that a Book shall be kept, by or under the Directions of the said Procurator Fiscal, in which Entries shall be made of all Property seized or detained by any of the Officers of Court, or lodged with them for Purposes of Evidence or otherwise, as well as of the Time and Manner in which such Goods shall have been afterwards disposed of.

Brokers and other Dealers in Second-hand Goods to register their Names.

LXXXIII. And be it enacted, That no Person shall drive Cattle or Bestial of any Description on *Sunday* through any Part of any such Burgh for the Purpose of being slaughtered within the same, under a Penalty not exceeding One Pound Sterling for each Offence.

No Cattle to be driven on Sunday for Slaughter.

LXXXIV. And be it enacted, That upon the Apprehension of any Person by the Officers of Police within any such Burgh, under Circumstances entitling him by Law to be liberated upon Bail, it shall be lawful to such Officer as the said Commissioners shall appoint for that Purpose, and he is hereby empowered, to accept of such Bail or of Consignation, and to liberate the Person upon Bail being so found to an Extent not exceeding Ten Pounds, or of Consignation to an Extent not exceeding Ten Pounds, it being expressly declared that the Refusal to accept of Bail or Consignation, and in consequence detaining the Prisoner until Recourse can be had to a Magistrate in the usual Form, shall not subject the said Officer to any Claim of Damages whatever.

Officers may liberate upon Bail.

LXXXV. And

Rules and Regulations to be painted and hung up.

LXXXV. And be it enacted, That all the Rules, Orders, Regulations, or Bye Laws to be made in virtue of this Act shall be legibly painted upon Boards, and hung up in such conspicuous Places as the Commissioners may appoint, and shall, when defaced or obliterated, be repainted and renewed.

Penalty on Persons defacing Boards.

LXXXVI. And be it enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any such Board, he shall, upon Conviction, for each Offence forfeit and pay to the said Commissioners a Sum not exceeding Five Pounds.

Regulations as to Gunpowder.

LXXXVII. And be it enacted, That no Gunpowder shall be sold within the Bounds of any such Burgh as shall have adopted the Provisions of this Act or any Part thereof by Candle or other artificial Light, under a Penalty not exceeding One Pound Sterling, 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 Sterling, for the Second Offence not exceeding Three Pounds Sterling, and for the Third and any subsequent Offence not exceeding Five Pounds Sterling, 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 Sterling, 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 His 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.

Houses and Streets to be named and numbered.

LXXXVIII. And be it enacted, That the Commissioners aforesaid may order and direct the Houses, Buildings, Shops, Cellars, or Warehouses within any such Burgh to be numbered with Figures, to be placed or painted on the Doors or on such other conspicuous Part thereof as they shall think proper; and may likewise order to be painted or otherwise inscribed on a conspicuous Place at or near the Corner of each Street, Square, Lane, Passage, or Place, the Name thereof; and any Person who shall wilfully or maliciously injure or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding One Pound.

Regulating Foot Pavements and Streets.

LXXXIX. And be it enacted, That if within any such Burgh any Person or Persons shall carry, push, roll, drive, draw, or cause to be carried, pushed, rolled, driven, or drawn, on any of the Foot Pavements within the Bounds thereof, any Bier, Sledge, Cask, or Wheelbarrow, Wheel or Wheels, or any Coach, Waggon, Cart, or Carriage whatsoever (except directly across the same on necessary Occasions); or shall wilfully ride, lead, or drive any Horse, Ass, Mule,

Mule, or Cattle (except when going directly across the Foot Pavements to or from Stables or Cowhouses) upon any Part of the said Foot Pavements; or shall, in any of the Streets, Squares, Lanes, or Passages, drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses, or shall ride any Horse for the Purpose of exercising, airing, trying, showing, or exposing such Horse for Sale (otherwise than by passing through such Street or other public Places); or shall throw or cast any Dirt, Dung, Ashes, or Rubbish into or upon the same; or shall roll any Cask, empty or full, along the Foot Pavements, for any Distance whatever (except across them directly to or from a Cellar, Shop, or Warehouse), or shall roll any such Cask (except from a Shop, Cellar, Warehouse, or other Place directly to such Cart or Carriage as it is to be loaded upon, or from such Cart or Carriage as it has been loaded upon directly to the Shop, Cellar, Warehouse, or other Place in which it is to be deposited, not exceeding Thirty Yards in any Case); or shall drive any Cart or other Carriage on the Streets of any such Burgh, or any of the Roads or Passages within the Limits thereof, furiously or improperly; or shall drive any Four-wheeled Cart, commonly called a Wood Yanker, without a Person in charge of each Pair of Wheels; or shall leave any Cart or Carriage standing on the Streets, Roads, or Passages thereof, yoked or unyoked, either during the Day or Night; or shall ride any Horse furiously or improperly, or drive any Horse or Cattle or Carriage of any kind in an improper Manner upon any of the said Streets, Roads, or Passages; or shall load or drive any Plank or Piece of Timber exceeding the Length of Twenty Feet upon or by the Means of any Machine or Carriage having less than Four Wheels, or suffer the same, if upon such Machine or Carriage, or not being of the Length of Twenty Feet if upon a common Cart or other Carriage, to project beyond the outer Part thereof, or occupy more of the Street or Road in Breadth than is occupied by such Machine, Cart, or other Carriage itself, or to touch or drag upon any Part of such Street or Road; then it shall and may be lawful for any Person who shall see such Offence committed to seize such Offenders, and by Authority of this Act, without any other Warrant, to convey them to the Custody of any Officer of Police or other Peace Officer, in order to be secured or conveyed before any Magistrate of such Burgh, or the Sheriff of the County within which such Burgh is situated; and such Magistrate or Sheriff shall, upon the Complaint of the Person seizing such Offender, or of the Officer of Police or other Peace Officer into whose Custody he shall have been given, proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of riding, or breaking, exercising, or trying, or driving any Horse or Cattle, Cart or Carriage, furiously or improperly, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds Sterling; and any Person convicted of any other of the above Offences shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling: Provided always, that nothing herein contained shall prevent the holding of any legal and accustomed Fair or Fairs within any such Burgh.

Stairs and other Encroachments in the Streets, &c. to be removed.

XC. And be it enacted, That it shall be lawful to the said Magistrates of any such Burgh, or the Dean of Guild, and to the Sheriff of the County in which such Burgh is situate, in their respective Burgh, Guild, and Sheriff Courts, and within their respective Jurisdictions, on an Application by the said Commissioners, or the Person to whom they may give Power to act for them in such Matters, in the Forms usual in such Courts, against the Proprietor or Proprietors of any Buildings fronting any of the Streets, Squares, Lanes, Roads, or Passages within such Burgh, having Stairs built upon the Streets or Foot Pavements, or projecting or encroaching to any Extent upon the Streets or Foot Pavements, or having any other Buildings or Things projecting therefrom or connected therewith, which obstruct the free Passage, or occasion Inconvenience or Hazard to Passengers on the Streets or Foot Pavement, to order such Stairs, Projections, Encroachments, or other Things to be removed by the Proprietor thereof, at the Sight of the Person pursuing, or any other Person who may be named by such Magistrate, Dean of Guild, or Sheriff, within such reasonable Time and in such Manner as to such Magistrate, Dean of Guild, or Sheriff may appear suitable; and if the same be not removed within the Time fixed, the Proprietor or other Person through whose Default the Decree or Order of Court has not been duly implemented, shall forfeit and pay any Sum not exceeding Twenty Shillings for each Month after the Expiration of the Time allowed for removing during which the Obstructions remain; and in case such Obstructions shall not be removed within Six Months after the Time allowed for removing the same has expired, then such Magistrate, Dean of Guild, or Sheriff may and is hereby required to issue his Warrant for removing the same *brevi manu*.

If convenient Access cannot be obtained except by such Stairs, &c. then to be partially removed.

XCI. And be it enacted, That in all Cases of Buildings already erected on the Sides of the Foot Pavements of any of the Streets, Squares, Lanes, Roads, or Passages of any such Burgh, which cannot have convenient Access made to them by any other Means than the Stairs or Projections or Encroachments already made, such Magistrate, Dean of Guild, or Sheriff shall not have Power to order such Stairs or Projections to be altogether removed, unless with the Consent of the Proprietor thereof; but it shall be lawful to such Magistrate, Dean of Guild, or Sheriff, and he is hereby authorized and empowered, to order such Stairs, Projections, or Encroachments to be removed or altered by the Proprietor thereof, at the Sight of such Person as may be named by the Magistrate, Dean of Guild, or Sheriff, and that to such Extent and in such Way as to him may appear proper, so as without depriving such Buildings of a suitable Access, to abate the Danger or Inconvenience arising from such Stairs or Projections; and in case of Failure to execute the Operations ordained by such Magistrate, Dean of Guild, or Sheriff, within the Time allowed, the Penalties before specified for a Failure to implement the Orders of such Magistrate, Dean of Guild, or Sheriff in the Case of a total Removal, shall in this Case also be incurred, and be recoverable in manner aforesaid; and in case the Order shall not be implemented within Six Months after the Time allowed for removing the same has expired, then such Magistrate, Dean of Guild, or Sheriff may and is hereby required to issue his Warrant for removing the same *brevi manu*.

XCII. And

Compensation for Injury.

XCII. And be it enacted, That in all such Cases of the Removal in whole or in part (or the Alteration) of such Stairs, Projections, Encroachments, or other Buildings or Things, in case the Proprietor of the House or other Building to which the same belongs shall be thereby injured, he or they shall be entitled to a Compensation from the said Commissioners for such Injury, according as the Amount thereof shall be agreed upon between him and them, or shall be ascertained by such Magistrate, Dean of Guild, or Sheriff by means of a Remit to Persons of Skill, and a Report on Oath by them, or otherwise as such Magistrate, Dean of Guild, or Sheriff shall direct, in case the Parties shall consent to the Amount being so ascertained, or by a Jury, to be summoned in the same Manner as Juries in *Scotland* are summoned.

Ruinous Houses to be secured or taken down.

XCIII. And be it enacted, That the Proprietor, Life Renter, or any other Person entitled to the Rents of any Premises which shall be insecure, ruinous, or otherwise dangerous to Passengers, shall be obliged and he is hereby required forthwith, on the Requisition of such Magistrate, Dean of Guild, or Sheriff, on the Application to him of the Procurator Fiscal, having the Consent of the Commissioners thereto, within a reasonable Time to be limited in such Requisition, to repair and secure or to pull down and remove such Premises; and in default thereof, such Magistrate, Dean of Guild, or Sheriff is hereby authorized and empowered, on the Report of Workmen, to repair and secure or pull down and remove such Premises; and every such Person aforesaid neglecting or refusing to comply with such Requisition shall for every Day forfeit and pay any Sum not exceeding Five Pounds Sterling, besides defraying the whole Expence incurred in repairing and securing or pulling down and removing such Premises.

Expences to be paid by the Commissioners.

XCIV. And be it enacted, That in all such Cases of the Removal in whole or in part, or the Alteration, of such Obstructions, the Proprietor shall be relieved by the said Commissioners of all Expence which may be incurred in making Application to such Magistrate, Dean of Guild, or Sheriff as aforesaid, in implementing his Orders, or in any other Way in relation to the Premises, except only such Expences as may be incurred by or through the improper Opposition of such Proprietor to the Application to be made as aforesaid, or any of the Proceedings under the same, or by or through his improper Refusal or Delay to implement the Orders of such Magistrate, Dean of Guild, or Sheriff, all which Expences shall be paid by such Proprietor; and accordingly such Magistrate, Dean of Guild, or Sheriff may and shall give Decreet according to the usual Form and Practice of his Court, ordering such Proprietor to make Payment of such Expence as the Amount thereof shall be ascertained by them.

Powers given to Proprietors of Flats or Floors to erect foul or waste Water Pipes.

XCV. And be it enacted, That in all Streets or other Places within any Burgh which shall have adopted the Provisions of this Act, where Common Sewers are now or may hereafter be constructed, it shall be lawful to the Proprietor of separate Floors or Flats, under the Direction of the Commissioners, to erect one waste or foul Water Pipe along the back Wall of the Tenement, on the Outside, to communicate

cate with any Drain under Ground leading into a Common Sewer, where there is such Drain, and with Power to make such Drain if there is not one already, and afterwards to keep the same in good and sufficient Repair; provided that the Expence and Damage occasioned by the erecting and constructing such Pipe, Communication, and Drain, and the Expence of keeping the same clean and in good Repair, shall be defrayed by the Proprietors of the Flats or Floors making use of the same, in proportion to their respective Rents, to be ascertained by the Books of Assessment aforesaid.

Power to Commissioners to construct Sewers and Drains.

XCVI. And be it enacted, That the said Commissioners shall have Power to construct proper Main Drains or Common Sewers in all Places or Situations in any Street, Square, Lane, public Passage or Place where they may consider the same to be necessary, with Power from Time to Time to deepen and enlarge the same, and also to conduct Drains for leading Rain or other Water or Soil into such Main Drains: Provided nevertheless, that it shall not be lawful for the said Commissioners to cut off, divert, or alter any Stream or Watercourse, or diminish the ancient and accustomed Quantity of Rain or other Water or Soil flowing therein at the Period at which the Provisions of this Act may be adopted in any such Burgh, without the Consent in Writing of the Persons severally interested in such Water, and of the respective Owners and Occupiers of the Land on either Side of such Stream or Watercourse throughout their respective Properties.

Commissioners to provide Fire Engines.

XCVII. And be it enacted, That the said Commissioners may provide One or more Fire Engines and Fire Cocks or Plugs, as the said Commissioners may judge necessary, and also fit Persons for working the same, and apply so much of the Assessments hereby authorized to be levied as may be necessary for such Purpose.

If Chimneys, &c. take fire, a Penalty to be paid, and also a Reward to Firemen, &c.

XCVIII. And be it enacted, That if any Chimney or Funnel for conveying Smoke within any such Burgh be set on fire, or be suffered to be set on fire, or shall take fire, the Occupier of the Premises to which such Chimney or Funnel belongs shall be liable in a Penalty of Ten Shillings; and such Occupier shall moreover be liable in such further Sum, not exceeding Ten Shillings, as any Magistrate of such Burgh shall award to be paid (in such Proportions, if there be more Claimants than One, as the said Magistrates shall direct,) to the Firemen or other Persons by whom such Fire is extinguished, or to the Fireman who shall soonest proceed to the Place to assist in extinguishing such Fire, or who shall first report such Fire at the Police Office.

Commissioners may erect Steelyards.

XCIX. And be it enacted, That the said Commissioners may erect and maintain Steelyards or other Weighing Engines upon or adjacent to the different Roads leading to any such Burgh, or at convenient Places within the same, for the Purpose of weighing such Articles as may be brought within such Burgh, and may enact such Rules, Regulations, and Bye Laws for regulating the weighing thereof, as they shall from Time to Time think necessary and expedient, and may enforce Obedience thereto under such Penalty and Forfeiture as they shall affix, not exceeding Twenty Shillings.

Stones, Lime, &c. on Streets to be inclosed and lighted.

C. And be it enacted, That no Stones, Wood, Lime, Sand, or other Article shall be deposited, or any Sheds for Workmen or other Erection or Inclosure be placed upon or Opening made in any of the Streets or other public Places within any such Burghs, without the Authority of the Magistrates first had and obtained; and the Persons making or causing such to be made shall at their own Expence cause a sufficient Rail or Fence, and (where necessary) a Footpath, sufficiently fenced, to be put round the same, and shall also cause a sufficient Number of Lamps or Lights to be affixed at or near the same, to be kept burning every Night, from Sunsetting to Sunrising, that such Depositations, Erections, and Inclosures shall remain, or such Holes or Openings shall be unfilled up, all to the Satisfaction of the said Commissioners; in failure whereof such Magistrate may, on Complaint, decern the Persons so offending to pay any Sum not exceeding Two Pounds for each Day or Night the same may remain undone, and may also order such Depositations, Erections, Inclosures, Foundations, or Holes to be fenced, and Lamps or Lights to be affixed and kept burning, at the Expence of the Persons employed or concerned therein, reserving always to any Persons who may suffer Injury by such Operations, whether the Provisions above written be observed or not, to prosecute for Reparation and Damages according to Law.

Houses under Repair to be fenced.

CI. And be it enacted, That when it may become necessary to perform any Work upon Houses or Tenements within the Limits aforesaid, whereby Risk may arise of any Articles or Materials falling upon the Streets, or of other Injury to the Public, every Person carrying on or causing to be carried on such Works shall at his Expence sufficiently fence round the Parts of the said Foot Pavement opposite to such Houses, and shall uphold and keep in proper Repair the Fences aforesaid, during the whole Time the said Works are carrying on, to prevent Passengers from walking along those Parts of the said Foot Pavements, and, where necessary, shall also form a Footpath, sufficiently fenced, round or in front of such Fence; and the Person neglecting or refusing so to do shall be liable in a Penalty not exceeding Ten Shillings for each Day's Failure; and any Magistrate of any Burgh which shall have adopted the Provisions of this Act or any Part thereof may order the said Foot Pavements to be fenced in as aforesaid, at the Expence of such Person.

Sunk Steps to be covered in.

CII. And be it enacted, That all Cellars and other Places adjoining to the public Streets or Places, having an Entry by sunk Steps or other Openings in the Pavement beyond the Line of the Wall of the Building to which they belong, shall be protected by a sufficient Iron Grating or other sufficient Cover, in such Way as may be best suited for preventing Danger or Injury; and if any Proprietor or Occupier shall fail to construct such Grating or Cover when required by any Magistrate of any Burgh which shall have adopted the Provisions of this Act, or to keep it properly secured, he shall be liable in a Penalty not exceeding Twenty Shillings, and such Magistrate may order the Work to be executed at the Expence of the Party so offending.

Chimney Pots, &c. to be secured or removed.

CIII. And be it enacted, That such Magistrate, upon Complaint, may order to be removed or to be repaired all Chimney Cans or Pots, Tiles, Slates, Shutters, or other Articles on the Roofs or any other Part of Houses, which may be dangerous to Passengers; and on Failure, such Magistrate may employ a Person to remove or repair the same; and the Proprietor shall in such Case, besides paying all Expences, forfeit and pay a Sum not exceeding One Pound Sterling.

Pavements going into Disrepair.

CIV. And be it enacted, That where any Part of the Streets and other Ways aforesaid, or the Pavements or Footpaths, Spouts, Shores, or Pipes, Drains or Common Sewers, or Water Pipes, within any such Burgh, whether already made or hereafter to be made, shall get into Disrepair, an Intimation in Writing shall be given, by Order of the said Commissioners, to the Person liable to repair the same, requiring him to make such Repair within a Time to be specified in such written Intimation; and failing thereof, it shall be competent for any such Magistrate of any such Burgh, on Complaint by the Procurator Fiscal, to fine and amerce such Person in Double the Amount of the estimated Expence of such Repairs, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Repairs to be made by the said Commissioners, and the Expence to be defrayed out of the Sum to be so recovered; and the Remainder of such Sum, deducting the Costs of recovering the same, shall be applied as Fines and Penalties are by this Act directed to be applied.

Foot Pavements.

CV. And be it enacted, That the Proprietors of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Builings are not erected, which are adjoining to or fronting any Street, Square, or other public or principal Place within any such Burgh, shall, at their own Expence, when required by the said Commissioners, cause Footpaths before their Property respectively, on the Sides of the said Roads, 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 said Commissioners shall direct; and in case such Proprietors shall refuse or neglect or delay so to do, the Magistrate before whom such Complaint shall be brought may fine and amerce such Proprietors in Double the Amount of the estimated Expence, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Foot Pavements to be made by the said Commissioners.

Property may be purchased for Police Office.

CVI. And be it enacted, That it shall be lawful to the said Commissioners to provide in any such Burgh a proper Police Office, if necessary, containing suitable Accommodation for the Meetings of the Commissioners, and for the several Officers of the Establishment, and for confining Prisoners, as provided for by this Act, and also proper Watch-houses in different Situations, and to contract with Proprietors of Buildings properly adapted or which may be capable of being adapted to the Purposes aforesaid, or with other Persons qualified and willing to enter into such Contracts, for the Purchase

or Feu, or for the obtaining on Lease for a suitable Term of Years, of such Buildings; and in case no such Buildings, to the Satisfaction of the said Commissioners, can be found at a suitable Price or Rent, then the said Commissioners are hereby authorized and empowered to purchase or feu such convenient Sites as may have been fixed as aforesaid within any such Burgh, upon which Buildings for the Purposes aforesaid may be erected, and to contract for the Erection thereof, and for fitting up and furnishing the same.

Weigh-house may be erected.

CVII. And be it enacted, That it shall be lawful to the Magistrates and Town Council of any such Burgh, in conjunction with the Commissioners to be elected therein, to erect or cause to be erected in such Burgh, if necessary, a Weigh-house for the Use of the Inhabitants thereof, and of Persons resorting thereto, with the necessary Weights, Scales, and Measures, and other Conveniences requisite for the weighing or measuring any Articles of whatever Description which may be exposed to Sale in such Burgh, and requiring or desired to be weighed or measured; and it shall be lawful to the said Commissioners to demand and take such reasonable Rate or Sum for the Use thereof as shall be settled and agreed on between them and the said Magistrates; and the Expences of such Weigh-house shall and may be borne and defrayed by the said Commissioners out of the Assessments to be levied under or in virtue of the Powers hereby granted; and in case of Difference between the said Magistrates and the said Commissioners as to the Erection or Expence of such Weigh-house, or the Amount of the Rate to be taken for the Use thereof, it shall be competent for either Party, after Six Days previous Notice given to the other Party, to apply to the Sheriff of the County, who shall determine the same, and whose Decision shall be final and conclusive.

Lamps to be erected.

CVIII. And be it enacted, That it shall be lawful for the said Commissioners to contract for lighting in a suitable Manner with Oil, Gas, or otherwise, the whole Roads, Streets, Lanes, Wynds, Closes, Passages, and other Places within any such Burgh, or any Part thereof, as the said Commissioners shall from Time to Time think fit, and to erect the requisite Number of Lamps, Lamp Posts, Lamp Irons, and Gas Tubes, and to affix the same, where necessary, upon the Houses or other Buildings upon the Sides of the Streets: Provided always, that no Gas Pipe shall be affixed upon the Walls of any House without the Consent of the Owner or Occupier thereof in Writing.

Penalty for breaking Lamps.

CIX. And be it enacted, That if any Person shall wilfully take away, break, or throw down any Lamp or Lamps, Tube, or other Gas-fittings set up within the Bounds of any such Burgh, or shall wilfully extinguish the Light within the same, or damage the Irons or Appurtenances thereof, such Offender shall forfeit and pay a Fine not exceeding Five Pounds Sterling for every such Offence, and shall moreover pay such Sum as the Magistrate before whom such Offender shall be brought shall find to be necessary for remedying the Damages done; and in case such Offender shall not immediately upon Conviction pay such Fine, such Magistrate is hereby empowered to commit him to the Common Gaol or Bridewell for a Space not exceeding Sixty Days; and such Offender shall not be discharged before

before the Expiration of that Time, unless such Fine shall be sooner paid; and in case of Neglect or Refusal to pay the Sum so awarded in Name of Damages within Forty-eight Hours after it shall be demanded, the same may be recovered by Poinding and Sale of the Offender's Effects, or by other legal Means.

Power to open Streets.

CX. And be it enacted, That in case it shall be necessary for the conducting of Gas, or making Common Sewers or Drains, or for laying Pipes for the Supply of any such Burgh with Water or Gas, or for any other Purposes, that the Streets within any such Burgh should be opened, it shall be in the Power of the said Commissioners, and they are hereby authorized to apply by Petition to the Magistrates and Council of such Burgh, and to Road Trustees respectively, with regard to Streets and other Places under their respective Management and Superintendence, for Leave to open such Streets, Roads, and other Places; and such Magistrates and Council and Road Trustees respectively shall, on such Application, grant the necessary Warrant for that Purpose; the said Commissioners and those employed by them being always bound to carry on such Operations in the Manner least inconvenient for the Inhabitants, and with the least possible Delay, and at their own Expence to fence such Works while the same are going on, and to reinstate the Streets and other Places so opened by them in the same Condition as before they shall have been so opened.

Commissioners to appoint Scavengers.

CXI. And be it enacted, That the said Commissioners may appoint Scavengers and others for sweeping and cleansing the Streets, Roads, Lanes, and other Places in any such Burgh, or contract with any Person for these Purposes, and to remove the Dung or Fuilzie thereof to such Places as the said Commissioners shall deem least offensive to the Inhabitants; with Power to the said Commissioners to rent or purchase Depôts for that Purpose, within or without any such Burgh, from such Person as may be willing to contract and agree with them therefor; and all Dust, Ashes, Dung, or other Fuilzie, excepting always Stable and Byre Dung, and the Refuse of Slaughter-houses, collected upon the Streets, Lanes, common Stairs or Passages within such Burgh, shall belong to the Commissioners.

If Magistrates provide Shambles, Cattle not to be elsewhere slaughtered.

CXII. And be it enacted, That as soon as the Magistrates and Council, or other Persons duly authorized, shall provide in the Suburbs or other proper and convenient Place of any such Burgh fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle and other Beasts, and shall by Tuck of Drum, or other usual Mode of Proclamation in such Burgh, once a Day for Seven Days have declared the same to be open, it shall not thereafter be lawful for any Flesher or Butcher or other Person (private Persons in their own Premises, for the Use of their own Families and Incorporations, who have erected Shambles at the Sight and under the Authority of the Magistrates and Town Council, and their Tenants, alone excepted,) to slaughter Cattle or other Beasts elsewhere than in the Shambles or Slaughter-house so to be provided; and any Person thereafter using any other Shambles or Slaughter-house shall be liable to

to the said Commissioners in a Penalty not exceeding Twenty Pounds; and it shall and may be lawful for the said Commissioners to demand and take for the Use thereof such reasonable Rate or Sum as may be agreed on and fixed between them and the said Magistrates; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-house or Shambles, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff of the County, whose Decision thereon shall be final and conclusive, and not subject to Review in any Court of Law or Equity.

Hackney Coaches, &c. to be regulated.

CXIII. And be it enacted, That the Magistrates and Council of any such Burgh for the Time being shall have full Power and Authority, and they are hereby empowered and authorized, to license such Number of Hackney Coaches, Landaus, Chariots, or other Carriages for Hire, as they from Time to Time shall think proper; and the Town Clerk of such Burgh shall be entitled to exact the Sum of One Shilling for each Licence, such Licence to continue for Two Years, and to prevent all others, not licensed, from plying for Hire, or occupying any Part of the Streets or Highways of such Burgh, Suburbs or Liberties thereof; and if any Person or Persons who shall obtain such Licence shall not, within the Space of One Month after obtaining or receiving the same, keep and maintain such Coach or other Carriage for which such Licence shall be granted, for the Use and Convenience of the Public, and continue so to do during the Continuance of his or her Licence, and shall, on the Complaint of the Procurator Fiscal or other public Prosecutor of such Burgh, be convicted thereof before the said Magistrates, or any One of them, by the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence, to be levied summarily, and the Licence thereafter shall be void; but in case the Person so offending shall surrender his Licence to the said Magistrate, such Fine or Penalty shall not be levied; and such Magistrates shall be and are hereby authorized and empowered to make such other Rules and Regulations as they shall think fit for licensing and regulating the said Hackney Coaches and other Carriages, and also for Sedan Chairs, Carts, Waggons, and Porters, in such Burgh, and for trying and punishing the Misbehaviour of Coachmen, Drivers, Chairmen, Carters, and Porters, and for fixing and altering their Stands, and for ascertaining what Rates and Fares, both as to Distance, and Time, shall be allowed to be taken by them, and to what Distance, and under what Penalties, Coachmen, Drivers, Chairman, and Porters shall be obliged to drive or ply in and round such Burgh, not exceeding Seven Miles for Coachmen, and Two Miles for Chairmen and Porters; and the said Magistrates and Council are hereby authorized and empowered from Time to Time to repeal, add to, alter, or amend such Rules and Regulations, and to impose Fines and Penalties for the Breach or Nonperformance of such Rules and Regulations; which Fines and Penalties shall be recoverable on the Complaint of the Procurator Fiscal or other public Prosecutor of such Burgh, or on the Complaint of the private Party aggrieved;

declaring that no Penalty imposed by the said Magistrates and Council shall exceed One Pound Sterling; and all such Rules and Regulations made by such Magistrates and Council, specifying the Fines and Penalties for the Breach and Nonperformance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up, either in Print or in Writing, on such Place or Places as the said Magistrates and Council shall think proper, at all Times to remain and be in the said Place or Places.

Water from Roofs, &c. to be conveyed by Pipes.

CXIV. And be it enacted, That it shall be lawful for the said Commissioners to require that the Water from the Roofs and Cornices of all Houses or other Buildings fronting the public Streets, Lanes, Roads, Passages, Wynds, and Closes, shall be conveyed by leaden or other proper Pipes or Runs, to be brought down the Walls of such Houses or other Buildings respectively to the Ground, and shall be kept in repair, at the Expence of the Proprietors of such Houses or other Buildings respectively, but so as that the same shall not discharge the Water thereby conveyed upon the Foot Pavements; and if any such Proprietor shall fail or neglect to convey such Roof Water in manner aforesaid, within Fourteen Days after being required to do so by such Commissioners, any Magistrate may, on Complaint as aforesaid, order the Works necessary for conveying the said Water in manner aforesaid to be done at the Expence of such Proprietors, to be recovered, along with the Expences of the Application, by Poinding and Sale as aforesaid.

Power to Commissioners to bring Water into the Burgh.

CXV. And be it enacted, That it shall be lawful for the said Commissioners to dig Wells and, except in such Burghs in which there shall be Works already established by Act of Parliament for the supplying any such Burgh with Water, to bring Water into such Burgh for the Use of the Inhabitants, and for that Purpose to contract and agree with the Proprietors and all other Persons interested in any Springs, Stream, or River capable of supplying such Burgh, and with the Owners and Occupiers of Ground situated between such Springs, Stream, or River and such Burgh, for the Right and Privilege of collecting and conveying the Water of such Springs, Stream, or River into such Burgh, and of erecting Cisterns and laying Pipes, and to construct all other necessary Works for conveying such Water into such Burgh, in and through the Lands or Grounds lying between such Springs, Stream, or River and such Burgh, and also through the Streets and Lanes thereof, and to open such Ground from Time to Time in order to repair or replace such Pipes and Works, and from Time to Time to contract and agree with such Persons as they shall judge proper for laying such Pipes, and erecting, completing, and repairing such Works, as may be necessary for effecting the Purposes above mentioned.

For the Protection of Water Pipes.

CXVI. And be it enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, or across or round any Road, Street, Lane, or other public Passage or Place within such Burgh, shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four

Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the Streets, Lanes, or other public Passages or Places within such Burgh, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses at the greatest practicable Distance therefrom, and shall form therewith as near as possible a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Three Feet at least; and in laying down the said Gas Pipes, the said Commissioners shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connecting or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for any such Offence, if the said Commissioners shall neglect or refuse to make such Gas Pipes air-tight within Twenty-four Hours after Notice thereof given to them in Writing, the Sum of Fifty Pounds, to be recovered, at the Instance of any Person having Interest, by summary Complaint to the Sheriff of the County in which such Burgh is situate.

To prevent Contamination of Water by Gas.

CXVII. And be it further enacted, That whenever the Water of any Owner or Company of Proprietors of Waterworks shall be contaminated or affected by the Gas to be supplied under the Authority of this Act, the said Commissioners shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as herein directed, and applied for the Use and Benefit of the Water Company or Owner of the Waterworks affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor to such Water Company, Owner, or Company of Proprietors, or by any Person consuming the Water, to be left with or at the Office of the Clerk of the said Commissioners, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of such Company or Owner of Waterworks; and in case the said Commissioners shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all

all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time of such Water Company, or to such Owner of Waterworks, for the Use and Benefit of such Company or Owner, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as herein directed, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by summary Complaint to the Sheriff of the County in which such Burgh is situate, with the Evidence on Oath of One credible Witness, by and in the Name of any One or more of the Directors of any such Water Company, or of such Owner, at the Option of the Party or Parties pursuing such Complaint against the said Commissioners before the said Sheriff, with such Expences therefor as shall be modified by him, and to be levied by Decree and Precept of Poinding the Goods and Effects of the said Commissioners, together with the Expences of such Decreet and Precept; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company, or to the Owner of such Water contaminated or affected by such Gas.

For ascertaining if Water is contaminated.

CXVIII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas supplied under the Authority of this Act; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Owner or Company of Proprietors of Waterworks to apply to the Sheriff of the County in which such Burgh is situated for a Warrant, and on obtaining the same to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, for the Purpose of ascertaining whether such Contamination proceeds or be occasioned by the Gas of the said Commissioners; and if it shall appear that the said Water has been contaminated by any Escape of such Gas, the Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners; which Expences shall be ascertained and determined, if necessary, by the Sheriff of such County, and be recovered by Decree and Precept of Poinding, as herein-before directed: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, then the Company or Persons supplying such Water shall bear and pay all the Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search;

the Amount of such Injury to be ascertained and determined, if necessary, by the Sheriff of such County, and recoverable in like Manner as the Penalties are herein-before directed to be recovered.

Persons making Gas not protected from Indictment for a Nuisance.

CXIX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding against the said Commissioners in respect of any such Gas Work, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Commissioners for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons who may be employed therein.

Management of Waterworks, where established, vested in Commissioners.

CXX. And be it enacted, That it shall be lawful for the said Commissioners, except in such Burghs in which there shall be Works already established by Act of Parliament for the supplying any such Burgh with Water or Gas, to treat and agree for, and thereafter, with the Consent of the Proprietors or other Trustees or other Persons in Charge or Management thereof, to assume and take the Management of such Works and Establishment, and of the supplying of Water or Gas thereby, or otherwise, to such Burgh: Provided always, that the said Commissioners shall previously thereto satisfactorily undertake for all the Debts and Obligations legally due by and incumbent on such Waterworks or Establishment, and free and indemnify the Persons theretofore having the Management and Administration thereof.

Water not to be abstracted from Reservoirs.

CXXI. And be it enacted, That if any Person shall take or cause to be taken or used any Water out of any Pond, Tank, Reservoir, or Aqueduct, or other Work belonging to the said Commissioners, whether the same be already made, or shall be made or acquired by virtue of this Act, without the previous Consent in Writing of the said Commissioners to give such Consent, then and in every such Case every Person so offending shall forfeit and pay a Sum not exceeding Fifty Pounds Sterling for every such Offence.

Penalty on Persons maliciously injuring Works.

CXXII. And be it enacted, That if any Person shall wilfully or maliciously damage or destroy any Cistern, Pipe, or Apparatus, or other Work for supplying Water or Gas as aforesaid, or shall wantonly discharge or let off any Water or Gas from such Cistern, Pipe, Apparatus, or other Work, every such Person shall, besides the full Amount of the Damage done thereby, forfeit and pay to the said Commissioners any Sum not exceeding Fifty Pounds Sterling for every such Offence.

Supplying Persons with Water or Gas.

CXXIII. And be it enacted, That it shall be lawful for the said Commissioners to enter into Contracts with the Occupier or Proprietor of any House or Premises situated within any such Burgh for the Supply of such Owner or Occupier with Water or Gas, and by such Contract such Proprietor or Occupier may, at his own Expence, be permitted to convey Water or Gas into such House or Premises,

upon making such annual Payment to the said Commissioners, and on such Conditions, as may be agreed upon: Provided always, that if at any Time the Payment of such annual Sum shall fall into arrear, it shall be lawful for the said Commissioners to levy the same by Poinding and Sale of the Party's Effects in manner herein-before provided for the Recovery of Assessments due under the Provisions of this Act, and to stop the further Supply of Water and Gas to such Premises in such Manner as they shall direct; and provided also, that nothing herein contained shall be construed to prevent any Person from taking Water at any of the public Wells already made and erected or to be made and erected within such Burgh.

Ball-cocks to be provided in Cisterns.

CXXIV. And be it enacted, That every Person so supplied with Water shall in every Receptacle for Water affix to the Pipe conveying Water into his Premises a Ball-cock or other self-acting Cock, in such Manner as the said Commissioners or their Officers shall direct, and shall keep the same in repair, and shall prevent the Water running to waste or being applied to the Use of any other Person or Persons than those resident on the Premises; and any Person so offending shall forfeit a Sum not exceeding Twenty Shillings Sterling for every such Offence, with Power to the said Commissioners on the Third Offence to stop the Supply of Water to such Party; and the Officers of such Commissioners shall have free Access at all seasonable Times to the Premises so to be supplied as aforesaid, to see that such Ball-cocks are kept in proper and sufficient Condition and Repair, and that such Waste or Misapplication does not occur.

Power to borrow Money.

CXXV. And be it enacted, That it shall be lawful for the said Commissioners to borrow and take up, for the Purpose of procuring a Police Office, erecting a Slaughterhouse or Shambles, or Weigh-house, or for erecting Lamps, or for making and constructing Common Sewers, any Sum not exceeding Three Years Amount of the several Assessments fixed and determined as above provided in relation to these several Objects respectively, or for procuring Water any Sum not exceeding Six Years Amount of the Assessment fixed for that Object; that is to say, that a Sum may be borrowed and applied to the said Purposes, in so far as the same relate to the Watching Department, not exceeding Three Times the Amount of the Proportion of the Assessments specified as applicable for One Year to the Department of Watching, as herein-before provided; and in like Manner Sums may be borrowed for the Purpose of being applied to the aforesaid Purposes connected with the other Departments respectively, not exceeding Three Times the Amount of the Assessments specified as applicable for One Year to each of the said Departments respectively; and in like Manner a Sum may be borrowed for procuring Water or supplying Gas, or paying for any existing Waterwork or Establishment or Gaswork as aforesaid, not exceeding Six Years Amount of the yearly Assessment fixed on for bringing Water into such Burgh.

Commissioners to establish a Sinking Fund.

CXXVI. Provided always, and be it enacted, That in all Cases in which it shall be necessary for the said Commissioners to borrow any Sum or Sums of Money for the Purposes of this Act, it shall be lawful

lawful for the said Commissioners, and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, or at any subsequent Annual Meeting not exceeding Twelve Months from the Date of any such borrowing, to assess all Tenants, Occupiers, and Possessors of Premises valued as aforesaid in such an additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund amounting to Five *per Centum per Annum* upon the Sum so borrowed by the said Commissioners, which Sum of Five *per Centum per Annum* the said 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, in any of the said Banks, or in Heritable Security, as a Sinking Fund, applicable and to be applied by them from Time to Time in the Repayment of the Money borrowed, until the Debt shall be extinguished: Provided always, that such additional Assessment shall not increase the whole Assessment leviable beyond the maximum Rate of Assessment, to be fixed at the first Meeting for fixing the maximum Rate of Assessment, or any subsequent Triennial Meeting as aforesaid.

Commissioners not to be personally liable.

CXXVII. And be it enacted, That no Commissioner, or Officer acting under them, 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.

As to Bonds to be granted.

CXXVIII. And be it enacted, That all Bonds for the Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the said 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*,

'Number [*here state the Number*].

'BY virtue of an Act made in the Third and Fourth Year of the 'Reign of His Majesty King *William* the Fourth, intituled *An 'Act to enable Burghs in* Scotland *to establish a general System of 'Police*, I, *A. B.* [*here state whether Treasurer or Collector, or both,*] 'of the Commissioners of Police for the Burgh of [*here insert the 'Name of the Burgh*], and by Authority of said Commissioners, in 'consideration of the Sum of [*here insert the Sum in Words*] instantly 'advanced and paid to me on account of the said Commissioners, and 'for the Purposes of the said Act, by *C. D.* of *E.*, do hereby bind and 'oblige the said 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 [*insert Term of Payment*] to the said *C. D.*, his Executors 'or Assignees, the said Sum of [*here state the Sum*], with the Interest 'thereof at the Term of [*insert Term of Payment of Interest*], at the 'Rate of [*here insert the Rate of Interest*] *per Centum per Annum* 'from the Date hereof, 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 Assignees, such Proportion of the said Monies to be raised 'under the said annual Assessment as shall be equivalent to the

'said

'said Sum so now paid to me, and the Interest to become due 'thereon as aforesaid from the Date hereof to the Term of Pay- 'ment; and I consent to the Registration hereof in the Books of 'Council and Session, or other Books competent for Preservation, 'that all competent Diligence may pass and be directed hereon in 'form as effeirs, and thereto constitute
'my Procurators. In witness whereof I have subscribed
'these Presents, written by at
'this Day of in the Year .
'Before these Witnesses, '*A. B.*'
'*K. L.* Commissioner.
'*M. N.* Commissioner.'

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

Bonds may be transferred by Indorsement.

CXXIX. And be it enacted, That such Bonds may be assigned by Indorsation on the Back of such Bond, in the Form and Tenor following; *videlicet*,

'I *C. D.* 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 I 'have subscribed these Presents, written by at
'the Day of .
'Before these Witnesses, '(Signed) *C. D.*'
'*K. L.* Witness.
'*M. N.* Witness.'

Bonds to be recorded, and Assignations to be registered.

CXXX. And be it enacted, That before such Bonds shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Monies as aforesaid, the same shall be recorded in the Sederunt Book of the said Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the said Commissioners; and such Assignations shall be notified to the Treasurer of the said 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 thereafter the Assignee, his Executors and Assignees, shall be entitled to the full Benefit of such Bond.

Provision in regard to Burghs possessed of Local Acts.

CXXXI. And be it enacted, That this Act shall not extend or be deemed or construed to extend to any Burgh in possession of any Local Act for regulating the Police thereof, or any other of the Purposes of this Act, unless such Burgh shall adopt the same in whole or in part in manner herein provided; and upon such Adoption such Local Act, and all the Powers and Provisions thereof, shall thereupon cease and determine in so far as such Powers and Provisions regulate or relate to any of the Ends and Purposes provided

for by this Act, and so adopted; saving always the Powers and Provisions in relation to Water herein contained; and this Act, or so much thereof as shall be so adopted, shall thereafter come into full Force and Operation, and shall be executed in the Manner herein provided.

Where Two or more Burghs are locally situated under 1 & 2 W. 4. they are not to come under this Act.

CXXXII. Provided always, and be it enacted, That where Two or more Burghs locally situated together, and described in the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth as One Parliamentary Burgh, shall severally be possessed of Local Acts regulating the Police of such Burghs separately, it shall not be competent or lawful in such Case for the Inhabitants of any such Burghs to make any such Application as is herein-before authorized for adopting the Provisions of this Act, or to add to the same in whole or in part, unless the Persons in each such Burgh, qualified as aforesaid, shall unanimously agree so to do.

Contracts under former Acts saved.

CXXXIII. And be it enacted, That where the Provisions of this Act shall be made to apply to any Burgh now having or which may hereafter have a Local Act, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into under and by virtue of any Local Act shall remain in full Force and Effect, and shall continue available and binding on all the Parties thereto in all Courts of Justice; and nothing herein contained shall be construed to extend or diminish or affect the Debts, Rights, or Claims of any Creditor under any such Act, but all such Debts, Rights, or Claims shall continue Burdens under this Act to the same Extent and in the same Manner that they were Burdens under such Local Act; and in all Cases where the Provisions of this Act shall be made to apply, the Officers appointed under and employed in the Execution of any such Local Act shall respectively continue to exercise their Offices until they shall be respectively legally removed therefrom under the Authority of this Act.

Officers under former Acts.

Trial of Offences.

9 G. 4. c. 29.

Application of Penalties.

CXXXIV. And be it enacted, That all Offences specified in this Act may be tried either by the Sheriff of the County within which such Burgh shall be situated, according to the summary Form prescribed in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in* Scotland, or by the Magistrates of such Burgh in the Manner after provided: And it is hereby provided, that Prosecutions shall alone be raised and insisted in at the Instance of the Procurator Fiscal of Court; and all Penalties awarded and Sums recovered under the Authority of this Act, whereof the Application is not otherwise provided, after deducting Expences (if any), shall be paid to the Commissioners of Police, and shall be applied by them in their respective Burghs for the Purposes of this Act, and be accounted for by them along with the Sums authorized to be assessed under the Provisions of this Act: And it is further provided, that such Sheriff and Magistrates may respectively appoint as Procurator Fiscal, either jointly along with the ordinary Fiscal of Court, or in such other way

as they may respectively prefer, such Officer of Police as the said Commissioners may recommend for that Duty, to the Effect that such Officer may conduct, as Procurator Fiscal, Prosecutions under this Act before such Courts respectively.

Jurisdiction of Magistrates of Burghs.

CXXXV. And be it enacted, That the Magistrates of every Burgh wherein shall have been adopted the Provisions of this Act in regard to Watching shall enjoy, hold, and possess, in so far as regards the Recovery of Rates, the Matter of Crime, and also of Offence specified in this Act, the same Jurisdiction over the whole Territory adjoining to such Burgh, comprehended within the Limits to which this Act shall extend, as that which such Magistrate may hold and possess within such Burgh itself.

Jurisdiction conferred on Magistrates.

CXXXVI. And be it enacted, That the Chief Magistrate of such Burgh, and in the Case of united Burghs the Chief Magistrate acting as Preses aforesaid, and their Successors in Office, or, in his unavoidable Absence, the acting Chief Magistrate for the Time, shall within their respective Burghs (but for the Purposes of this Act only) possess such and the like Jurisdiction and Authority for the Trial of Crimes and Offences specified in and cognizable under this Act as such Magistrates would possess if nominated and appointed Sheriff Substitutes within their respective Burghs, and shall try such Crimes and Offences according to the summary Form and subject to the Appeal prescribed in and allowed by the said recited Act of the Ninth Year of the Reign of His said late Majesty King *George* the Fourth.

Provisions of this Act to apply to all Police Acts.

CXXXVII. And be it enacted, That from and after the passing of this Act all the Enactments and Provisions in this Act contained shall extend and apply to all Acts of Parliament which shall hereafter be passed for the regulating the Police of any Royal Burgh, Burgh of Regality, or Burgh of Barony in *Scotland*, save and except in so far as such Enactments and Provisions may be expressly altered or excluded by any such Act.

Saving Clause.

CXXXVIII. Saving and reserving always to all Sheriffs and their Substitutes, and to all Burghs, Provosts, Magistrates and Council, Deans of Guild, and to all Justices of the Peace, and to all other Magistrates, all Rights of Shrievalty, and all and every Jurisdiction, of whatever Kind or Nature, Civil as well as Criminal, and to all private Parties, all Rights of Markets which they are anyways used or entitled to exercise, in the same Manner as if this Act had never been passed; and saving and reserving always the whole Acts and Statutes now in force for regulating the Police, the Distribution of Water or of Gas of and in any Royal Burgh or any other Burgh in *Scotland*, and all Powers, Jurisdictions, Provisions, and Authorities thereby conferred, which are hereby declared to remain in full Force and unrepealed, excepting in so far as the same may be altered or abrogated under the Powers and Provisions of this Act.

SCHE-

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 Third and Fourth Year of His Majesty King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*, the Occupiers of Premises in the Burgh of or the Burgh of and Places adjacent within One thousand Yards from the Bounds and Limits thereof, [*as the Case may be*] of the real yearly Rent or Value of and upwards, are hereby required to meet upon the Day of next, at Twelve of the Clock, within in this Burgh, when the said Act shall be laid before the Meeting.

(Signed)

Dated . *E. F.* Acting Chief Magistrate.

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					Signatures of Voters.	Designation of Voters.	Residence of Voters.
Paving.	Watching.	Lighting.	Cleaning.	Water.			

SCHE-

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

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

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