ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lx.

An Act for erecting the Town of *Airdrie*, in the County of *Lanark*, into a Burgh of Barony, paving lighting, and improving the same, and establishing a Police therein. [28th *May* 1821.]

WHEREAS the Town or Village of *Airdrie*, in the County of *Lanark*, has of late Years greatly increased in Extent and Population, and it is become expedient and necessary that a regular Magistracy should be established for its Government, and for the Preservation of Peace and good Order therein; and for these Ends that the said Town should be erected into a free and independent Burgh of Barony: And whereas it is necessary, for the Convenience and Accommodation of the Inhabitants of the said Town, that the Streets and Ways thereof should be paved, cleansed, lighted, and be otherwise improved and regulated, and Nuisances removed therefrom, and that a regular Police should be established and maintained in the said Town; but as these Purposes cannot be accomplished without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Town or Village of *Airdrie*, and the Lands adjacent thereto, which are bounded and described as follows; *videlicet*, on the South by the Lands of *Gartlee* and *Rochsolloch*; on the West by the *Linlee Bridge*, and the Avenue leading to *Airdrie House*, and a Line carried Northward from the Centre of the said Avenue; on the North by the Lands of *Kypbyre*; and on the

Burgh of Airdrie incorporated.

the East by the *Biggar* Road, all the intermediate Lands, Streets, Roads, Lanes, and Buildings being included; and also all and whole the whole of the Lands called *Well Park*, *Priestridge Park*, and *Springwell Park*, and *South* and *North Drumbathie Park*, all Parts and Portions of the Estate of *Rochsolloch* and *Airdrie*, shall be, and the same are hereby created, united, erected, and incorporated into a free and independent Burgh of Barony, to be now and in all Time hereafter called and known by the Name of the Burgh of Barony of *Airdrie*, with all the Powers, Privileges, Liberties, Immunities, and Jurisdiction, of whatever Description, legally pertaining and belonging, and competent by Law to Burghs of Barony erected and being in *Scotland* since the Date of an Act of Parliament passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in that Part of* Great Britain *called* Scotland, *and for making Satisfaction to the Proprietors thereof, and for restoring such Jurisdictions to the Crown; and for making more effectual Provision for the Administration of Justice throughout that Part of the United Kingdom by the King's Courts and Judges there; and for obliging all Persons acting as Procurators, Writers, or Agents in the Law of* Scotland *to take the Oaths; and for rendering the Union of the Two Kingdoms more complete.*

20 G. 2. c. 43.

Magistrates to be appointed.

II. And be it further enacted, That the Magistracy of the said Burgh of Barony shall consist of a Provost and Three Baillies, and Twelve Councillors and a Treasurer; and that the Common Good which may belong to or be acquired by the said Burgh shall be committed to and be administered by the Twelve Councillors and Treasurer jointly with said Provost and Baillies, any Five of whom shall be a Quorum.

How to be chosen.

III. And be it further enacted, That it shall be lawful and competent, to the Proprietor or Proprietors for the Time being of the said Estate of *Rochsolloch* and *Airdrie*, on whose Property the said Burgh of Barony is situated, and he, she, or they are hereby required, on the Second *Sunday* after the passing of this Act, to affix or cause to be affixed upon the Door or Doors of the Church or Churches within the Village of *Airdrie*, or Limits before described, a written or printed Notice, to be repeated for Three consecutive *Sundays* before the Meeting to be mentioned in such Notice shall be held; and also to cause such Notice to be inserted Three Times at the least in Two of the Newspapers usually circulated in *Glasgow*, summoning all the Persons resident within the aforesaid Limits, who shall have subscribed and paid towards the Expences to be incurred in the Erection of the said Town into a Burgh of Barony, a Sum not less than Two Guineas, and also all others who shall have subscribed and paid the like Sum of Two Guineas, to meet within such Place within the said Village as such Notice shall specify and appoint, on a Day to be named not less than Ten or more than Twenty-one Days distant from the Date of such Notice; and it

First Meeting and Election.

shall and may be lawful for such Persons, being assembled in consequence of such Notice, by a Plurality of the Voices of the Persons present, and they are hereby required, to elect One of their own Number to be Præses of the said Meeting; and in like Manner also, to elect a fit Person who shall act as Clerk to the said Meeting; and

the Meeting being so constituted shall then proceed, and in like Manner, by the Majority of the Persons aforesaid, to elect a Provost, Three Baillies, Twelve Councillors, and a Treasurer for the said Burgh of Barony, all of whom shall continue in Office until the First *Tuesday* of *September* One thousand eight hundred and twenty-two; and the One of the Three Baillies who shall have the greatest Number of Votes, shall be deemed the eldest Baillie, and shall continue in Office until the First *Tuesday* in *September* One thousand eight hundred and twenty-three.

Provost, &c. from among whom to be chosen.

IV. Provided always, and be it further enacted, That at such Meeting as aforesaid, the Provost and Three Baillies, and Treasurer so to be elected, shall be chosen from among the Persons resident within the said Burgh of Barony, who shall not only have subscribed and paid as aforesaid, but shall then be possessed of Property within the said Burgh to the Amount of Twenty Pounds Sterling of yearly Rent; or shall occupy a Dwelling House of Ten Pounds Sterling of yearly Rent; and the Twelve Councillors shall and may be elected from among the Persons resident within the said Burgh, who have subscribed and paid the Sum of Two Guineas as aforesaid.

Receiver of Subscriptions.

V. And be it further enacted, That it shall and may be lawful for the Proprietor or Proprietors of the said Estate of *Rochsolloch* and *Airdrie* for the Time being, to appoint a fit Person to receive such Subscriptions as aforesaid, whose Receipt therefor produced at such Meeting as aforesaid, shall be sufficient to entitle the Person producing the same to vote at the said Election; and the Monies to be so collected by Subscription, shall be applied at the Direction of the said Provost and Magistrates of the said Burgh of Barony, to the Purposes of this Act, and shall be duly accounted for, instructed, and vouched by such Collector, to the Satisfaction of the said Provost and Magistrates.

Persons qualified to be elected.

VI. And be it further enacted, That any Burgess of the said Burgh, although not qualified as before specified, and although not resident within the Limits of the said Burgh, shall be eligible to the Office of Provost of the said Burgh, provided that in case of Non-qualification as aforesaid, or of Non-residence, such Burgess shall be Justice of the Peace of the said County of *Lanark*; and that at all future Elections after the first Election the Baillies and Treasurer shall only be eligible from among the Magistrates and Council of the said Burgh for the preceding Year, possessing the Qualification in respect of Property, or Occupation of a Dwelling House respectively before mentioned, and the Councillors from among the Burgesses of the said Burgh, who shall have been resident within the Limits of the said Burgh at least for the Term of Two Years previous to the Election of such Councillors, and who previously to their having been admitted as Burgesses, shall, if after the said First Election, have paid a Subscription of Three Guineas each as aforesaid; and that the Common Clerk of the said Burgh shall be nominated by the Proprietor or Proprietors of the said Estate of *Rochsolloch* and *Airdrie* for the Time being, but always under the Conditions and Provisions herein-after inserted.

VII. Pro-

Qualification after Twenty Years.

VII. Provided always, and be it enacted, That from and after the Expiration of Twenty Years after the passing of this Act, no Person, whose Eligibility to any of the Offices aforesaid depends upon such Person being possessed of Property to the Amount of Twenty Pounds of yearly Rent, or occupying a Dwelling House of Ten Pounds of yearly Rent as a Tenant, as in the Cases respectively before-mentioned, shall be eligible to any such Office, unless such Person shall be a Feuar or Proprietor of Heritable Subjects within the Limits of the said Burgh, of the Value of not less than Thirty Pounds Sterling of yearly Rent, or shall be a Tenant or Occupier of a Dwelling House within the said Burgh of Barony, of not less than Fifteen Pounds Sterling of yearly Rent.

Jurisdiction of Provost and Magistrates.

VIII. And be it further enacted, That the Provost, Baillies, Councillors, Treasurer, and Clerk, to be elected in manner before and after-mentioned, shall be and they are hereby invested with such and the like Jurisdiction, Powers, Privileges, Liberties, Immunities, and Authority within the said Burgh of Barony, with the like Power of appointing Burgesses, administering their Common Good, and doing all other Acts and Deeds needful and necessary, as are held and enjoyed by and are competent to the like Magistrates and Officers by the Law and Practice of *Scotland* in any other Burgh of Barony whatsoever in that Part of the United Kingdom, since the passing of the said recited Act of the Twentieth Year of the Reign of His Majesty King *George* the Second.

Mode of Election.

IX. And be it further enacted, That upon the said First *Tuesday* of the Month of *September* One thousand eight hundred and twenty-two, and upon the First *Tuesday* of *September* in every Year thereafter, it shall and may be lawful for the said Burgesses of the said Burgh of Barony, whether resident in the said Burgh or not, and they are hereby required to assemble in some public Room of the said Burgh to be appointed for that Purpose, which the said Provost and Magistrates are hereby authorized to provide and appoint, and there to choose from among the Burgesses of the said Burgh qualified or entitled to be elected as aforesaid, and under the Provisions hereinafter expressed, a Provost, Magistrates, Council, and Treasurer for the said Burgh, who shall remain in Office for the Space of a Year ensuing such Election, and no longer, with the Exception after mentioned: Provided always, that at the Election to take place on the said First *Tuesday* of *September* in the Year One thousand eight hundred and twenty-two, Two Baillies only of the Three shall go out of Office, and Two only shall be elected to supply their Places; and the Baillie who shall at such Election have the greatest Number of legal Votes, shall be placed highest on the List of the Two so then chosen, and shall continue Two Years in Office, and in like Manner at every subsequent Election, no more Baillies than Two shall be chosen, and the Baillie chosen by the greatest Number of Votes shall be placed on the List, before the one chosen by the lesser Number of Votes, and shall continue in Office Two Years, (so that there shall be always Three in Office), and during the Second Year of his Magistracy shall be deemed the eldest Baillie; and that in all Cases the Election shall be determined by a Majority of the Votes of the Electors present, the Provost, or in his Absence, the eldest Baillie, being Chairman

Chairman of the Meeting, and having, in case of an Equality of Votes, a casting or decisive Vote, over and above his deliberative Vote as an Elector.

Settling Disputes as to Right of Voting.

X. And be it further enacted, That in the Event of any Objection or Dispute arising as to the Right of any Person to vote at such Elections, or to be elected to the Offices of Provost, Baillie, Councillor, or Treasurer, such Objection shall be decided upon in the first Instance by the Magistrates in Office during the preceding Year; and if their Determination shall be unsatisfactory to any or either of the Parties to such Dispute, it shall be competent to the Party dissatisfied, within Ten Days after such Determination shall be entered on the Council Record, but not thereafter, to appeal therefrom to the Professor of Civil Law in the University of *Glasgow*, and the First City Clerk of the said City, both for the Time being, or either of them; and the Decision to be given by them, or either of them, shall be final, and not subject to Review in any Court whatever; and the Parties to such Objection or Dispute shall pay the Expences to be awarded by the Magistrates, or Professor of Civil Law, or City Clerk aforesaid, which shall in no Instance be paid or borne by the said Burgh of Barony.

Town Clerk to be appointed.

XI. And be it further enacted, That the Proprietor or Proprietors of the said Estate of *Rochsolloch* and *Airdrie* for the Time being, at the Election to take place on the said First *Tuesday* of *September* One thousand eight hundred and twenty-two, and yearly in all Time thereafter, shall have the Power of nominating the Town Clerk of the said Burgh of Barony; but he, she, or they shall be obliged to appoint a fit and proper Person who shall not be under Twenty-five Years of Age, and who, before entering on his Office, shall be a Notary Public; and such Clerk shall in all respects be under the Direction of the said Magistrates and Council of the said Burgh of Barony, who shall have the Power of fixing and regulating his Fees; and in case the said Proprietor or Proprietors of the said Estate for the Time being shall at any Time delay more than Ten Days after the First *Tuesday* of *September* yearly to appoint such Clerk, the Appointment for the ensuing Year shall then devolve upon the said Provost and Magistrates.

Settling Difference as to Appointment of Town Clerk.

XII. And be it further enacted, That in case of any Difference relative to the Appointment of the said Clerk, between the said Proprietor or Proprietors of the Estate of *Rochsolloch* and *Airdrie*, and the said Provost and Magistrates, the same shall be referred to the Decision of the Professor of Civil Law for the Time being of the University of the said City of *Glasgow*, and the First Clerk of the said City for the Time being, or either of them, and their Determination, or the Determination of either of them, shall be effectual and conclusive, and not subject to Review by any Court of Law or Appeal whatever.

Markets and Fairs to be held.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Magistrates and Council to hold and keep One Weekly Market within the said Burgh of Barony upon *Tuesday* in every

every Week; and also to appoint and hold Two free annual Fairs within the Limits of the said Burgh of Barony, the one thereof to be holden upon the last *Tuesday* in the Month of *May* and the other upon the Third *Tuesday* in *November* yearly; and to raise and levy at such Markets and Fairs such Tolls, Customs, or Duties, not exceeding One *per Centum* upon the Articles, Goods, Cattle, Merchandize, or other Things exposed to Sale at such Markets or Fairs, as shall be agreed upon between the said Magistrates and the Proprietor or Proprietors of the said Estate for the Time being; such Tolls, Customs, and Duties to be applied for maintaining Peace and good Order during such Markets and Fairs, or otherwise for the Benefit and Behoof of the said Burgh of Barony, and Maintenance of the Police.

Saving Rights of Proprietor of Rochsolloch and Airdrie.

XIV. And be it further enacted, That nothing in this Act contained shall invalidate, diminish, or impair, or be construed to invalidate, diminish, or impair any Right, Property, or Interest held, possessed, or enjoyed, or which may be legally claimed to be held, possessed, or enjoyed by the Proprietor or Proprietors for the Time being of the Lands and Barony of *Rochsolloch* and *Airdrie*, as Superiors or Proprietors of the same, to any Feu Duties, Rents, Privileges, Immunities, Casualties, Servitudes, or other Rights of any Description, payable or prestable from forth, out of, in, or upon any of the said Lands hereby erected into a Burgh of Barony; nor shall the Erection of the said Burgh of Barony, or any Act or Deed to be done or permitted by such Proprietor or Proprietors in virtue of this Act, or for the Purposes of the same, affect or impair, or be construed in any way to affect or impair, the Right, Title, or Interest of such Proprietor or Proprietors to or in the said Lands and Barony, or any Part or Portion thereof.

Foot Pavements to be made.

XV. And be it further enacted, That the Feuars, Owners, and Proprietors of all Houses and Buildings, and of Gardens or Grounds adjoining to and fronting any Street, Square, or public Place already formed or to be formed in the said Town of *Airdrie*, within the Limits of the said Town, shall, at his, her, or their Expence, cause the Ground before their Properties respectively, where Houses or other Buildings are erected on the Sides of the said Streets, Squares, or other public Places, to be brought to a proper Level, so as to carry off the Water, and to be well and sufficiently paved with flat hewn Stone, of such Breadth, and in such Manner and Form as the said Provost and Magistrates (after visiting the Grounds, and hearing the Parties), shall direct and appoint; the Foot Pavement in any Street or Square being always of One Breadth, and the Breadth of such Foot Pavement not exceeding Ten Feet in Streets of Sixty Feet wide and upwards; Eight Feet in Streets from Fifty to Sixty Feet wide; Seven Feet in Streets from Forty to Fifty Feet wide; and in Streets less than Twenty Feet wide the Pavements shall be laid in such Form, and of such Width, as the said Provost and Magistrates may think proper to order and appoint; and that it shall be in the Option of the Owners or Proprietors of such Gardens or Grounds within the said Town, on which no Buildings are erected, either to make the Foot Pavements in manner aforesaid, or to pave opposite their

Properties with Whin Stone, or lay the same with Gravel, leaving a sufficient Kirb Freestone until the same shall be built upon, but no longer; and that such Parts of Footpaths as are opposite to Wynds, Lanes, and Cart or Carriage Entries, may also, in the Option of the Proprietors, be paved with Whin Stones.

In case Proprietors refuse, the Provost and Magistrates may order Foot Pavements to be made.

XVI. And be it further enacted, That in case any such Owner or Proprietor shall refuse or neglect to cause such Ground to be paved in manner aforesaid, within such Time as he, she, or they shall be required so to do, it shall and may be lawful to any One or more of the said Provost and Magistrates, to cause the same to be done at the Expence of such Owner or Proprietor; and in case any such Owner or Proprietor shall refuse or neglect, when required to pay the Expences of such Foot Pavements, it shall and may be lawful to any One or more of the said Provost and Magistrates to decern such Expence, together with the Charges of recovering the same, to be paid by such Owner or Proprietor, either to the Tradesmen doing the Work, or to any Person authorized to receive the same, in manner herein-after mentioned: Provided always, that in every Case where such Owner or Proprietor shall be unable to pay the Expence of making such Foot Pavement in One Sum, any One or more of the said Provost and Magistrates may decern the same to be paid by such Instalments and at such Periods as to him or them shall seem proper.

Foot Pavements how to be kept in repair.

XVII. And be it further enacted, That after the said Foot Pavements or Paths shall be made by virtue of this Act, the same shall be kept in proper Repair by the said Owners or Occupiers, and failing their so doing, it shall and may be lawful for any One or more of the said Provost and Magistrates, upon Complaint made to him or them, to give Decrees for the Charges and Expence of repairing, relaying, and maintaining the same, together with the Expences of Recovery against such Owners or Proprietors, in the like Manner as such Provost and Magistrates are herein-before empowered to decern for the Expence of making the said Foot Pavements.

How Expences thereof to be apportioned.

XVIII. And be it further enacted, That when Houses, Grounds, or Buildings belong to more Proprietors than one, the Expence of making and repairing the said Pavements as aforesaid shall be defrayed by such Proprietors in proportion to the Rents of the respective Parts of the Premises belonging to each of them, according as the same shall at the Time stand rated in the Rent-roll herein-after mentioned; and in case any Dispute or Difference shall arise among the several Proprietors of the same House or Building, relative to their Proportions of the said Expence, it shall and may be lawful for any One or more of the said Provost and Magistrates to fix and determine the same according to the Rate of such Rents in the said Roll, and such Determination shall be final and binding on all Parties.

Expences when paid by Tenants, to be deducted

XIX. And be it further enacted, That in default of the Owners or Proprietors of Houses and other Buildings as aforesaid paying such Expence, it shall and may be lawful to the Tenant or Occupier of such Houses

from their Rents.

Houses or other Buildings, and they are hereby respectively required to pay the same, and such Tenant and Occupier are hereby empowered to deduct and retain out of his, her, or their Rents, such Sums of Money as they shall respectively pay on account of the said Pavements for their respective Landlords, Owners, or Proprietors, who are hereby required to admit of such Deductions, any Lease or Contract to the contrary notwithstanding.

Streets to be paved.

XX. And be it further enacted, That it shall be lawful for and in the Power of the said Provost and Magistrates, to direct and cause to be paved, causewayed, raised, relaid, or altered, and kept in repair, such Parts of the public Streets, Lanes, and Passages within the said Town of *Airdrie* (other than the Roads falling under the Management and Direction of Trustees under any Turnpike Act), as shall be built on both or one of the Sides thereof, or may be necessary for the general Convenience of the Inhabitants of the said Town; and for that Purpose the said Provost and Magistrates shall have Power to assess and levy the County Statute Labour Assessment, leviable in respect of so much of the said Burgh of Barony as shall be so paved, causewayed, and kept in repair.

Foot Pavements to be swept and cleaned.

XXI. And be it further enacted, That all and every Person or Persons who shall occupy, either as Proprietor or Tenant, the Ground Floor or Storey of any Dwelling House, Shop, or other Building on a Level with and adjoining to and fronting the Foot Pavements within the said Town of *Airdrie*, shall cause the same, along the Front of his, her, or their respective Shops, Dwelling Houses, or other Buildings, to be swept, scraped, and cleaned Once every lawful Day between the Hours of Six and Nine in the Morning; and in case of Failure so to do, it shall and may be lawful for the said Provost and Magistrates, or any One of them, to decern in a summary Manner such Proprietors and Possessors to pay a Sum not exceeding One Shilling Sterling for each Offence, to be levied and applied in manner herein-after directed; and in case any Dispute shall arise amongst such Proprietors or Possessors as to cleansing, sweeping, and scraping the said Foot Pavements, it shall and may be lawful for the said Provost and Magistrates, or any One or more of them, to determine such Dispute, and such Determination shall be final.

Closes to be cleaned by Proprietors.

XXII. And be it further enacted, That from and after the passing of this Act, the whole Closes, Lanes, or Thoroughfares, and back Courts within the said Town of *Airdrie*, which are not cleaned and swept by Scavengers appointed under the Authority of this Act, shall be kept clean and clear of all Dung, Filth, or Rubbish, at the Expence of the several Proprietors thereof, or of the Houses and Buildings therein, who shall cause the same to be swept and cleaned out at least Twice each Week; and in case such Closes, Lanes, or Thoroughfares and back Courts shall not be so swept and cleaned, such Proprietors shall severally forfeit and pay such Sum not exceeding Five Shillings Sterling, as the said Provost and Magistrates, or any Two of them, shall award for each Offence, to be levied and applied in manner herein-after directed.

XXIII. And

The whole Proprietors to contribute to cleaning the Closes.

XXIII. And be it further enacted, That where the said Closes, Lanes, or Thoroughfares and back Courts, or Houses and Buildings therein, belong to more Proprietors than one, the several Proprietors thereof shall be obliged to defray the Expence of sweeping and cleaning the said Closes, Lanes, or Thoroughfares and back Courts, in proportion to the Value of their respective Properties; and in case any Dispute or Difference shall occur among such Proprietors relative to their Proportion of the said Expence, it shall and may be lawful to the said Provost and Magistrates, or any One or more of them, after hearing the Parties concerned, by a Decree to be pronounced by him or them, to determine the Amount and Proportion to be paid by each Proprietor, and to decern for the same in a summary Manner, which Determination shall be final.

Scavengers may be employed to clean the Streets.

XXIV. And be it further enacted, That it shall and may be lawful for the said Provost and Magistrates at all Times to contract with or employ Scavengers or other Persons to clean and sweep the Streets, Lanes, Closes, and other Avenues and public Places in and about the said Town (excepting the Foot Pavements, which are to be cleaned and swept in manner herein-before directed), such Lanes, Closes, and Places being public Thoroughfares, and belonging to or inhabited by more than one Person or Family, and to order to be removed and carried from thence all Soil, Dirt, Ashes, and Filth, to such Place and Places as they shall appoint; and that it shall and may be lawful for them to sell or dispose of such Soil, Dirt, Ashes, and Filth, and to apply the Produce to the Purposes of this Act.

Dung to be removed from the Streets, &c.;

XXV. And be it further enacted, That all and every Person or Persons who shall lay or deposit, or cause to be laid or deposited, on any of the Streets, Lanes, Ways, or public Places within the said Town of *Airdrie*, any Dung for the Purpose of carrying the same to adjacent Grounds, shall remove and take the same away before Twelve of the Clock of the Day on which it shall be so laid down, from the First Day of *November* to the First Day of *April*, and before Ten of the Clock of the Day from the First Day of *April* to the First Day of *November*; and if any Ashes or Dung so laid down for Removal shall be allowed to remain on any Part of the said Streets, Lanes, public Ways, or Places after the said Hours, it shall and may be lawful for the said Provost and Magistrates, or any One or more of them, to decern the Person or Persons so offending to pay any Sum not exceeding Five Shillings Sterling for such Offence, to be levied and applied as herein-after directed, and that over and above the Forfeiture of the Dung itself, which shall be sold, and the Price applied in the same Manner as the Penalty.

and the Foot Pavement to be cleaned immediately.

XXVI. And be it further enacted, That every Person employed in carrying or wheeling any Dung, Dirt, or Ashes to the Streets, shall sweep, scrape, and cleanse the Foot Pavements and Streets over which such Dung, Dirt, or Ashes shall have been carried or wheeled, immediately after having finished so carrying or wheeling the same, under a Penalty not exceeding One Shilling Sterling for each Offence, to be levied and applied in manner herein-after directed.

For preventing various Nuisances, Annoyances, and Obstructions.

XXVII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Town, run, draw, drive, or carry thereon any Truck, Wheel-sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage or Cart, or wilfully ride, lead, or drive any Horse or other Beast or Cattle whatever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereon, or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall on or in the said Footway or Foot Pavement, or erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall, in any Street, Lane, public Passage, or Place within the said Town, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose), or wet, slack, or mix any Lime, or wet, mix, or make any Mortar, or shoe, bleed, or farry any Horse or other Beast, (unless in case of sudden Accident,) or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or show or expose any Stallion or Stone-horse, (except only in such Place as the said Provost and Magistrates shall direct,) or show or expose, or exercise or expose to Sale any Horse or other Beast, or kill, or slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part, or cause or permit any Blood to run from any Slaughter-house, Butcher's Shop or Shamble into the Streets or any of them; or shall sell or assist in selling by Auction or Public Sale any Cattle, Goods, Wares, Merchandize, or Thing or Things whatsoever, without the Leave of the said Provost and Magistrates for that Purpose had and obtained; or hang up, place, or expose to Sale, or cause or permit to be hanged up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Matter or Thing in or upon, or so as to project over or upon the Footway or Carriageway of any such Streets, Lanes, public Passages, or Places, or beyond the Line or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or leave open after Sunset the Door or Window of any Cellar or other under-ground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, and public Places of the said Town from falling into such Cellars or other under-ground Rooms or Apartments; or bait or cause to be baited any Bull or other

other Animal, or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Cock or Fowl to be thrown at in such Manner, or play at Football or at any other Game, to the Annoyance of any Passenger or Passengers; or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Panes or Windows, in or belonging to any Dwelling House or Building; or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Lane, public Passage or Place; or shall obstruct or incommode, hinder, or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon within the said Burgh of Barony; then and in every such Case every Person so offending shall forfeit and pay for the First Offence any Sum not exceeding Forty Shillings, and not less than Ten Shillings, and for the Second and every subsequent Offence the Sum of Five Pounds; and it shall and may be lawful to and for any Constable or other Peace Officer, or any Officer or other Person acting by or under the Authority of the said Provost and Magistrates by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before the said Provost and Magistrates, or any One of them, or any Justice or Justices of the Peace of the said County of *Lanark*, in order to his, her, or their Conviction of such Offence: Provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from selling or exposing to Sale any Horse, Beast, Cattle, Sheep, or Swine, or placing any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing in any Market Place within the said Burgh of Barony, or in the usual Place of holding the annual Fairs on the usual Days of such Market or Fairs.

Power to make Common Sewers.

XXVIII. And be it further enacted, That it shall be lawful for and in the Power of the said Provost and Magistrates to make or cause to be made Common Sewers, Drains, and Watercourses for draining and carrying away the Water from the Roads, Streets, Lanes, and Passages made and to be made within the said Town of *Airdrie*: Provided always, that such Common Sewers, Drains, and Watercourses shall be covered over in a sufficient and substantial Manner, and that all Damages done or occasioned by making or repairing the same shall be paid by the said Provost and Magistrates to the Person or Persons interested, from the Funds to be raised by virtue of this Act; and in case of Difference between the said Provost and Magistrates, and such Person or Persons respecting the Amount of such Damages, the same shall be ascertained by Decrees to be pronounced by the Sheriff Depute of the County of *Lanark*, or his Substitute, who are hereby authorized and required to hear the Parties, and to decern for the same finally, without being subject to Review by Advocation, Suspension, Reduction,

Reduction, or in any way whatsoever, save and except as is provided by this Act.

Outside Stairs, &c. to be removed.

XXIX. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, or any Two of them, and they are hereby empowered (after inspecting the Premises and hearing the Parties concerned) to order, by a Decree under their Hands, the Proprietors of Houses, or other Buildings fronting any of the Streets of the said Town of *Airdrie*, to remove or cause to be removed and taken away within a reasonable Time all Outstairs, Outshots, Buildings, Erections, Sign Posts, and other Things whatsoever, which project upon or tend to obstruct the free Passage of the said Streets, and Foot Pavements, or which project or extend beyond the proper Line or Breadth; and if within the Time specified in such Decree, such Outstairs, Outshots, Buildings, Erections, Sign Posts, and other Things be not taken away, the Owner of such House or Building from which the same may project, or to which it may belong, shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and the like Sum for every Month after such Decree, during which such Outstairs, Outshots, Buildings, or other Projections shall remain; such Fines to be levied and applied in manner herein-after directed: Provided always, that in case such Obstructions shall not be removed within Three Calendar Months after the Time they are decerned to be removed, then it shall be lawful to the said Provost and Magistrates, or any Two or more of them, and they are hereby empowered to order the same to be removed *brevi manu*.

Proviso as to Outstairs.

XXX. Provided always, and be it enacted That where the Houses and Buildings erected on the Sides of the said Foot Pavements cannot have convenient Access and Entries by any other Passages than by Outstairs, the said Provost and Magistrates, or any One or more of them, may order such Outstairs to be altered and narrowed, in such Manner as to leave a free Passage, not less than Two Thirds of the Breadth of the Foot Pavement opposite to the said Outstairs.

Magistrates may sink Wells, lay Pipes, &c.

XXXI. And be it further enacted, That it shall and may be competent to and for the said Provost and Magistrates of the said Burgh of Barony to treat with any Person or Persons for the Purchase of any Springs, Streams, or other Supplies of Water, for the Use of the Inhabitants of the said Town of *Airdrie*, or to cause Wells to be dug and Pumps to be erected for such Purpose within the said Town; and also to lay or cause to be laid any Pipes necessary for conveying the same to the said Town of *Airdrie*, and through any of the public Streets, Lanes, or Passages of the same; provided that the Consent in Writing of the Person or Persons through whose Grounds such Pipes shall pass be first had and obtained thereto; and the Expences of procuring and conveying Water to the said Town, and of digging, making, and maintaining the public Wells, Pipes, and Pumps within the said Burgh, shall be defrayed out of the Funds to be levied in virtue of this Act.

Penalty on Persons injuring Springs, &c.

XXXII. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, or any One of them, to fine

any Person or Persons who may be convicted of injuring or destroying such Springs, Streams, Wells, Pipes, or Pumps, or any of them, in any Sum not exceeding Five Pounds for each Offence, over and above the Damage thereby sustained, to be levied and applied in manner herein-after directed.

How Water is to be carried from the Roofs of Houses, &c.

XXXIII. And be it further enacted, That the Water from the Roofs of all Houses and other Buildings within the said Town of *Airdrie* fronting the public Streets and Squares, and the Lanes and Wynds which are Thoroughfares, shall be conveyed in Lead or other Pipes, reaching within Six Inches of the Ground, and affixed to or on the Sides or Fronts of such Houses and Buildings, and the Owners or Proprietors thereof shall be obliged to make a Gut or Gutter in the Pavement, from the Termination of the said Pipe or Pipes, for carrying off the Water therefrom into the Common Sewer; and in case the Owners or Proprietors of such Houses and Buildings shall not cause such Water to be so conveyed within Twelve Months after being required to do so by the said Provost and Magistrates, then it shall and may be lawful for the said Provost and Magistrates, or any Two of them, and they are hereby authorized and empowered, after inspecting the Premises, and hearing the Parties concerned, to order the same to be done, and the Expences thereof to be paid by such Owners or Proprietors, and to decern against them in such Fine for Contempt, which Fine shall not exceed Twenty Shillings, as the Circumstances of the Case may require.

Where Houses belong to more Proprietors than one.

XXXIV. And be it further enacted, That when the Floors or Stories of any Houses or Buildings belong to more Proprietors than One, the several Proprietors of the same House or Building shall defray the Expence of making, affixing, and keeping in repair the said Pipes, and the said Guts or Gutters in the Pavements, in proportion to the Rents of the Parts of such Houses or Buildings which belong to them respectively; and in case any Dispute or Difference shall arise relative to the Proportions of the aforesaid Expences, it shall and may be lawful for the said Provost and Magistrates, or any One or more of them, after inspecting the Premises and hearing the Parties concerned, by a Decree under their Hands to determine the same summarily, and to decern for such Expence as shall appear just.

Where done by Tenants orOccupiers, Recourse to be had by them to Proprietors.

XXXV. Provided also, and be it enacted, That where the Tenants or Occupiers of any House or other Building shall, in default of the Proprietors, have been at any Expence in conveying the Water as aforesaid (which they are hereby authorized and required to do to the Amount of the yearly Rents payable by them respectively), they may and are hereby authorized and empowered to deduct such Expence from the Rent or Rents due or to become due to his, her, or their Landlord or Landlords, who are hereby directed and required to allow the same, any Agreement, Lease, or Contract to the contrary notwithstanding.

Streets to be lighted, and Lamp Irons affixed to Houses.

XXXVI. And be it further enacted, That it shall and may be lawful to, and in the Power of the said Provost and Magistrates to direct and cause the several public Streets, Squares, Lanes, and Passages in the said Town of *Airdrie* to be lighted in such Manner and Form as they shall think proper, and to contract with any Person or Persons for that Purpose, and also to order Lamp Irons and Lamps to be fixed on the Walls of Houses and other Buildings, or on the Sides of the Streets, Lanes, and Passages, and from Time to Time to alter and remove the same: Provided further, that the said Provost and Magistrates shall cause any Damage that may thereby be occasioned to be repaired, and the Expence thereof to be defrayed out of the Money granted by this Act; and if any Proprietor or Occupier shall be dissatisfied with such Repair, it shall be lawful for him or her to complain to the Sheriff Depute of the said County of *Lanark*, who shall determine the Matter of such Complaint, without being subject to any Appeal or Review whatsoever, save and except as provided by this Act: Provided always, that it shall not be lawful to put up any Pipes conveying Gas against any of the Houses within the said Town, without the Consent of the Owner and Occupier of such House first had and obtained thereto in Writing.

Penalty for breaking Lamps wilfully.

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully take away, break, or throw down any Lamp or Lamps which now are or hereafter shall be set up within the Limits of the said Burgh of Barony, or shall wilfully extinguish the Light or Lights within the same, or damage the Irons or Appurtenances thereof, it shall and may be lawful for any Person who shall see such Offence committed to seize, and also for any other Person to assist in seizing the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of a Peace Officer, in order to be secured and conveyed before any One of the said Provost and Magistrates; and if the Party or Parties accused of such Offence, whether apprehended as aforesaid, or afterwards cited for the same, shall be convicted thereof either by his, her, or their own Confession, or by legal Evidence, such Offender or Offenders shall for every such Offence forfeit and pay at the Discretion of the Magistrate any Sum not exceeding Fifteen Pounds Sterling, and moreover shall make Satisfaction for the Damages done; and in case such Offender or Offenders shall not immediately upon Conviction pay such Forfeiture and make such Satisfaction, the said Provost and Magistrates, or any One or more of them, are hereby empowered to commit him, her, or them to the Common Gaol or Bridewell of the said Town of *Airdrie*, or nearest lawful Gaol within the said County of *Lanark*, for a Space not exceeding Two Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they is or are committed, unless such Forfeiture and Satisfaction be sooner paid and given.

Satisfaction for breaking

XXXVIII. And be it further enacted, That in case any Person or Persons shall accidentally break, throw down, or damage any of the said

Lamps by Accident.

said Lamps, or the Irons or Appurtenances thereof, it shall and may be lawful for the said Provost and Magistrates, or any one of them, to award such Sum or Sums of Money by way of Satisfaction for such Damages as the said Provost and Magistrates may think reasonable, provided the Sum so awarded shall not exceed the real Damage sustained by such Accident, besides the Expence incurred in recovering the same; and in case of Neglect or Refusal of the said Person or Persons to pay such Sum or Sums of Money within Two Days after the same shall be demanded, it shall and may be lawful for the said Provost and Magistrates, or any One or more of them, to cause the same to be levied by Distress and Sale of such Part of his, her, or their Goods, as may be sufficient for that Purpose, and the Surplus, if any, to be paid to such Person or Persons.

Gunpowder where to be kept;

XXXIX. And be it further enacted, That no Shopkeeper or other Person or Persons shall keep at the same Time in any Shop, Cellar, or Warehouse, or other Apartment within the said Town of *Airdrie*, more than Five Pounds Weight of Gunpowder, but shall carry or cause to be carried all Gunpowder belonging to him or them, exceeding that Quantity, to such Magazine or Place as may be hereafter provided and appointed by the said Provost and Magistrates, unless such Person shall have a Cellar, Magazine, or other Place for depositing the same, which shall be approved of by the said Provost and Magistrates; and every Person or Persons so offending, neglecting, or failing shall for every Offence forfeit and pay any Sum not exceeding Five Pounds Sterling, to be levied in manner herein-after directed, besides forfeiting all the Gunpowder which shall be in his, her, or their Houses, Shops, Cellars, Warehouses, or other Apartments exceeding the aforesaid Quantity: Provided always, that no such Regulation, or any Regulation of this Act, shall extend to Gunpowder belonging to His Majesty, His Heirs and Successors, or of or belonging to His Majesty's Ordnance or Commissariat, or of or belonging to any of His Majesty's Barracks, or to any Part of His Majesty's Army or Navy.

and how to be kept and sold.

XL. And be it further enacted, That the Gunpowder allowed to be kept in Shops, Cellars, Warehouses, or other Apartments as aforesaid, shall be deposited in a Place by itself, secured by Lock and Key, under a Penalty not exceeding One Pound Sterling, to be paid for each Offence, by the Occupier of the House, Shop, Cellar, Warehouse, or other Apartment in which the same shall be kept, to be levied in manner herein-after directed; and it shall not be lawful to such Occupier or other Person or Persons, to sell or dispose of any Quantity of Gunpowder by Candle-light, or after Day-light, on any Account, or for any Purpose whatever, under a Penalty not exceeding Five Pounds Sterling for each Offence, to levied and applied in manner herein-after directed.

Houses to be numbered.

XLI. And be it further enacted, That the said Provost and Magistrates shall and may order and direct the Houses, Buildings, Shops, and Warehouses

Warehouses within the said Town of *Airdrie* to be numbered with Figures, placed or painted and continued or renewed 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 and renewed, when necessary, on a conspicuous Part of any House or Building, at or near the End or Corner of each Street, Square, Lane, Passage, or Place, the Name of such Street, Square, Lane, Passage, or Place; and any Person or Persons who shall wilfully and maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding Two Pounds Sterling, to be levied and applied in manner herein-after directed.

Openings made in the Streets to be fenced, and a Light kept burning during the Night.

XLII. And be it further enacted, That in case any Hole or Opening shall be made in any of the Streets, Squares, Passages, Lanes, or public Places in the said Town of *Airdrie*, for the Purpose of digging Foundations for Building, for digging Wells or Drains, or for other Purposes, the Person or Persons making or causing any such Hole or Opening to be made, and the Persons employed and concerned therein, shall, at his, her, or their Expence, cause a sufficient Rail or Fence to be put round the same, and shall cause a Lamp or Light to be affixed at or near the same, to be kept burning every Night from Sun-setting to Sun-rising, whilst any such Hole or Opening shall remain unfilled up; and in case any of the said Persons shall refuse or neglect so to rail in any such Hole or Opening, or to affix and keep burning a Lamp or Light, in manner aforesaid, it shall and may be lawful for the said Provost and Magistrates, or any One or more of them, to decern such Person or Persons to pay any Sum not exceeding Five Shillings Sterling for each Day so long as the said Opening shall remain unfilled up; and also to order every such Hole or Opening to be fenced or railed in as aforesaid, at the Expence of such Person or Persons; and that in erecting new Buildings, not more than One Half of the Street shall be occupied with the Materials and Sheds used at the Erection; and Proprietors shall be liable for any Accident that may occur by leaving Materials for Building or Rubbish on the Streets, or by making any Hole in the Streets; and shall, if required by the said Provost and Magistrates, or any one of them, be bound, before beginning to their Operations, to find Caution to pay any Damages that may occur.

Houses, when taken down or unroofed, to be fenced.

XLIII. And be it further enacted, That when it is necessary to take down or unroof any Houses or Tenements in the said Town of *Airdrie*, for the Purposes of rebuilding or repairing them, or for any other Purposes, and when it becomes necessary to perform any other Work upon the said Houses or Tenements, whereby Risk may arise of Stones, Slates, Timber, or any other Materials falling upon the said Foot Pavements, every Person or Persons carrying on or causing to be carried on such Works, shall, at his, her, or their Expence, fence round or cause to be fenced round with a sufficient Rail or other Fence the Parts of the said Foot Pavements opposite to the said Houses or Tenements rebuilding or repairing, or where other Works

are carrying on, and shall uphold and keep in proper Repair and Condition the Rails or other 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 it shall be lawful to and in the Power of the said Provost and Magistrates, or any One or more of them, to fine the Person or Persons neglecting or refusing so to fence round the said Foot Pavements, in a Sum not exceeding Ten Shillings Sterling for each Day's Failure; and also to order the said Foot Pavements to be fenced in as aforesaid, at the Expence of such Person or Persons, the said Fines to be levied and applied in manner herein-after directed.

Powers to appoint a Master of Police, &c.; and Watchmen.

XLIV. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, and they are hereby empowered, to appoint a Master of Police, and other proper Officers, during their Pleasure, to act under their Authority for executing the Matters committed to them by this Act, and for regulating the Police, and for preserving Peace and good Order in the said Town of *Airdrie;* and also such a Number of Watchmen as they shall judge necessary for guarding, patrolling, and watching the Streets, Lanes, and other Passages of the said Town of *Airdrie*, in such Manner and under such Rules and Regulations as to the said Provost and Magistrates shall appear proper and expedient.

Powers to give Salaries to Officers.

XLV. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, and they are hereby authorized and empowered, to order suitable Salaries or Allowances to be made to the said Master of Police and other Officers, and to pay the necessary Expences incurred by them in the Execution of the Duties of their respective Offices, and the necessary Charges and Expences of the aforesaid Establishment, from Assessments and other Funds hereby appointed to be levied, and from no other Fund whatever.

Duties of Masters of Police, Clerks, &c.

XLVI. And be it further enacted, That the Duty of the said Master of Police, Watchmen, and other Officers, shall be and they are hereby authorized and required to aid and assist the said Provost and Magistrates in apprehending, detecting, and bringing to Justice, and the said Provost and Magistrates are hereby authorized and empowered to apprehend, detect, and bring to Justice, Persons guilty of Street Robberies, House-breaking, Assaults, Reset of Theft, Shop-lifting, picking Pockets, Gambling, Acts tending to the fighting in Duel, or Pugilism, and other Crimes and Breaches of the Peace, by causing the Parties accused to be apprehended and imprisoned, upon legal Warrants, and proceeded against in Terms of Law; in apprehending and putting the Law into execution against Vagabonds, Vagrants, public and sturdy Beggars, and other idle and disorderly Persons, who follow no lawful Employment or Occupation; in suppressing disorderly Public Houses, and other Houses frequented by Persons of the aforesaid Description; suppressing Shows and similar Exhibitions, unless permitted by the said Provost and Magistrates; in suppressing Mobs

and Riots, in assisting to extinguish Fires, in putting the Laws into execution for the Regulation of Weights and Measures; in putting the Laws into execution by which Owners and Drivers of Carts and other Carriages are prohibited from leaving the same on the Streets, Roads, and Passages, or riding on their Carts, or driving Carriages or Horses or Cattle furiously or improperly, so as to endanger His Majesty's liege Subjects; and in removing Wheel or Hand Barrows, or any other Vehicles, in or upon which Goods or Provisions are carried, that shall have been left upon the Streets or Pavements, or in the Closes, or Passages after Daylight; in seeing that the said Streets, Squares, Lanes, Passages, and other Places are properly lighted and cleaned, and that all Openings in the Streets and Foot Pavements are properly secured; in guarding, patrolling, and watching the Streets, preventing Horses, Cattle, or Swine from going at large in the Streets, Closes, Areas, Lanes, or Passages of the said Burgh of Barony; and in general, in regulating the Police and preserving good Order and Tranquillity in the said Burgh, and in carrying the different Purposes of this Act into execution.

Offenders may be confined in any convenient Place in the Burgh till Gaol shall be erected.

XLVII. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, until a suitable Gaol or Bridewell shall be erected for the said Burgh of Barony, to provide and appoint an adequate and convenient Place within the same for the Confinement or Detention of any Person or Persons who may be committed under the Authority of this Act, until such Person or Persons shall be conveyed to some other legal Gaol, or be liberated by lawful Authority, and the Expences of so doing shall and may be defrayed out of the Assessments leviable by this Act.

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

XLVIII. And be it further enacted, That when Offences are committed within the said Burgh of Barony, and the Offender or Offenders shall thereafter remove from the said Bounds, it shall be lawful for the Master of Police, and he is hereby empowered to apply to the Sheriff Depute of the County of *Lanark*, or his Substitutes, or any Justice of the Peace of the said County, for Warrants to apprehend or cite such Offender or Offenders wherever he, she, or they may be found within the said County, and to search for Articles connected with such Offences; and on such Warrants being granted, it shall and may be lawful for the Officers of Police to execute the same in any Place within the said County.

Keepers of Tippling Houses to findSecurity.

XLIX. And be it further enacted, That it shall and may be lawful to the said Provost and Magistrates, or any One of them, and they or either of them are hereby authorized and empowered to cause to be brought before them all Persons keeping Tippling Houses, or Houses resorted to by riotous or disorderly People; and to require such Persons to find Security for his, her, or their good Behaviour, for such Length of Time and to such Extent, not being less than Ten Pounds, and not exceeding Fifty Pounds, as they shall judge proper; and in the Event of such Security not being found within a reasonable Time, it shall and may be lawful to deprive such

Person or Persons of his, her, or their Licence or Licences for selling Ale or Spirituous Liquors; and in the Event of the said Persons or any of them selling Ale or Spirituous Liquors, not being duly licensed in Terms of Law, it shall and may be lawful to the Magistrate before whom they are brought, to inflict a Fine not exceeding Ten Pounds Sterling.

Excise Licences to be forfeited in certain Cases.

L. And be it further enacted, That it shall be in the Power of the said Provost and Magistrates respectively to decern the Excise Licences of any Person or Persons selling Ale, Beer, or Spirituous Liquors to be forfeited, upon Complaints being established against such Person or Persons of permitting riotous or disorderly Conduct within the Premises of any such Person or Persons vending any such Liquors.

Provost and Magistrates may constitute Special Constables.

LI. And be it further enacted, That the said Provost and Magistrates shall have Power, and they are hereby authorized to constitute and appoint Special Constables in Cases of Riot or Tumult, or Apprehension thereof, or for executing the Sentences or Warrants to be issued by them in virtue of this Act, or otherwise, and with all the Powers competent to Constables by the Law of *Scotland*.

Penalty on Persons obstructing the Officers in the Execution of their Duty.

LII. And be it further enacted, That if any Person or Persons shall at any Time obstruct or molest any Officer, Special Constable, Watchman, or other Person who shall be employed in the Execution of his or their Duty under this Act, every Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Two Pounds Sterling; and if any Person or Persons shall assault or strike any such Officer, Watchman, or other Person employed, every such Person or Persons shall, for every such Offence, upon being convicted thereof, by his, her, or their own Confession, or by legal Evidence, forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered in manner hereinafter directed: Provided always, that the levying of these Fines shall not preclude the said Watchman or other Persons from having Recourse to an Action in any competent Court for the Injury done to them.

Surveyors to be appointed to ascertain Rents.

LIII. And be it further enacted, That it shall and may be lawful for the said Provost and Magistrates, and they are hereby authorized and required, at any Time within Six Months and before One Year after the passing of this Act, to appoint a proper Person or Persons who shall ascertain the free Rent of all Houses, Shops, Cellars, Warehouses, Works, Manufactories, and Buildings within the said Burgh of Barony, if occupied by Tenants, and also the Rents at which the same are worth to be let by the Year, if occupied by Proprietors or Life-renters, with Power to such Person or Persons to enter upon and survey all such Houses, Shops, Cellars, Warehouses, Works, Manufactories, and Buildings; and the like Survey shall thereafter be made yearly, and previous to the First Day of *July* in each Year; and the Person or Persons so to be appointed after making the same, shall leave for every Occupier, whether

whether Tenant, Proprietor, or Life-renter, at his or her Dwelling House, or on the Premises surveyed, a Notice of the Rent for which such Occupier is intended to be rated, and immediately after such Survey shall be completed, the said Surveyor or Surveyors shall deposit with the said Provost and Magistrates, or the Clerk of the said Burgh of Barony, a distinct Rent-roll or Return of the said Rents agreeably to the Survey so made; and in case any such Occupier shall think himself or herself overcharged in the said Rent-roll or Return, it shall be lawful for such Occupier, within Six Days after the said Notice shall have been left at his or her Dwelling Place, or on the Premises surveyed, to give Notice in Writing to the said Clerk, of the Overcharge complained of; and the said Provost and Magistrates shall meet annually within a public Room or other Place to be by them appointed within the said Burgh of Barony, upon the First *Tuesday* in the Month of *August* after the Survey aforesaid shall have been made, at Ten of the Clock in the Forenoon, with Power to adjourn from Time to Time for the Purpose of hearing the Parties, and determining the Matter of such Complaint; and in case the said Provost and Magistrates shall at any of the said Meetings think the Rent of any Occupier so given in by the Surveyor or Surveyors too low, they shall and may give similar Notice to such Occupier, and shall at a subsequent Meeting to be holden within Six Days after giving such Notice, and on a Day to be therein set forth, finally determine the Amount thereof; and similar Surveys shall be made, and Meetings held for correcting the Rent-roll in every Year during the Continuance of this Act: Provided always, that the Surveys so to be made shall include only all Houses, Shops, Cellars, Warehouses, Cotton or other Works, actually inhabited or occupied, or in which any Furniture or Goods are deposited at the Time of making the same; but a Second and similar Survey shall be made in like Manner (and subject to be rectified on Complaint as before directed), in the Month of *December* annually, of such Houses or other Premises as were uninhabited, or in which no Furniture or Goods were deposited at the Time of the preceding Survey; and if any such Houses or other Premises shall be inhabited, or have any Goods or Furniture therein at the Time of such Second Survey, the Rents thereof shall be added to the said Rent-roll or Return, and assessed for in manner herein-after directed.

Rate of Assessment.

LIV. And be it further enacted, That the said Provost and Magistrates shall have Power, and they are hereby authorized and required, within Ten Days after such Rent-roll shall have been made up, to fix, ascertain, and impose the following Rate and Assessment to be raised and levied from the Occupiers, whether Owners, Life-renters, or Tenants, of all Houses, Shops, Cellars, Warehouses, Works, Manufactories, and Buildings within the said Burgh of Barony; that is to say, on the yearly Rent of all such Subjects, an annual Assessment not exceeding One Shilling in the Pound Sterling, according as the said Shops, Houses, and other Buildings shall be rated and assessed in the aforesaid Rent-roll, to be made yearly in manner before directed; which annual Assessment shall be calculated for the present and every succeeding Year, from *Whitsunday* to

to *Whitsunday* upon the aggregate Rent of each Person's Possession, and shall be payable at the Times and in the Proportions to be appointed by the said Provost and Magistrates: Provided always, that the Rents which may be added to the said Rent-roll at the Second Survey to be made as aforesaid, shall be assessed for the Half of the yearly Rent, and such half-yearly Assessment shall be payable and be paid in the like Manner with the yearly Assessment: Provided also, that not more than One Half of the said Assessment shall be levied from Proprietors or Inhabitants of such Parts of the said Burgh of Barony as do not receive the Benefits of Watching and Lighting.

Proviso as to Houses under the yearly Rent of 2*l.*; and as to Paupers.

LV. Provided further, and be it enacted, That all Houses or Parts of Houses, and other Buildings herein-before mentioned, occupied by any One or more Person or Persons, and rated under the yearly Rent of Two Pounds Sterling, and all Houses occupied by Persons receiving Charity from the Parish Funds, shall be and they are hereby exempted from the Payment of any Assessment to be imposed and levied by virtue of this Act.

Heritors and Life-renters liable only for Houses, &c. occupied by themselves.

LVI. And be it further enacted, That all Houses and other Buildings aforesaid, occupied by Proprietors or Life-renters, shall be rated and assessed for the Duties hereby imposed upon such yearly Rent or Value as the same shall be rated and estimated in the aforesaid Rent-roll; and such Proprietors and Life-renters shall only be liable in Payment of the said Assessments for Houses, Shops, or other Buildings occupied by themselves and their domestic Servants, but not for those occupied by their Tenants, from whom only the said Assessments for the respective Possessions of such Tenants shall be levied and recovered by virtue of this Act.

Powers of Provost, &c. as to assessing and levying Monies.

LVII. And be it further enacted, That the said Provost and Magistrates shall have full Power and Authority, and they are hereby authorized and required, at their Meeting to be held on the said First *Tuesday* of *August* annually, or any adjourned Meeting, to ascertain and fix the Amount of the Assessment to be levied from the Tenants, Proprietors, and Life-renters of the Houses, Cellars, Shops, Warehouses, and other Buildings before described; and also to ascertain the Sums of Money necessary to be expended for the Purposes of this Act for the then current Year; and that it shall not be lawful for, nor in the Power of the said Provost and Magistrates, or any Person or Persons acting under their Authority, to levy or expend any Monies by virtue of this Act, unless the same shall have been previously assessed, and the Expenditure thereof voted at such Meeting.

Questions as to Assessments to be decided by the Provost, &c.

LVIII. And be it further enacted, That in case any Question or Dispute shall arise relative to the Houses, Shops, Cellars, Warehouses, Works, Manufactories, or Buildings, which are claimed to be exempted from the aforesaid Assessments, or relative to the Amount of the Assessments, or the Valuation of the said Subjects, the same shall be determined by Decree to be given under the Hands

of the said Provost and Magistrates, or any one of them; and in case of Dissatisfaction with such Decree, by the Sheriff Depute of the County of *Lanark*, or any of his Substitutes; and the Judgment to be given by such Sheriff Depute or Substitute shall be final, without being subject to Review or Challenge, or any Stay of Execution whatsoever.

Recovery of Rates.

LIX. And be it further enacted, That if any Person or Persons rated and assessed as in manner herein-before directed, shall refuse or neglect to pay the Rates or Assessments, charged upon him, her, or them for the Space of Fourteen Days next after such Rates or Assessments shall be due and demanded, and Notice given by affixing written or printed Intimation upon the Walls or Doors of the Churches, and Town House or Room in the said Town of *Airdrie*, then and in such Case it shall be lawful for the Provost and Magistrates, or any one of them, to issue a Warrant to any of their Officers to enter the House or Houses of such Defaulter or Defaulters, and to seize and take possession of his, her, or their Goods and Effects; and which Warrant the said Provost and Magistrates are hereby authorized to grant, upon an Affidavit made by the Collector or Collectors of such Demand having been made, of such Notice having been given, and of such Person or Persons being in arrear to the Amount stated in such Affidavit; and if such Rates or Assessments shall not be paid within Three Days next after such Seizure is made, together with the Costs or Charges thereby incurred, then the Collector or Collectors is and are hereby authorized to sell by Public Roup, at such Place as may appear proper such Part of the said Goods and Effects as shall be sufficient to pay the said Rates and Assessments, with the Costs and Charges attending such Seizure and Sale, returning the Overplus, if any be, to the Owner or Owners; the Costs or Charges to be ascertained by the Judge who shall issue the said Warrant.

Assessments vested in Provost and Magistrates.

LX. And be it further enacted, That the Monies to arise from the aforesaid annual Assessments, shall be and the same are hereby vested in the said Provost and Magistrates, and shall be applied to the following Purposes, and no other; *videlicet*, in defraying the Expence of paving and lighting and improving the said Town of *Airdrie*, defraying the Expence of providing a public Room or Place of Meeting for the said Provost and Magistrates, and of the aforesaid Establishment of Master of Police, Clerks, Servants, Watchmen, and other Officers, and for the other Purposes of this Act; and in case any surplus Monies shall remain, after executing all the Purposes aforesaid, upon settling the Account thereof, at the End of each Year, the same shall be applied towards the same Purpose for the Year following, so that the aforesaid Assessments be thereby proportionably reduced.

Provost and Magistrates may appoint Collectors or Treasurers.

LXI. And be it further enacted, That the said Provost and Magistrates shall have Power to appoint a Collector or Collectors, Treasurer or Treasurers, for levying, recovering, and paying away the Monies

Monies to be raised by virtue of this Act, and to rent, hire, build, or purchase a sufficient Office for holding their Meetings and transacting their Business, and also to appoint suitable Salaries to the said Collectors and Treasurers, and also to the Clerk of the said Burgh, and to agree for and pay a reasonable Price or Rent for the said Office, out of the said Funds, and that such Collectors, Treasurers, and Clerk shall find sufficient Security to the said Provost and Magistrates for their respective Intromissions with the Funds which they shall be empowered to levy and collect.

Clerk restrained from acting as Treasurer, and vice versâ.

LXII. And be it further enacted, That it shall not be lawful for the said Provost and Magistrates to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; nor shall it be lawful to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Provost and Magistrates; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act; or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered before the Judge Ordinary of the said County of *Lanark*, or the Court of Session, with Double Expences of Process.

Accounts to be kept.

LXIII. And be it further enacted, That a Book or Books shall be prepared and kept by the said Provost and Magistrates, and be kept by the Clerk of the said Burgh of Barony, wherein shall be fairly entered an account of all Monies levied and paid by virtue of this Act, and how the same have been applied; and the said Books shall be regularly balanced and doqueted yearly on the first *Tuesday* of *May*, the first Balance to be struck on the first *Tuesday* of *May* in the Year One thousand eight hundred and twenty-two, from which a Statement of the Receipts and Disbursements for the Year preceding shall be made out and printed on or before the first *Tuesday* of *June* annually after the Books are balanced; and Copies thereof shall be lodged in the Court House or Room, and Police Office of the said Town of *Airdrie*, where they shall remain Six Weeks for the Inspection (without Fee or Reward) of all Persons contributing to the aforesaid Assessments.

Minutes to be kept.

LXIV. And be it further enacted, That the said Provost and Magistrates shall keep or cause to be kept a Book or Books, in which shall be engrossed or written Minutes of all their Proceedings and Transactions, with an Account of the Salaries and Emoluments of Surveyors, Master of Police, Clerk, Servants, Watchmen, Collectors, Treasurers, and other Officers appointed by them, which Book or Books shall at all reasonable Times be open for the Inspection of every Person contributing to the aforesaid Assessments, who may peruse the same without Fee or Reward.

LXV. And

Provost, &c. may decern summarily for Penalties.

LXV. And be it further enacted, That it shall and may be lawful for the said Provost and Magistrates, or any one of them, to decern, in a summary Manner, for the several Penalties, Damages, and Expences imposed by this Act (the Manner of levying and recovering whereof is not herein particularly before described); and in case the Penalty and Forfeiture be not immediately paid, the said Provost and Magistrates, or any one of them, where the Sum decerned for does not exceed Ten Shillings Sterling, shall and they are hereby empowered to commit the Person or Persons refusing or neglecting to pay the same to Gaol, for any Time not exceeding Three Months, unless such Penalties, Damages, and Expences, and the Charges incurred in levying and recovering the same, shall be sooner paid and satisfied.

Penalties exceeding 1*l.* to be recovered by Distress and Sale.

LXVI. And be it further enacted, That where the Penalties, Forfeitures, Damages, and Expences decerned for, shall exceed the Sum of One Pound Sterling, and where the Manner of levying and recovering the same is not herein-before pointed out, it shall and may be lawful for the said Provost and Magistrates, or any one of them, upon Conviction of the Offender or Offenders, by their own Confession, or by legal Evidence, in case the Offender or Offenders shall not immediately pay the Sums decerned for, to cause the same to be recovered by Distress and Sale of the Offender or Offenders Goods and Effects, by a Warrant under the Hand of any one of the said Provost and Magistrates; and after deducting the Charges of such Distress and Sale, the Surplus, if any, shall be paid to such Offender or Offenders; and in case sufficient Goods and Effects shall not have been found, it shall be lawful for such Provost and Magistrates to cause the said Offender or Offenders to be committed to Gaol, therein to continue for a Space not exceeding Three Months, unless the Sums of Money so decerned for, and all reasonable Charges incurred, shall be sooner paid and satisfied: Provided always, that after Conviction, it shall be lawful for the said Provost and Magistrates before whom any Person shall be convicted pursuant to this Act, to order such Person to be detained in Custody until it be ascertained whether sufficient Distress be found.

Provost, &c. may decern for Costs of Suit.

LXVII. And be it further enacted, That the said Provost and Magistrates, or any one or more of them, shall and they are hereby empowered in all Cases to decern, not only for the Expence of any Works or Operations, or of any other Expences, Sums of Money, Damages, or Penalties under the Authority of this Act, but also for the Costs of Suit.

Power to mitigate Penalties.

LXVIII. And be it further enacted, That it shall and may be lawful for the said Provost and Magistrates, or any one of them, from Time to Time to mitigate and lessen any of the Forfeitures or Penalties incurred under this Act, as to them shall seem proper.

Penalties to be applied to the Purposes of this Act.

LXIX. And be it further enacted, That the whole of the pecuniary Penalties and Forfeitures herein-before authorized to be levied, shall, after deducting the necessary Charges of recovering the same, be paid to

to and make Part of the Funds to be applied under the Direction of the said Provost and Magistrates, for the Purposes of this Act, excepting as herein specially before provided.

Penalties to be sued for within Three Calendar Months.

LXX. And be it further enacted, That all Actions for recovering any of the Forfeitures and Penalties imposed by virtue of this Act, shall be commenced within the Space of Three Calendar Months from the Time the Fact by which they are incurred shall have been committed; and if not commenced within the aforesaid Space, the Person or Persons who shall have offended shall not be liable to be prosecuted thereafter.

No Action to be commenced against Provost, &c. after Three Calendar Months.

LXXI. And be it further enacted, That no Action or Process shall be commenced against the said Provost and Magistrates, or any Person or Persons, for any thing done in the Execution of this Act, after Three Calendar Months from the Time the Act or Acts in respect whereof the same shall be brought shall have taken place; and the Defender or Defenders in such Action or Process may produce this Act, and plead that the said Things were done by Authority and in virtue thereof; and if they shall appear so to be done, then and in that Case the said Defender or Defenders shall be assoilzied from such Action or Process, and the Pursuer or Pursuers in such Action shall be found liable to pay the said Defender or Defenders the whole Expences of Process incurred by him or them.

Appeal.

LXXII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Provost and Magistrates, not hereby declared to be final, it shall be lawful for him, her, or them to appeal to the first Circuit Court of Justiciary to be held at *Glasgow* thereafter; and the Appellant or Appellants shall find Security, and observe the other Requisites of the Law relative to Appeals to that Court.

Saving Clause to Sheriff and other Judges.

LXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, or Powers which now belong to and are enjoyed by the Sheriff and Justices of the Peace of the County of *Lanark*.

Expences of this Act how to be paid.

LXXIV. And be it further enacted, That the Charges of obtaining and passing this Act shall be paid out of the Sum to be subscribed towards the Expence of erecting the said Town of *Airdrie* into a Burgh of Barony, and the Assessments to be levied by virtue of this Act.

Sheriffs, &c. to aid and assist in Execution of Act.

LXXV. And be it further enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executors of the Law whatsoever, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution.

Public Act.

LXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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