ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 55.

An Act to amend an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, for the Improvement of the Harbour of *Alloa*; for paving, cleansing, and lighting the Town of *Alloa*, and for other Purposes therein mentioned.

[11th *June* 1803.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act to continue and render more effectual so much of an Act, passed in the Twenty-seventh Year of His late Majesty King* George *the Second, as imposes a Duty on Ships and Vessels anchoring in the Harbour of* Alloa *in the County of* Clackmannan, *for repairing the Pier of the said Harbour:* And whereas the Trustees, in virtue of the Powers committed to them by the said Act, have not only kept the said Pier and Harbour in Repair, but built a new Pier, whereby the said Harbour has been greatly improved, and rendered more safe and commodious for the Ships and Vessels resorting thereto; to defray the Expence of which the said Trustees have been under the Necessity of contracting a Debt of Six hundred and sixty-nine Pounds Four Shillings and One Penny: And whereas it has been found that the Duties upon the Tonnage granted by the said recited Act are inadequate for keeping the said Harbour in Repair, and for paying and discharging the said Debt; and it is expedient that the said Act should be amended: And whereas the only Access to and from the said Harbour lies through the Town of *Alloa*, the Streets and Lanes whereof are very ill paved, and

26 Geo. 3.

in general incommodious and unsafe for Passengers, are neither cleansed or lighted, and are subject to various Nuisances and Obstructions; and it would be of great Utility and Advantage to the Trade and Commerce of the said Town and Harbour; and would likewise tend to the Convenience, Benefit, and Safety of the Publick, as well as of the Owners and Inhabitants of Houses in the said Town of *Alloa*, if the said Streets and Lanes were properly paved, cleansed, and lighted, and all Nuisances and Obstructions removed and prevented, and a Market established in the said Town: And whereas it would greatly tend to the Health and Comfort of the Inhabitants of the said Town of *Alloa* if a proper Supply of good and wholesome Water were procured for the Use of the Inhabitants of the said Town; but which several Objects 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 Twenty-fourth Day of *June* One thousand eight hundred and three, the Trustees nominated and appointed by and at present acting under the said recited Act, shall have full Power and Authority, and they are hereby authorized and empowered to levy and collect from the Master or Commander, Owner or Owners, of every Ship or other Vessel which shall lade or unlade, take on board or discharge, at or from the said Pier, or from any Merchant or other Person whatsoever, owning and lading or unlading, or importing or exporting, any Goods, Wares, Merchandize, Baggage, Parcels, or other Articles whatsoever, the several Rates and Duties mentioned and contained in the Table or Schedule hereunto annexed.

Trustees appointed by Act 26 Geo. 3. may levy certain Rates on Goods, &c. exported or imported.

Trustees to fix Rates on Articles not specified in the Schedule.

II. And be it further enacted, That it shall and may be lawful, to and for the said Trustees, or any Three or more of them, to ascertain and fix such reasonable Rates and Duties to be paid upon the lading or unlading, importing and exporting of any Article or Commodity not specified or enumerated in the said Table or Schedule hereunto annexed, in Proportion to the several Rates and Duties therein specified, as they shall think fit, not exceeding Three-pence on the Barrel Bulk; which Rates and Duties when so fixed and ascertained by the said Trustees or their Successors, shall be as valid to all Intents and Purposes whatsoever as if the same had been enumerated in this Act, or in the Table or Schedule hereunto annexed.

Exempting Articles belonging to *Alloa* Glass-house.

III. Provided always, and be it enacted, That all Goods or Articles which shall or may be laden or unladen on board, of or from any Ship or Vessel at a certain Pier in or near the said Harbour, belonging to the Proprietors of the *Alloa* Glass House, shall be exempted from the Rates and Duties hereby granted, provided such Goods or Articles shall be the Produce of, or necessary to be made Use of in the said Manufactory.

Converting the *Pow* into a Wet Dock.

IV. And whereas it would greatly tend to the Benefit of the Shipping of the said Harbour, if the *Old Pow*, or Part thereof, were converted into a Bason or Wet Dock; be it therefore enacted, That the said Trustees shall have full Power and Authority, and they are hereby authorized and empowered, with the Consent of the Proprietor of the Estate of *Mar*, when

when they ſhall be of Opinion their Funds will admit of it, to make and conſtruct the ſaid *Old Pow*, or ſuch Part thereof, as they ſhall think proper, into a Baſon or Wet Dock, and to erect and make ſuch Piers and Flood Gates as may be neceſſary for that Purpoſe, and to levy and collect from every Ship or Veſſel going into or uſing the ſaid Wet Docks, any Sum not exceeding Two Shillings *per* Ton, over and above all other Rates.

Exempting His Majeſty's Ships from Duties.

V. Provided alſo, and be it further enacted, That all Cutters and other Veſſels, belonging to or employed in the Service of His Majeſty, ſhall be exempted from the Payment of all and every the Rates and Duties hereby granted.

Application of Duties and Penalties.

VI. And be it enacted, That all and every Sum and Sums of Money which ſhall be levied and received of the Rates and Duties by the ſaid Act, or this Act impoſed, and which ſhall be recovered for Forfeitures incurred under and by virtue of the ſaid Act, or of this Act, ſhall by the ſaid Truſtees be applied in the Firſt Place in Payment of the Sums borrowed and advanced, in virtue of the ſaid Act, or to be borrowed and advanced in virtue of this Act, and thereafter applied to the other Purpoſes in the ſaid former Act and in this preſent Act ſpecified in relation to the ſaid Harbour; and the Overſeers of the Duties appointed by the ſaid former Act ſhall alſo be Overſeers of the Rates and Duties hereby granted, and the Receipts and Diſburſements thereof, with the ſame Juriſdiction, Powers, and Authorities, as are contained in the ſaid Act, and not hereby altered or varied.

Truſtees empowered to borrow a Sum not exceeding 5000 *l.*

VII. And, in order to enable the ſaid Truſtees to pay off and diſcharge the aforeſaid Sum of Six hundred and ſixty-nine Pounds Four Shillings and One Penny, contracted by them in building the Addition to the Pier as before mentioned, and to execute and complete the Purpoſes ſpecified in the ſaid recited Act and this Act; be it further enacted, That they ſhall have full Power, and are hereby authorized to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Five thouſand Pounds Sterling, and to aſſign and make over the aforeſaid Rates and Duties by the ſaid recited Act and this Act granted, to the Perſon or Perſons from whom the Money ſhall be ſo borrowed, for Re-payment of the Sums of Money ſo to be lent, with Intereſt due thereupon, in Manner directed by the ſaid recited Act: Provided always, that when the ſaid Sum of Five thouſand Pounds ſhall be paid off and diſcharged, the ſaid Truſtees may in like Manner again borrow any Sum or Sums of Money, not exceeding the aforeſaid Sum.

When the Money borrowed is paid off, Truſtees may lower the Rates.

VIII. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees, if they ſhall think proper ſo to do, to reduce the aforeſaid Rates and Duties, with Conſent of Five Sixths in Value of the Creditors thereon, and again to raiſe the ſame, from Time to Time, as Circumſtances ſhall require, but in ſuch Manner as never to exceed the Rates and Duties herein-before granted: Provided always, that the ſaid Truſtees, as ſoon as the Money borrowed is paid off, ſhall and are hereby authorized to lower ſuch Rates and Duties to ſuch Proportions thereof as may be neceſſary for keeping and maintaining the aforeſaid Harbour in good and ſufficient Repair, and again to raiſe the

ſame

ſame in Manner aforeſaid, when the Situation of the Harbour ſhall require it.

Truſtees may make Bye Laws, &c.

IX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Time or Times, to make ſuch Rules, Bye Laws, and Orders, for the whole and complete Superintendance and Management of the ſaid Harbour, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons who ſhall offend againſt any ſuch Rules, Bye Laws, or Orders, as to them ſhall ſeem meet, not exceeding the Sum of Five Pounds Sterling for any Offence; which ſaid Rules, Bye Laws, and Orders, being reduced into Writing, and ſubſcribed by the ſaid Truſtees, or any Five or more of them, ſhall be binding upon, and obſerved by all Parties uſing, or in any Way concerned in the ſaid Harbour, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that they be not inconſiſtent with, or repugnant to, the Laws of this Realm, or to the Proviſions and Directions in this Act contained, or to any of them; and provided that ſuch Rules, Bye Laws, and Orders ſhall be affixed on the Market Croſs of the ſaid Town, and hung up in the Office of the Shore Maſter of *Alloa*.

Directing Bye Laws not to have Effect until allowed by Judges of Aſſizes, or Magiſtrates in Quarter Seſſions.

X. Provided always, and be it further enacted, That no Rule, Order, or Bye Law which ſhall be made as aforeſaid, purſuant to the Powers hereby given for that Purpoſe, ſhall be put in Execution, or have any Force, Operation, or Effect, until the ſame reſpectively ſhall have been produced at the General Quarter Seſſions of the Peace held for the ſaid County of *Clackmannan*, and have been approved by the Juſtices of ſuch Quarter Seſſions, or the major Part of them, for the Time being, by Writing under their Hands; nor until the ſame ſhall have been publiſhed and poſted, or hung up in ſome publick Place in the Office of the Shore Maſter of *Alloa*, for the Space of Fourteen Days.

Penalty for eluding Payment of Rates.

XI. And be it further enacted, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee of any Ship, Veſſel, Bark, Lighter, or Boat, liable in Payment of any Rates and Duties hereby granted, ſhall at any Time elude or avoid Payment of any ſuch Rates and Duties, by any Method whatſoever, every ſuch Maſter, Commander, Owner, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Company the Sum of Five Pounds Sterling, and ſhall, notwithſtanding, ſtand charged with, and be liable to, the Payment of the ſaid Rates and Duties.

For ſecuring Payment of the Rates and Duties.

XII. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted, That any Ship, Veſſel, Bark, Lighter, or Boat, liable to the Rates and Duties aforeſaid, or out of which there ſhall have been landed, or in which there ſhall have been ſhipped, any Goods, Wares, or Merchandize liable to the Rates and Duties aforeſaid, ſhall not be cleared out by the Collector or other Officer of the Cuſtoms at *Alloa*, till a Certificate ſhall be produced to the ſaid Collector or other Officer, certifying that the Rates and Duties payable by virtue of this Act, for ſuch Goods, Wares, or Merchandize as aforeſaid have been paid, which Certificate

Certificate ſhall be ſigned by ſuch Perſon as the ſaid Truſtees, or any Three or more of them, ſhall appoint or authorize to receive the ſaid Rates and Duties; and the Perſon ſo appointed is hereby required to grant ſuch Certificate to the Maſter of every ſuch Ship, Veſſel, Bark, Lighter, or Boat, upon the Payment of the ſaid Rates and Duties; and any Collector or other Officer of the Cuſtoms at *Alloa*, acting contrary hereto, ſhall forfeit a Sum not exceeding Five Pounds Sterling to be paid to the Truſtees, or ſuch Perſon as ſhall be authorized by them, or any Three or more of them, to receive the ſame.

Goods not to remain on the Pier beyond a limited Time.

XIII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons who ſhall have landed and cauſed to be landed any Goods or Merchandize, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving Stones, Lime Stones, Slates, Dung, or Manure, or any other Thing (other than Materials for the neceſſary Repairs of the Piers, Quays, and for immediate Uſe in ſhipping), upon any of the Piers and Quays, or Landing Places within the ſaid Harbour, or in any of the Avenues leading to the ſaid Quays and Piers, or any of them, to continue or permit the ſame to remain and lie thereon for any longer Time than Forty-eight Hours; and that in all ſuch Caſes where the ſaid Goods, or others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Truſtees, or any Perſon or Perſons appointed by them, to remove, or cauſe to be removed, all ſuch Goods and other Things as they ſhall find ſo lying, continuing, and being, on the ſaid Piers, Quays, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention; and if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand thereof by the ſaid Truſtees, or ſome Perſon or Perſons to be employed by them, then and in ſuch Caſe they are hereby authorized to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Effects ſo reſpectively ſecured, and to render the Overplus, if any be, to the Owner or Owners (the Charges of taking, keeping, and making Sale of ſuch Diſtreſs), on the ſame being demanded.

Gunpowder and other Combuſtibles to be removed.

XIV. And be it further enacted, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Quays and Piers aforeſaid, within the ſaid Harbour, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Piers or Quays, lying in the Harbour aforeſaid for above the Space of Twenty-four Hours after paſſing the Cuſtom-Houſe Officers; and that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Daylight, that then and in every ſuch Caſe the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet, and maintain at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Truſtees ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things ſhall make Default therein, every ſuch Owner or Owners, Maſter or Mate, of every ſuch Ship or Veſſel, ſhall

forfeit and pay, for every ſuch Offence, the Sum of Five Pounds Sterling.

To prevent throwing Ballaſt into the Harbour.

XV. And be it enacted, That, from and after the paſſing of this Act, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things into the ſaid Harbour, or into the River near or adjoining the ſame, or to dig and take away any Ballaſt, Shingle, Stones, or other Things therefrom, to the Hurt and Prejudice of the ſaid Harbour or River, or of the Works connected therewith, under the Penalty of Five Pounds Sterling for every ſuch Offence.

Ballaſt to be removed off from the Quays.

XVI. And be it further enacted, That any Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt away any Ballaſt from out of any Ship or other Veſſel upon any Quay, Pier, or Breaſt in or belonging to the ſaid Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately after cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the ſaid Truſtees for ſuch Caſes ſhall provide and appoint, on Pain of forfeiting, for every ſuch Offence, the Sum of Forty Shillings Sterling.

Maſters of Veſſels anſwerable for the Damage done by their Crews.

XVII. And be it further enacted, That the Maſter or Owner of every Ship or Veſſel coming to and uſing the ſaid Harbour ſhall be, and he is hereby made anſwerable for the Amount of any Damage or Miſchief which ſhall be done by him or by ſuch Ship or Veſſel, or by any of the Mariners, Boatmen, Servants, or others on board the ſame, to any of the Piers, Quays, Breaſts, or other Works connected with the ſaid Harbour, with full Coſts of Suit; and that it ſhall be lawful to detain ſuch Ship or Veſſel until ſufficient Security be granted for Payment of the ſame.

For regulating the Pilotage and Porters Wages.

XVIII. And be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, in Conjunction with the Juſtices of the Peace for the County of *Clackmannan*, or any Three or more of them, from Time to Time to regulate and aſcertain the Rates of Pilotage of Veſſels to and from the ſaid Harbour, and the Wages of Porters and others employed thereat, ſo as not to exceed the Rates now payable at the Port of *Leith*, and to make ſuch Rules and Regulations therein as to them may ſeem fit, and to compel all Perſons profeſſing the Occupation of Pilots to attend and pilot all Veſſels coming to and uſing the ſaid Harbour, for Payment of the regulated Rates, and to place and diſplace ſuch Pilots at their Pleaſure.

Puniſhment for deſtroying Works

XIX. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on Fire, any of the Piers, Quays, Jetties, Breaſts, or other Works to be conſtructed in or belonging to the ſaid Harbour, or any Ship, Boat, or other Veſſel lying or being therein, every ſuch Perſon or Perſons ſo offending, upon being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and ſhall be ſubject to the like Pains and Penalties as in Caſes of Petit Larceny.

XX. And

Extending Powers of former Acts to this Act.

XX. And be it further enacted, That all the Powers and Provisions of the said Act not hereby altered or varied shall be, and the same are hereby, extended to this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act.

Trustees appointed for lighting and paving the Streets, &c.

XXI. And, in order that the said Streets and Lanes in the said Town of *Alloa* may be properly paved and lighted, and a proper Supply of good and wholesome Water may be procured for the Use of the said Town, be it enacted, That, from and after the passing of this Act, the Baillie of *Alloa* for the Time being, *John Jameson* Sheriff Clerk of *Clackmannanshire*, *Robert Jameson* his Son, *Alexander Bald* Merchant, *Robert Bald* Engineer, *James Ure* Comptroller of the Customs, the Reverend *James Muckersie*, *John Haig* Surgeon, *Robert Macfarlane* Ship Master, *Robert Meiklejohn* Brewer, *Alexander Forrester* senior, Baker, *James Smith* Mason, *Peter Macfarlane* Merchant, *James Johnstone* Merchant, and *James Haig* Merchant, and their Successors, to be appointed in Manner herein mentioned, shall be and they are hereby declared to be Trustees for the Purposes of bringing Water into, paving, lighting, and cleansing the Streets of the said Town of *Alloa*, and putting this Act into Execution, so far as relates thereto.

Appointment of new Trustees, in Room of those who die or refuse to act.

XXII. And be it further enacted, That when and so often as any of the Trustees herein nominated and appointed shall die or refuse to act in the Execution of this Act (such Death or Refusal being declared at a Meeting of the said Trustees), then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees, or the major Part of them who shall be present at a Meeting to be appointed within Three Calendar Months next after such Death or Refusal to act, shall be so declared, to elect One or more fit Person or Persons to be a Trustee or Trustees, in the Place or Stead of him or them so dying or refusing to act; and all and every Person or Persons who shall be so elected, is and are hereby vested with the same Powers and Authorities for carrying this Act into Execution, as the Person or Persons in whose Place and Stead he or they shall succeed, was or were vested with.

Neglect to act for Twelve Calendar Months, deemed a Refusal.

XXIII. And be it further enacted, That if any Person or Persons nominated, appointed, or elected a Trustee or Trustees, as last aforesaid, shall neglect to act in the Execution of this Act, during the Space of Twelve Calendar Months, such Neglect shall be and be deemed to be a Refusal to act within the Intent and Meaning of this Act.

Qualification of Trustees.

XXIV. Provided always, and be it enacted, That no Person shall be capable of acting as a last mentioned Trustee in the Execution of this Act, unless he shall be possessed as a Proprietor of Houses and Lands, within the said Town, of the yearly Rent or Value of Ten Pounds Sterling, or shall have a free yearly Income of Sixty Pounds Sterling, and shall also be a Subscriber to the Extent of Fifty Pounds Sterling, or shall have joined in borrowing Money to the Extent of One hundred and fifty Pounds Sterling, for the Purposes of this Act; and if any Person not so qualified shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit the Sum of Ten Pounds Sterling, to be recovered

recovered and applied in Manner herein-after directed; and any Truſtee claiming to be qualified in reſpect of Income as aforeſaid, ſhall, if required, be obliged to make Oath that his Income is not under the Sum of Sixty Pounds Sterling before he ſhall act as a Truſtee in virtue of this Act.

Quarterly Meetings to be held.

XXV. And be it enacted, That Four Quarterly ſtated Meetings of the ſaid laſt mentioned Truſtees ſhall be held every Year during the Continuance of this Act within the new Publick Room at *Alloa*, or in any other Place within the ſaid Town, which they ſhall, from Time to Time, appoint, *videlicet*, upon the Second *Tueſday* of *June*, the Second *Tueſday* of *September*, the Second *Tueſday* of *December*, and the Second *Tueſday* of *March*, annually, for putting this Act and the Powers hereby committed to them in Execution, beginning the Firſt of theſe Quarterly Meetings upon the Fourteenth Day after the paſſing of this Act; and that the Clerk for the Time ſhall cauſe the whole Truſtees reſident in the ſaid Town to be ſummoned to attend the ſaid Quarterly Meetings, by written or printed Notices, to be given them perſonally, or left at their Dwelling Houſes at leaſt Forty-eight Hours previous to the Time of the ſaid Meetings; and all Powers and Authorities of this Act granted to or veſted in the ſaid Truſtees, ſhall and may, from Time to Time, be exerciſed by the major Part of them preſent, at ſuch Quarterly Meetings, or at any other Meeting held in virtue and in purſuance of this Act, the whole Number preſent at ſuch Meeting not being leſs than Five; and when and ſo often as it ſhall happen that there ſhall be an equal Number of Votes upon any Queſtion (including the Preſes' Vote), the Preſes ſhall have the deciſive or caſting Vote; and the ſaid Truſtees, or a Majority of them preſent at ſuch Quarterly or other Meetings, may adjourn the ſame as they may think proper and neceſſary for executing the Powers veſted in them by this Act.

Preſes to have a caſting Vote.

Truſtees may adjourn Meetings.

Clerk to call occaſional Meetings.

XXVI. And be it enacted, That the Clerk of the ſaid Truſtees ſhall, upon Requiſition made to him under the Hands of any Two of them, appoint occaſional Meetings to be held within Forty-eight Hours after ſuch Requiſition; and that it ſhall alſo be in the Power of the Clerk to appoint occaſional Meetings of the ſaid Truſtees, when the ſame ſhall appear to him neceſſary and expedient.

No Order of the Truſtees to be altered, but by a ſubſequent Meeting called for that Purpoſe.

XXVII. Provided always, That no Order made by the ſaid Truſtees ſhall be revoked or altered, unleſs at ſome Meeting to be holden for that Purpoſe, and to be called by the Clerk as before directed; and the written or printed Notice ſhall alſo ſpecify the Intention of ſuch Meeting; and unleſs as great a Number of Truſtees ſhall attend at ſuch Meeting to revoke or alter the ſame as were preſent to make ſuch Order; any Thing in this Act contained to the contrary notwithſtanding.

Proceedings of Truſtees to be entered in a Book,

XXVIII. And be it further enacted, That fair and regular Entries ſhall be made in a Book or Books, to be provided for that Purpoſe, of all the Acts, Orders, and Proceedings of the ſaid Truſtees, relative to the Execution of this Act, and of the Names of the Truſtees who ſhall be preſent at the reſpective Meetings, and the ſame ſhall be ſubſcribed by the Preſes at each reſpective Meeting; and all ſuch Entries being ſo ſigned, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence

which ſhall be held as Evidence.

in

in all Courts whatſoever, in all Caſes, Suits, and Actions, touching any Thing done in purſuance of this Act.

Truſtees to appoint Officers.

XXIX. And be it further enacted, That the ſaid laſt mentioned Truſtees ſhall and may at their Firſt or any ſubſequent Meeting, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, for the Execution of this Act, and alſo ſuch and ſo many Scavengers, Rakers, Cleanſers of the Streets, Lanes, and other publick Places in the ſaid Town, and ſuch and ſo many Keepers and Lighters of Lamps, and alſo ſuch and ſo many Watering-Men, as they the ſaid Truſtees ſhall think proper; and from Time to Time to remove him or them, and appoint others as they ſhall find neceſſary and convenient; and by and out of the Monies to be raiſed by virtue of this Act, may and are hereby empowered to appoint and pay ſuch Salary and Allowances to ſuch Officers and other Perſons to be by them employed in the Execution of this Act as they ſhall think reaſonable; and the ſaid Truſtees ſhall and are hereby required to take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon or Perſons as aforeſaid, as the ſaid Truſtees ſhall think proper.

Truſtees to cauſe Streets *etc.* to be repaired, and to be lighted and cleared of Obſtructions and Nuiſances.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, and at all Times when and ſo often as they ſhall think proper, to cauſe, order, and direct all or any of the Streets, Lanes, Paſſages, and Places within the ſaid Town of *Alloa* or any Part or Parts thereof, to be new paved or repaired, and raiſed, lowered, relaid, widened, or altered, in ſuch Manner as the ſaid Truſtees ſhall think proper; and alſo to cauſe, order, and direct the ſaid ſeveral Streets, Lanes, Paſſages, and Places to be lighted and cleanſed, and all Annoyances and Obſtructions, Nuiſances, and Encroachments therein to be removed, and all Signs and Sign Poſts projecting over the ſaid Streets or Foot-Pavements to be taken down and removed, and the ſame to be placed and fixed Flat on the Fronts of the Houſes and Shops to which they belong, and the preſent and future Drains, Sinks, Gutters, or Water Courſes, for conveying the Water out of and from the ſeveral Streets, Lanes, and Paſſages, and Places to be amended, repaired, cleanſed, ſcoured, or widened, and new ones to be made in ſuch Manner as the ſaid Truſtees ſhall think proper, and may cauſe the ſame to be made through any adjoining Lands or Grounds, (if Occaſion ſhall require), making ſuch Satisfaction for the Damages done thereby as the ſaid Truſtees ſhall think proper; and in caſe of any Difference betwixt the Truſtees and the Parties intereſted in the Premiſes reſpecting the Amount of ſuch Satisfaction, the ſame ſhall be ſettled in the ſame Manner as is herein-after provided.

Inhabitants to pave the Footways before their Properties.

XXXI. And be it enacted, That the Feuers of all Houſes and other Buildings fronting any Street, or publick or principal Place within the ſaid Town, ſhall, at his, her, or their Expence, cauſe the Footways, Paths, or Pavements before their Property reſpectively, on the Sides of the ſaid Streets, and other publick and principal Places, to be well and ſufficiently paved with flat hewn Stones, in ſuch Manner and in ſuch Form as the ſaid Truſtees, after viſiting and inſpecting the ſame, and hearing the Parties concerned, ſhall from Time to Time direct and appoint, the Breadth of the ſaid Foot Pavements not to exceed Eight Feet.

And if they shall refuse or neglect, Trustees may order the same to be done at their Expence.

XXXII. And be it enacted, That in case any Feuer shall refuse or neglect to cause such Footways, Paths, or Pavements to be paved in Manner herein directed, within Sixty Days after they shall be required so to do, it shall be lawful for the said Trustees to cause the Foot Pavements to be made in such Manner as they shall direct, the Breadth of the said Foot Pavements not to exceed the Breadth before specified, at the Expence of such Feuers respectively; and in case any such Feuer shall refuse or neglect to pay such Expence when required, it shall be lawful to the said Trustees to recover the same, by a summary Action before the Sheriff Depute, or Substitute of the County of *Clackmannan*, or any Two or more of His Majesty's Justices of the Peace for the said County.

Foot Pavements when made, to be kept in Repair by the Trustees.

XXXIII. And be it enacted, That after the Foot Pavements are made as aforesaid, they shall, in all Time thereafter, be kept in Repair by the said Trustees acting in that Behalf, the Expence thereof to be paid from the Rates and Duties by this Act imposed.

Inhabitants to sweep the Foot Pavements opposite their Houses.

XXXIV. And be it enacted, That all and every Person or Persons who shall possess the Floor on a Level with, or immediately above the Street, whether Dwelling Houses or Shops, adjoining to or fronting the Foot Pavements within the said Town, shall cause the same, along the Front of their Shops and respective Properties, to be sweeped, scraped, and cleaned Once every Day, *Sunday* excepted, between the Hours of Six and Nine in the Morning, and if they fail so to do, it shall be lawful for the Baillie of *Alloa* to decree, in a summary Manner, such Possessors and Proprietors to pay a Sum not exceeding One Shilling Sterling for each Offence; and in case any Dispute shall arise amongst the Possessors of the Property adjoining the said Foot Pavements, relative to the scraping, cleansing, and sweeping the same, it shall be lawful to the Baillie to enquire into the Matter, and determine the same, which Determination shall be final.

Penalty on occasioning Nuisances.

XXXV. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or cut up any Beast or Swine, Calf, Sheep, Lamb, or other Cattle, or shall permit or suffer any Blood, Filth, or Nuisance whatsoever to run or drain from any Slaughter House, Stable, Yard, or Premises, in or upon any of the said Streets or Lanes, or shall hoop, cleanse, wash, or scald any Cask, or hew, saw, or cause to be hewed or sawn, any Stone, Wood, or Timber, or bend, or make the Wheel of any Carriage, or shoe, bleed, except in Case of Necessity or Accident, or wilfully turn loose any Horse, or set, place, or expose to Sale any Goods, Wares, or Merchandize, either in the Foot-ways or Carriage-ways of any of the said Streets, Lanes, or other publick Places and Passages, or shall hang up, place, or expose to Sale any Goods, Wares, or Merchandize, or any Fruit, Vegetables, or Garden Stuff, Butchers' Meat, or other Matter or Thing, (excepting in the Market Place upon the Market Days), on or projecting over the Foot or Carriage Way, so as to obstruct or incommode the Passage of any Person or Carriage, or shall make, or assist in making, any Fire or Fires commonly called *Bonfires*, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever in any Part or Parts of the said Streets, Lanes, or other publick Passages or Places whatsoever, so as to obstruct or incommode the Passage of any Foot-way or Carriage-way,

or

or to prejudice, annoy, or incommode any Perſon or Perſons travelling or paſſing thereon, or ſift, ſcreen, or ſlack any Lime, or ſhall careleſsly or wilfully break or damage the Foot Pavement in any ſuch Street, Lane, or other publick Paſſage or Place, or cauſe the ſame to be ſo done, every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall prevent any Feuer or Inhabitant from laying down Lime, Bricks, or Stones upon the Sides of the ſaid Streets, for the Purpoſe of repairing or rebuilding any Houſe within the ſaid Town; provided there be convenient Room left for Carriages and Paſſengers to paſs and repaſs, and that the ſaid Stones, Brick, Lime, and Rubbiſh be immediately removed, as ſoon as the ſaid Repairs ſhall be compleated.

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

XXXVI. And be it further enacted, That if any Waggon or Cart ſhall be left to ſtand or remain in any of the ſaid Streets or Lanes, with or without Horſes, for any longer Time than ſhall be reaſonable or neceſſary for the loading or unloading thereof, or if any Goods, Timber, Bricks, Stones, Dung, Rubbiſh, or other Things, ſhall be laid or placed, and left to remain in any of the ſaid Streets or Lanes, for any longer Time than ſhall be neceſſary for the moving or houſing the ſame, then and in every ſuch Caſe the Owner or Driver of every ſuch Waggon or Cart, and the Owner of ſuch Timber, Rubbiſh, or other Things, and the Perſons who ſhall lay down or place, and leave the ſame, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Shillings; and if any ſuch Timber, Dung, Rubbiſh, or other Things, or other Nuiſance, ſhall be ſuffered to remain in any of the ſaid Streets or Lanes longer than ſhall be neceſſary as aforeſaid, the Truſtees are hereby authorized to order the ſame to be removed to ſuch Place as they ſhall think proper; and the Expence thereof ſhall be paid by the Perſon liable to the Payment of the ſaid Penalty; and ſhall and may, in caſe of Non-payment on Demand, be recovered in like Manner as any Penalty is hereafter authorized or directed to be recovered.

Timber to be carried on long Carriages.

XXXVII. And be it further enacted, That all Timber, Log or Logs of Wood, and Bars of Iron, conveyed through the Highways, Streets, or Lanes of the ſaid Town, whether going into or coming from the Country or otherways, ſhall be conveyed and carried upon long Carts or Carriages, or in ſuch other Way or Manner as that the ſaid Timber, Log or Logs of Wood, and Bars of Iron, ſhall not trail upon the ſaid Streets, or project or extend over the Sides of the ſaid Carriages, ſo as to obſtruct or incommode the Paſſage of any Perſon or Carriage; and that every Perſon or Perſons who ſhall convey or carry any Timber, Log or Logs of Wood, and Bars of Iron, through the ſaid Highways, Streets, or Lanes, in any other Manner than is before directed, ſhall forfeit and pay any Sum not exceeding Five Shillings Sterling, to be recovered in like Manner as any Penalty is by this Act authorized and directed to be recovered.

Dung on the Streets to be leaſed.

XXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, to let in Tack or Leaſe, for One or more Years as they may think proper, the Fulzie or Dung of and upon the ſaid Highways, Streets, Lanes, and other publick Places within the ſaid Town

Town by publick Roup, and to apply the Rent or Tack Duty thereof to the ſole Purpoſes of putting this Act in Execution.

Streets to be widened, and new ones opened.

XXXIX. And whereas many of the Highways, Streets, Lanes, and other publick Paſſages are at preſent too narrow, and it will be attended with great Utility and Advantage to the Publick in general, and to the Inhabitants of the ſaid Town in particular, if the ſame were widened and improved, and if all Outſtairs and other Obſtructions encroaching upon the ſaid Streets were removed; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to widen and improve the preſent Streets and Lanes of the ſaid Town, and to pull down and remove the Three Houſes deſcribed in the Schedule hereunto annexed, and to lay the Scites thereof, or ſo much as the ſaid Truſtees ſhall think neceſſary, into the ſaid Streets and Lanes, ſo as to make them of a Width proper for the Paſſage of Carriages and Foot Paſſengers; and for thoſe Purpoſes to treat, contract, and agree, with the Owners, Life-Renters, and Perſons entitled to the ſeveral Houſes, for ſo much and ſuch Part of any, every, or either of the ſaid Houſes, or ſo much and ſuch Part of the Ground belonging to ſuch Houſes, or on which the ſame ſtand, as ſhall be ſufficient and neceſſary for the Purpoſes aforeſaid, for the abſolute Purchaſe thereof.

And to treat and agree with the Owners of Houſes for the Purchaſe thereof.

Miſnomers not to prevent the Execution of the Act.

XL. Provided always, and be it further enacted, That if any or either of the Premiſes mentioned in the Schedule to this Act annexed, or the Perſons in whoſe Poſſeſſion they are ſtated to be, ſhall happen to be miſnamed or improperly deſcribed, ſuch Miſnomer or inaccurate Deſcription ſhall not prevent or retard the Execution of this Act; but the ſame Premiſes ſhall and may be taken and uſed for the Purpoſes of this Act, in ſuch and the ſame Manner in all Reſpects, as if the ſame were properly and accurately named and deſcribed.

Power to incapacitated Perſons to ſell and convey.

XLI. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Truſtees, Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, furious or other Perſons, and to and for all and every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any of the ſaid Lands, Houſes, Tenements, or other Hereditaments, to ſell and convey to the ſaid Truſtees all or any ſuch Lands, Houſes, Tenements, or other Hereditaments, or any Part thereof, and all their Right to and Intereſt in the ſame for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, or other Conveyances ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, or Uſage to the contrary notwithſtanding; and that all Truſtees, Heirs of Entail, Tutors or Curators, Corporations, Proprietors, Incumbrancers, and all other Perſons, are and ſhall be indemnified for what they ſhall do by virtue or in purſuance of this Act.

Empowering the Truſtees to ſummon a Jury, whoſe Verdict ſhall be concluſive to all Parties.

XLII. Provided always, and be it enacted, That in caſe no Agreement ſhall be concluded between the ſaid Truſtees and the Heritors, Life-Renters, or Leſſees, or any of them, either by the Heritors, and others intereſted, refuſing or neglecting to treat and agree, or to accept of the Value and Price offered to them by the ſaid Truſtees, within Ten Days after being required under Form of Inſtrument ſo to do, or from

the

the ſaid Perſons intereſted being under Incapacity or unknown, then it ſhall be competent to the Sheriff Depute of the County of *Clackmannan* for the Time being, or his Subſtitute, upon Application being made to him by the ſaid Truſtees, to ſummon a Number of diſcreet and ſubſtantial Perſons, being Owners and Occupiers of Land, entitled to be Commiſſioners of Supply within the ſaid County, not leſs than Twenty-two in Number, to come and appear before him or them at ſuch Time and Place as by their Warrant and Precept ſhall be directed, Intimation of Ten Days being given by the Truſtees of ſuch Appointment to the Party concerned, or his or her Agent; and the Number of Perſons who ſhall attend ſhall then be reduced to Eleven by the Truſtees and the Proprietor, ſtriking off One alternately, beginning on the Part of the Proprietor; or in caſe both Parties ſhall fail to appear, by the Sheriff ſtriking off, until the Number be ſo reduced; and the remaining Eleven being duly ſworn, the Sheriff ſhall proceed to examine upon Oath, in their Preſence, ſuch Witneſſes as ſhall be ſummoned by either Party, and upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine the Damages to be paid by the ſaid Truſtees; and their Verdict ſhall be final and concluſive to all Parties, without any Power of Appeal whatſoever; and the Sheriff ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Grounds or other Subjects, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the Grounds or other Subjects.

Application of Compenſation Money for entailed Property, &c. when exceeding 200*l.*

XLIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or this Act for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, Married Woman, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland* or Royal Bank of *Scotland*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, 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, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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 Meſſuages, Lands, Tenements, or Hereditaments, 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 Meſſuages, Lands, Tenements, and Hereditaments, 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 Purchaſe 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, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If under 200*l.* and above 20*l.*

XLIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to One or more Truſtee or Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Truſtees (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, as far as the Caſe be applicable.

Where under 20*l.* Sterling.

XLV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next 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 or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

If awarded Price not paid within a certain Time, Award to be void and null.

XLVI. Provided always, and be it further enacted, That in caſe the Sum or Sums of Money awarded in Manner above directed, to be paid to the Owners, Occupiers, Life-Renters, and others intereſted in the reſpective Intereſts in the Premiſes aforeſaid, ſhall not be paid, tendered, or conſigned, as herein-before directed, within Two Calendar Months next after the ſame ſhall have been ſo awarded, then and in ſuch Caſe, the ſaid Award, and the Order and Adjudication of the ſaid Sheriff thereupon, ſhall not be binding on the ſaid Parties, the Owners, Occupiers, and others intereſted in the Premiſes; but the ſame ſhall continue binding on the ſaid Truſtees, any Thing herein contained to the contrary notwithſtanding.

After Payment of Price awarded Truſ-

XLVII. And be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered, after making

making Payment of such Sum or Sums of Money as shall be agreed upon between them and the said Owners and Occupiers, or other Persons interested therein respectively, or adjudged or awarded as aforesaid, for the Purchase of the said Lands, Houses, Tenements, and other Hereditaments, Tacks, or Leases; or after Consignation thereof in the Cases aforesaid, to order the said Houses, Tenements, and other Buildings, to be taken down, and the Areas to be cleared, and otherwise to use the Property so acquired, as shall be thought proper and necessary by the said Trustees for the Purposes of this Act. Trustees may pull down Houses, &c.

XLVIII. And be it also enacted, That after the Purchase of any such Tenements, Houses, Lands, and other Hereditaments, as shall be found necessary for the Execution of this Act, the said Trustees shall be, and they are hereby authorized and empowered, to sell by publick Auction, for an adequate Price, the Materials of all such Houses and Buildings, and also the remaining Ground (if any), and apply the Purchase Money to and for the Purposes of this Act, and none other; and they are hereby authorized and empowered to pay the Purchase Money, or adjudged Value of the said Lands, Tenements, and other Hereditaments, Tacks, or Leases, out of such Sums as shall be raised for the Purposes of this Act. Trustees to sell Materials and Ground.

XLIX. Provided also, and be it enacted, That previous Notice shall be given by the said Trustees to the Tenants and Occupiers of all such Lands, Tenements, Houses, Leases, and other Hereditaments as are so to be converted and disposed of for the Purposes aforesaid Three Months at least before the Term of *Whitsunday*, at which the said Tenants or Occupiers are to be removed therefrom, by affixing a Notice in Writing to that Effect upon the most patent Door of such Houses, Tenements, and other Hereditaments, or by delivering such Notice to the principal Occupiers thereof. Notice to be given to Tenants to quit.

L. And be it enacted, That it shall and may be lawful for, and in the Power of, the said Trustees, or any Two of them, by an Order given under their Hands (after inspecting the Premises and hearing the Parties concerned), to order the Proprietors of all Houses and other Buildings, fronting any of the Streets of the said Town, to remove or cause to be removed and taken away, within a reasonable Time, all Outstairs, Outshots, Buildings, Erections, and other Things whatsoever, which tend to obstruct free Passage in the said Streets and Foot Pavements; and if within the Time specified in such Order the said Outstairs, Outshots, Buildings, Erections, and other Things be not taken away, the Owner or Proprietor of such House or Building to which the said Obstructions are annexed and belong shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after the Date of such Order during which the said Outstairs, Outshots, Buildings, or other Things shall remain, the said Fines to be recovered and applied in Manner herein-after directed: Provided always, that in case the aforesaid Obstructions shall not be removed within Three Months after the Order decerning them to be removed, that it shall be lawful for, and in the Power of, the said Trustees, or any Two of them, to order the same to be removed *brevi manu*. Outshots and Outstairs to be removed.

LI. Provided

Expences of removing Obſtructions to be paid by Truſtees.

LI. Provided always, and be it enacted, That in Caſes where the ſaid Outſtairs, Outſhots, Buildings, and Erections ſhall be removed under the Authority of this Act, for the Purpoſes of publick Convenience and Accommodation, that the Expence and Damage ariſing therefrom ſhall be paid by the ſaid Truſtees from the Funds granted by this Act.

Proviſo as to Outſtairs already made, where other Acceſs to Houſes cannot be had.

LII. Provided always, and be it enacted, That in ſuch Caſes where the Houſes and other Buildings already erected on the Sides of the ſaid Foot Pavements cannot have convenient Acceſs and Entries made to them by any other Paſſages than the Outſtairs already made and erected, that the Truſtees ſhall only have it in their Power to order the ſaid Outſtairs to be altered and narrowed in ſuch a Manner as to leave a free Paſſage not leſs than One Third of the Breadth of the ſaid Foot Pavements, oppoſite to the ſaid Outſtairs.

Power to provide Lamps.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, from Time to Time, to cauſe Lamp Irons or Lamp Poſts to be put up, affixed to the Walls, or in, upon, or againſt the Ground adjoining to the Walls of any Houſes and Tenements already built, or hereafter to be built, within the ſaid Town of *Alloa*, as they the ſaid Truſtees ſhall from Time to Time think proper and convenient, and alſo to cauſe ſuch Number of Lamps of ſuch Size and Sorts to be provided and fixed or put upon ſuch Lamp Irons or Lamp Poſts, and to cauſe the ſame when ſo provided and fixed to be altered, taken down, or removed as they ſhall from Time to Time think proper for well and effectually lighting the ſaid Town, and alſo to cauſe ſuch Lamps to be lighted at ſuch Time or Times, and to be kept lighted during the Whole or ſuch Part of the Night as they the ſaid Truſtees ſhall think proper.

Power to provide a Market Place.

LIV. And whereas there is no proper Market Place within the ſaid Town for ſelling Butchers' Meat, which is at preſent expoſed to Sale in the publick Street, which is very inconvenient to all Perſons reſorting thereto; be it therefore enacted, That it ſhall be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered, with the Conſent of the ſaid *John Francis Erſkine* Eſquire, or his Heirs, as ſoon as their Funds will admit, to erect and build a proper Market Place for the Sale of Butchers' Meat, upon ſome proper and convenient Place to be mutually agreed upon by them and the ſaid *John Francis Erſkine* Eſquire, for that Purpoſe; and to erect, build, and ſet up proper Stalls, Shambles, or other Conveniencies therein ſuitable and proper for the Purpoſe of holding ſuch Market, and to levy and uplift from all Perſons ſelling or expoſing to Sale any ſuch Meat the Tolls and Cuſtoms at preſent exigible from all Perſons frequenting the preſent Market, and which Tolls and Cuſtoms ſhall be applied for the Purpoſes of this Act; and that from and after the ſame ſhall be completed and eſtabliſhed as a Market, and publick Notice thereof given, it ſhall not be lawful for any Perſon or Perſons to ſell or expoſe to Sale any ſuch Meat in any other Place whatever within the ſaid Town, Butchers own Shops and Dwelling Houſes excepted: Provided always, that in caſe the ſaid Truſtees, and the ſaid *John Francis Erſkine* Eſquire, and his Heirs, ſhall not mutually agree upon a proper Place for making the ſaid Market within the Space of Two Years from the paſſing of this Act, it ſhall be lawful to the ſaid Truſtees to treat with

with any of the Feuers of the ſaid Town, and to purchaſe from them ſuch Ground as may be neceſſary, and to make and build the ſaid Market Place thereon in Manner aforeſaid, the Price of which, as well as the Expence of making ſuch Market Place, ſhall be paid out of the Monies to be raiſed in virtue of this Act, for paving and lighting the ſaid Town.

Power to lay Pipes.

LV. And whereas *John Francis Erſkine* of *Mar* Eſquire and *John Thomas Erſkine* Eſquire his eldeſt Son, Superiors of the ſaid Town of *Alloa*, have, by a Deed of Grant executed by them in Favour of the ſaid Town, given and granted full Power and Liberty to the Truſtees hereby nominated and appointed, to take, for the Uſe of the Inhabitants of the ſaid Town, from the ſaid *John Francis Erſkine* Eſquire his Aqueduct at the *Carſe Bridge* upon the North-eaſt of *Alloa* as much Water as can paſs through a Pipe of Three Inches in the Bore, and to conduct the ſame in Pipes or otherways through his Lands to a Fountain or Reſervoir, to be made and built upon the Weſt End of the *Hawk Hill* belonging to the ſaid *John Francis Erſkine* Eſquire, and from thence to conduct the ſame through the different Streets of the ſaid Town; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees to take from the ſaid Aqueduct the Quantity of Water mentioned in the ſaid Deed of Grant, and to lay down leaden or other Pipes for conducting and conveying the ſame through the Lands of the ſaid *John Francis Erſkine* Eſquire to the Fountain or Reſervoir which they are hereby authorized and empowered to erect on the Weſt Side of the *Hawk Hill*, and from thence to convey and diſtribute the Water into the ſeveral Streets and Lanes of the ſaid Town; and, as often as there ſhall be Occaſion for ſo doing, to cleanſe, mend, and repair, the ſaid Pipes and Reſervoir, as the ſaid Truſtees, from Time to Time, ſhall think neceſſary for conveying, preſerving, and effectually diſtributing the ſaid Water according to the true Intent and Meaning of this Act, reſerving always to the ſaid *John Francis Erſkine* Eſquire and his Heirs, at any Time they may find it convenient at their own Expence, to take off from the ſaid Reſervoir as much Water as may be neceſſary for the Uſe of his Family Manſion Houſe, Offices, and Gardens, and that without any Recompence or Conſideration to be paid to the ſaid Truſtees on that Account.

Power to erect upright Pipes or publick Wells.

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make and erect proper publick Wells, or convenient Pipes ſtanding upright in the Likeneſs of Pumps, at ſuch Places in the ſaid Town as the ſaid Truſtees ſhall deem moſt convenient for the more convenient ſupplying with Water the Inhabitants of the ſaid Town; and the ſaid Truſtees ſhall and may, from Time to Time, alter the Poſition of, and repair, replace, and maintain ſuch publick Wells, or upright Pipes, as Occaſion may require.

Inhabitants may ſet private Pipes.

LVII. And be it further enacted, That ſuch of the Inhabitants of the ſaid Town of *Alloa* as ſhall be deſirous of having the Water laid into their Houſes or Offices may, and are hereby authorized and empowered at their own Expence (having firſt obtained the Conſent of the ſaid Truſtees in Writing), to open the Ground between the main Pipes and the reſpective Houſes, Brewhouſes, Malt Barns, or Offices of ſuch Inhabitants, and to lay Pipes (the Bore thereof to be aſcertained by the ſaid Truſtees) from

ſuch reſpective Houſes, Brewhouſes, Malt Barns, or Offices, to communicate with the ſaid main Pipes in any of the Highways, Streets, or Lanes, or Place or Places, within the ſaid Town of *Alloa*, ſuch reſpective Inhabitants paying the ſaid Truſtees yearly, quarterly, or monthly, ſuch Sum or Sums of Money for ſuch Water as ſhall be mutually agreed upon between them; and in caſe of Default in Payment of any ſuch Sum or Sums of Money ſo to be paid as aforeſaid, it ſhall be lawful for the ſaid Truſtees to cauſe the Pipe or Pipes belonging to the Perſon or Perſons making ſuch Default, and communicating with any main Pipe or Pipes, to be ſeparated from the Pipe or Pipes with which the ſame ſhall ſo communicate, and to cauſe the Water to be ſtopped from iſſuing or running into the Houſe, Brewhouſe, Malt Barn, or Offices of every Perſon making ſuch Default; and that the Sum and Sums of Money which ſhall be due and in Arrear from ſuch Perſon or Perſons to the ſaid Truſtees ſhall and may be recovered, by ſummary Action before the Sheriff, who is hereby required to hear and determine the ſame, without abiding the Courſe of the Roll; and if any Perſon ſhall lay, or cauſe to be laid, any leaden or other Pipe, to communicate with any main Pipe or other Pipe, without ſuch Conſent being obtained as aforeſaid, every ſuch Perſon ſhall forfeit and pay to the ſaid Truſtees the Sum of Ten Shillings Sterling for every Day ſuch Pipe ſhall ſo remain: Provided always, that ſuch Inhabitants as ſhall have laid Pipes as aforeſaid, ſhall be at Liberty to remove and take away the ſame, and the Cocks to the ſaid Pipes belonging: Provided alſo, that ſuch of the Inhabitants as may lay or remove ſuch private Pipes ſhall be obliged to remove the Rubbiſh thereby occaſioned, and repair and make good the Pavement, and ſhall alſo repair and amend ſuch Pipe or Pipes at their own Expence.

Proprietors of private Pipes not to ſupply any other Perſon therefrom.

LVIII. Provided always, and be it further enacted, That if any Inhabitant of the ſaid Town of *Alloa*, or any other Perſon or Perſons whomſoever, ſupplied with Water by ſuch private Pipes, ſhall ſupply any other Inhabitant thereof, or any other Perſon whomſoever, with any Part of ſuch Water, that in every ſuch Caſe every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds Sterling, to be recovered in like Manner as any Penalty or Forfeiture can or may, by virtue of this Act, be recovered; and it ſhall alſo be lawful for the ſaid Truſtees, if they ſhall ſo think fit, alſo to take off the Water from the Houſe, Brewhouſe, Malt Barn, or Office, of any Perſon ſo offending, for every ſuch Offence.

Cocks not to be left open.

LIX. And be it further enacted, That if any Inhabitant of the ſaid Town, ſupplied with Water by ſuch private Pipes as aforeſaid, ſhall, through Careleſſneſs or otherwiſe, leave the Cocks open, or otherwiſe allow the Water to be waſted, the Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling, to be recovered in Manner herein-after directed; and upon a Third Offence the Truſtees, if they ſhall ſo think fit, may alſo take off the Water from the Houſe or Office of the Perſon ſo offending.

Fire Plugs to be provided.

LX. And be it further enacted, That, for the more expeditious extinguiſhing Fires that may happen in the ſaid Town of *Alloa*, any of the Firemen, or other Perſon or Perſons employed in taking Charge of the Engines for extinguiſhing Fire in the ſaid Town, ſhall or may take up or break any

any of the Pavements within the ſaid Town, or any Water Pipe or Water Pipes laid or to be laid therein; and the ſaid Truſtees ſhall and may, from Time to Time, order and appoint ſuch and ſo many Plugs, called Fire Plugs, to be put and placed into the Main or other Pipes, to be laid along any Part or Parts of the ſaid Streets, Lanes, and other Places in the ſaid Town, for the better obtaining Water for the working of the ſaid Fire Engines, or otherwiſe extinguiſhing of ſuch Fires, but for no other Uſe or Purpoſe whatſoever; and that ſuch Pavements ſo to be taken up, and ſuch Pipes ſo to be broken, ſhall be repaired and made good by the ſaid Truſtees out of the Rates and Monies to be raiſed in virtue of this Act; out of which Rates and Monies the ſaid Truſtees are hereby alſo authorized and empowered to maintain and keep in Repair the ſaid Fire Engines belonging to the ſaid Town.

Supplying Ships with Water.

LXI. And whereas it will be of great Conſequence that the Shipping reſorting to the ſaid Port ſhould be ſupplied with good and wholeſome Water, be it therefore enacted, That it ſhall and may be lawful to and for the Truſtees for the ſaid Harbour, at their own Charge and Expence, to convey Water to the Shore near the Harbour of *Alloa*, from any Main Pipe or Pipes which ſhall be laid in any of the Streets of the ſaid Town neareſt to the ſaid Harbour, and to make Wells and erect upright Pipes at ſuch Places near or adjoining to the ſaid Harbour as they ſhall think proper, and as may be moſt convenient for ſupplying the Ships and Veſſels reſorting to the ſaid Harbour with Water: Provided always, that the Truſtees for the ſaid Harbour ſhall, in that Caſe, pay to the Truſtees for bringing Water into the ſaid Town ſuch Sum as ſhall be agreed upon between them; and in caſe of any Difference, the ſame ſhall be aſcertained and ſettled in like Manner as the Value of any Premiſes to be had or taken for the Purpoſes of this Act are directed to be aſcertained and ſettled.

Truſtees may contract for laying Pipes and paving the Streets.

LXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered to contract with any Perſon or Perſons for laying Pipes for carrying and diſtributing the ſaid Water, erecting Reſervoirs, Wells, upright Pipes, Fountains, and Ciſterns, and alſo for conducting and working the ſaid Fire Engines, and for paving, lighting, and cleanſing the ſaid Highways, Streets, and Lanes within the ſaid Town; and that ſuch Contract or Contracts ſhall be ſigned by the Preſes and Clerk, in Name of the Meeting at which the ſaid Agreement or Contract ſhall be made, and ſhall then be binding and concluſive upon all Parties.

Contracts to be defrayed out of the Monies to be raiſed.

LXIII. And be it enacted, That the ſaid Truſtees ſhall be, and they are hereby authorized and empowered to order ſuch Sum or Sums of Money as they ſhall contract for, on Account of the aforeſaid Works, to be paid out of the Monies to be raiſed in virtue of this Act.

Penalty on Perſons breaking Lamps or deſtroying Pipes.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly obſtruct, hinder, or moleſt, any Officer, Servant, or other Perſon or Perſons employed in the Execution of any of the Powers committed by this Act to the ſaid Truſtees, or ſhall wilfully or maliciouſly break, throw down, take away, or extinguiſh, damage, or ſpoil, any Lamp or Lamps, to be ſet up for lighting any of the ſaid

ſaid Highways, Streets, or Lanes, or damage the Poſts, Irons, or other Furniture thereof, or the Pipes or Reſervoirs, Wells, Fountains, and Ciſterns, for conveying and diſtributing the Water as aforeſaid, or any Stalls or Shambles, it ſhall and may be lawful for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo to any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them, into the Cuſtody of a Conſtable, or other Peace Officer, in order to be carried before the Baillie of *Alloa*, or other Judge Ordinary; and that the Baillie or other Judge ſhall proceed to examine upon Oath, any One or more Witneſs or Witneſſes, who ſhall appear to give Information, touching ſuch Offence, and that if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or by the Oath of any One or more credible Witneſs or Witneſſes, upon ſuch Information as aforeſaid, he, ſhe, or they ſo convicted, ſhall forfeit and pay any Sum not exceeding Forty Shillings Sterling for the Firſt Offence, and any Sum not exceeding Three Pounds Sterling for the Second and every ſubſequent Offence, and moreover ſhall be obliged to make full Satisfaction to the ſaid Truſtees for the Damage ſo done by him, her, or them as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay the Forfeiture, and make the Satisfaction as before directed, the Baillie or other Judge is hereby required to commit him, her, or them, to the Common Gaol of the ſaid Town of *Alloa*, for the Space of Two Months; and ſuch Offender or Offenders ſhall not be diſcharged therefrom before the Expiration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons careleſsly breaking Lamps or deſtroying Pipes, *to make good the ſame.*

LXV. And be it hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, and damage any of the ſaid Lamps, or the Poſts, Irons, or other Furniture thereof, or the Fountains, Wells, Reſervoirs, Ciſterns, Pipes, and other Conductors for conveying and diſtributing the Water as aforeſaid, or the ſaid Engines, or any Stalls or Shambles, and ſhall not immediately on Demand, make Satisfaction for the Damage done thereto, then and in every ſuch Caſe it ſhall and may be lawful, to and for the Baillie of *Alloa*, or any One of His Majeſty's Juſtices of the Peace of the County of *Clackmannan*, upon Complaint being made to him or them, to cauſe to be ſummoned before them, the Party or Parties complained of for doing ſuch Damage; and upon Proof of the Complaint, by the Oath of One or more Witneſs or Witneſſes, or the Confeſſion of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money by way of Satisfaction for the Damage as the ſaid Baillie or Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal of the ſaid Party or Parties to pay ſuch Sum or Sums of Money ſo awarded, within Three Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Party or Parties, and the Surplus, after Payment of the Damage and Expence, if any be, ariſing from ſuch Sale, to be paid to him, her, or them, when demanded.

Property in the Lamps, *etc.* veſted in the Truſtees.

LXVI. And be it further enacted, That the Property in the Lamps, Lamp Poſts, Lamp Irons, and Materials which ſhall be fixed by Authority

rity of this Act, and in the Pipes, Reſervoirs, Wells, Ciſterns, and others, for conveying and diſtributing the Water as aforeſaid, and the Stalls, or Shambles, or other Materials, Implements, and other Things belonging thereto, or which ſhall be provided or got in virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, and they are hereby authorized and empowered to diſpoſe thereof as they ſhall think proper for the Purpoſes of this Act.

Levying Rates.

LXVII. And, in order to raiſe a proper and ſufficient Fund for anſwering the Purpoſes of this Act, be it enacted, That the ſaid Truſtees ſhall have Power, and they are hereby authorized and required, at their Meeting to be held on the Fourteenth Day after the paſſing of this Act, as before directed, and at their Quarterly Meeting on the Second *Tueſday* of *June*, during the Continuance of this Act, to fix and aſcertain certain Rates and Aſſeſſments, to be raiſed and levied from the whole Occupiers and Poſſeſſors, whether Heritors or Tenants, of all Houſes, Shops, Cellars, Warehouſes, Malt Barns, and other Buildings within the ſaid Town actually occupied and poſſeſſed, by an equal Pound Rate or Aſſeſſment, to be laid and proportioned upon the free yearly Rent of ſuch Houſes and other Buildings, according as the ſame may be ſtented or aſſeſſed by the Rent Roll or Valuation, to be made up as after directed, but ſo as the ſaid Pound Rate or Aſſeſſment ſhall not exceed One Shilling Sterling in the Pound *per Annum* of the ſaid reſpective free yearly Rent or Value, and that the ſame ſhall be charged upon the Tenants or Occupiers only; and all ſuch Tenants and Occupiers are hereby made liable for and obliged to pay the ſaid Rate or Aſſeſſment ſo directed to be raiſed and levied as aforeſaid, according to the free annual Rent or Value of their ſaid reſpective Houſes and other Buildings before mentioned, lying and being within the ſaid Town.

Perſons exempted.

LXVIII. Provided always, and be it further enacted, That no Perſon ſhall be rated, or pay the Rates or Aſſeſſments which ſhall be made in virtue or in purſuance of this Act, who, by reaſon of his or her Poverty only, is or ſhall be excuſed from paying the Compoſition in Name of Statute Labour for repairing the Highways, nor by any Perſon receiving Supply from the Pariſh Funds.

Unoccupied Houſes not to be charged.

LXIX. Provided alſo, That no Houſe, Warehouſe, Cellar, Brew Houſe, Malt Barn, or other Buildings hereby made liable to be rated or aſſeſſed, which ſhall have been empty or unoccupied for the whole Space of One Year preceding the Second *Tueſday* of *September*, on which Day the Rent Roll or Valuation ſhall be made up as herein-after directed ſhall be charged or chargeable with any Rate or Aſſeſſment as aforeſaid.

A Rent Roll to be made up.

LXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them ſhall, and they are hereby empowered and required, at their Quarterly Meeting to be held upon the Second *Tueſday* of *September* yearly, to cauſe to be made up a fair and equal Rent Roll of all the Dwelling Houſes, Warehouſes, Cellars, Brew Houſes, Malt Barns, or other Buildings within the ſaid Town of *Alloa*, actually occupied and poſſeſſed at the Time by any One Perſon, with the Names and Deſignations of the Occupiers and Poſſeſſors thereof, which Rent Roll ſhall and may be examined, corrected, and adjuſted, as to the ſaid

Truſtees, or any Five of them, may ſeem proper and equitable, ſo as to render the ſame a fair, equal, and impartial Roll of the real Rent of the ſaid Houſes and other Buildings aforeſaid, and that the ſaid Roll, after being ſo examined, adjuſted, and authenticated by them, is hereby declared and appointed to be the Rule for laying on and levying the Rate and Aſſeſſment hereby authorized to be raiſed for the Year then current; and which Rent Roll, as ſoon as the ſame ſhall be ſo adjuſted and authenticated, ſhall be lodged in the Office of the Clerk of the Peace for the County of *Clackmannan*, and ſhall remain there open and patent to the Inſpection of all Perſons intereſted therein for the Space of Six Weeks from the Time the ſame ſhall be ſo lodged, and the ſaid Truſtees ſhall cauſe publick Notice thereof to be given, by affixing an Intimation on the moſt patent Door of the Pariſh Church of *Alloa*, on the Firſt *Sunday* after the ſaid Rent Roll ſhall be lodged as aforeſaid.

For determining Rents of Houſes.

LXXI. And, for determining the real Rent of each Houſe or other Building liable to the Payment of the ſaid Aſſeſſment, it is hereby further enacted, That the Tenant or Poſſeſſor ſhall, if required, be obliged to declare upon Oath the Extent thereof, which Oath the Baillie of *Alloa*, or in his Abſence any of the ſaid Truſtees, are hereby empowered to adminiſter; and in caſe any ſuch Tenant or Poſſeſſor ſhall refuſe ſo to make Oath when required, the ſaid Truſtees may aſſeſs him or her at their Diſcretion.

Houſes poſſeſſed by the Proprietors, how to be aſſeſſed.

LXXII. And be it further enacted, That all Houſes and other Buildings poſſeſſed by the Proprietors or Life-Renters themſelves, ſhall be rated and aſſeſſed for the Duties hereby impoſed upon ſuch yearly Rent or Value, as the ſame ſhall be rated and eſtimated by the ſaid Truſtees, or ſuch other Perſons as they ſhall appoint, according to the beſt of their Judgement; and that ſuch Proprietors and Life-Renters ſhall only be liable and obliged in Payment of the ſaid Aſſeſſments, for Houſes and Buildings actually occupied by themſelves and their Servants, but not for thoſe poſſeſſed by their Tenants, from whom only the ſaid Aſſeſſment for their reſpective Poſſeſſions ſhall be levied and recovered in Terms of this Act.

Truſtees may leſſen the Rates, and again raiſe the ſame.

LXXIII. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered from Time to Time, at their yearly Meeting, on the Second *Tueſday* of *June*, to leſſen and reduce the aforeſaid Rates and Aſſeſſments granted by this Act, and again to raiſe the ſame; but ſo as never to exceed, in any One Year, the before mentioned Rate of One Shilling Sterling in the Pound, of the free yearly Rent or Value of the Houſes and other Subjects herein-before mentioned.

Rates to be levied, and the Term of Payment.

LXXIV. And be it hereby further enacted, That the aforeſaid Rate and Aſſeſſment above ſpecified, ſhall be leviable and levied at the Term of *Candlemas* yearly, during the Continuance of this Act, beginning the Firſt Year's Payment thereof at the Term of *Candlemas* One thouſand eight hundred and four; and that if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue of this Act, ſhall refuſe or neglect to pay the ſaid Rate or Aſſeſſment charged upon him, her, or them, for the Space of Fourteen Days next after the ſame ſhall be due and demanded by the Perſon or Perſons authorized and empowered to collect and receive the ſame, ſuch Demand being made to the reſpective Perſons ſo charged, by written

written or printed Notices, either delivered perſonally, or left at his, her, or their reſpective Houſe or Houſes, Place or Places of Abode, then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, having a Warrant under the Hand of the Baillie of *Alloa*, or any of His Majeſty's Juſtices of the Peace for the County of *Clackmannan*, which Warrant the ſaid Baillie or Juſtices are hereby required and authorized to grant, upon the Application of the ſaid Truſtees, or their Collector or Collectors, and with the Aſſiſtance of a Conſtable, or other Peace Officer, to enter the Houſe or Houſes, Apartment or Apartments, of the Perſon or Perſons ſo deficient in Payment of the ſaid Aſſeſſment, and then and there to ſeize and keep Poſſeſſion of his, her, or their readieſt moveable Goods and Effects; and if the ſaid Rate or Aſſeſſment ſhall not be paid within Eight Days next after ſuch Seizure ſhall have been made, (together with the Coſts and Charges thereof), to ſell by publick Roup, at the Market Croſs of *Alloa*, ſo much and ſuch Part of the ſaid Goods and Effects, as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Seizure and Sale, according as the ſame ſhall be ſettled and allowed by the Magiſtrate who ſhall have granted ſuch Warrant, returning the Overplus, (if any be), to the Owner or Owners of ſuch Goods and Effects.

Empty Houſes becoming poſſeſſed, may be afterwards aſſeſſed.

LXXV. And be it enacted, That if any Dwelling Houſe, Shop, Warehouſe, Cellar, Malt Barn, Brewhouſe, or other Building, which may happen not to be poſſeſſed at the Time of laying on the General yearly Aſſeſſments aforeſaid, ſhall afterwards during the Currency of that Year become poſſeſſed, it ſhall be lawful to and in the Power of the ſaid Truſtees to meet and aſſeſs the ſame for the Time they ſhall be ſo poſſeſſed.

Truſtees may Leaſe the Cuſtoms of the Town of *Alloa*.

LXXVI. And whereas the ſaid *John Francis Erſkine* Eſquire and *John Thomas Erſkine* Eſquire his eldeſt Son, have by the Deed of Grant before mentioned, for the better defraying the Expence of executing this Act, conveyed to the ſaid laſt mentioned Truſtees, the Cuſtoms uſed and wont payable to them as Superiors of the ſaid Town of *Alloa*, for Goods paſſing through the ſaid Town or the Precincts thereof; be it therefore enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, to let the ſaid Cuſtoms by publick Roup, on Tack or Leaſe, for ſuch Period as they may think proper, not exceeding Five Years, and apply the Rent or Tack Duty thereof to the Purpoſes only of putting this Act in Execution, and the ſaid *John Francis Erſkine* and his Succeſſors, ſhall from and after the paſſing of this Act, be freed and diſcharged from any Obligation of repairing the Streets of the ſaid Town.

Benefit of this Act to extend to the new Town.

LXXVII. And whereas the ſaid *John Francis Erſkine* Eſquire did ſeveral Years ago lay off certain Lands belonging to him on the Weſt of the Town of *Alloa* for the Purpoſe of building certain Streets as an Addition thereto, to be called *The New Town of Alloa*, in conſequence of which ſeveral Houſes have been already built: And whereas it will be for the general Advantage of the ſaid Town that the Benefits of this Act be extended to the ſaid propoſed new Streets, and to ſuch other new Streets as may hereafter be built as an Addition to the ſaid Town, when the ſame are compleated; be it therefore enacted, That when any of the ſaid new intended Streets ſhall be made, built, and compleated, and when the ſame ſhall be well and ſufficiently

ciently paved, it shall be lawful for the said Trustees, and they are hereby empowered, on the Application of the said *John Francis Erskine*, or his Heirs, to order and direct such new Streets to be lighted, repaired, and kept in good Condition in the same Manner to all Intents and Purposes as the other Highways, Streets, and Lanes of the said Town shall be paved, lighted, and repaired under this Act, and to raise and levy from the Occupiers and Possessors of the said new Streets the same Rates and Assessments which may be raised and levied from the Inhabitants of the said Town of *Alloa* in pursuance of this Act, and which new Streets shall in all Respects be managed and governed as the other Parts of the said Town are by this Act directed to be managed and governed; and the said Trustees are also hereby empowered either to allow the Inhabitants of such new Streets, at their own Expence, to supply themselves with a sufficient Quantity of Water by laying Pipes to communicate with the Pipes to be laid in any of the Highways, Streets, or Places within the said Town of *Alloa*, as may be nearest or most convenient to the said new Streets, or otherways to contract with the Inhabitants of the said new Streets for supplying them with the said Water upon such reasonable Terms and Conditions as may be mutually agreed upon betwixt the said Trustees and the said Inhabitants; and which Pipes so to be laid for the Purpose of supplying the said new Streets as aforesaid shall thereafter be, from Time to Time, cleansed and repaired by the said Trustees out of the Monies by this Act directed to be raised.

Application of Rates and Penalties.

LXXVIII. And be it further enacted, That all the Monies to be raised and levied by virtue of this Act, or which by this Act or the Deed of Grant by the said *John Francis Erskine* and *John Thomas Erskine* before mentioned are placed under the Management of the said Trustees; and all pecuniary Penalties and Forfeitures to be recovered or levied in virtue of this Act shall be paid to the Trustees, or to such Person or Persons as they shall appoint to collect and receive the same, to be applied in the first Place to and for defraying a proportional Part of the Charges and Expences of passing this present Act as after mentioned, and in the next Place to pay off and discharge all such Sum or Sums of Money as shall be borrowed, laid out, and employed by the said Trustees in supplying the said Town with Water, and in paving, lighting, cleansing, and improving the Streets of the said Town of *Alloa*, and for the other Uses and Purposes herein mentioned, and to no other Use, Intent, or Purpose whatsoever.

Trustees for the Harbour may pay a certain Sum out of their Funds towards repairing the Streets.

LXXIX. And whereas the Port and Harbour of *Alloa* will be considerably benefited by the said Streets and Lanes being paved, cleansed, and lighted, be it therefore enacted, That it shall and may be lawful to the Trustees acting for the said Harbour, and they are hereby authorized and empowered, to pay to the Trustees for paving, lighting, and cleansing the said Streets, out of the Rates and Duties directed by this Act to be levied upon Goods and Merchandize exported from or imported into the said Harbour, such Sum or Sums of Money, to be applied towards keeping in Repair the Highways or Streets leading from the said Harbour to the Mill Bridge of *Alloa*, as the said Trustees for the said Harbour shall from Time to Time, find may be afforded to be paid out of their Funds, of which they shall be the sole and only Judges.

LXXX. And

Truſtees empowered to borrow any Sum not exceeding 3,000 *l.*

LXXX. And be it further enacted, That the ſaid Truſtees for paving, lighting, and cleanſing the ſaid Town, ſhall and may, and they are hereby authorized and empowered, to borrow any Sum or Sums of Money not exceeding Three thouſand Pounds Sterling, at an Intereſt not exceeding Five Pounds Sterling *per Centum per Annum*, which ſhall be applied towards bringing Water into, and paving, lighting, cleanſing, and improving the Streets of the ſaid Town of *Alloa*; and when the ſaid Sum, ſo borrowed ſhall be paid off, the ſaid Truſtees are hereby empowered to borrow another Sum of Money equal to that by them ſo paid off as aforeſaid; and the ſaid Truſtees, for the Sums ſo to be borrowed, are hereby empowered to aſſign the Rates and Aſſeſſments to be raiſed and levied by virtue of this Act, as well as the Cuſtoms of the ſaid Town, and the Rent or Tack Duty payable by the Tackſman of the Fulzie or Dung of the ſaid Streets, as a Security for the Sum or Sums of Money that ſhall be ſo borrowed; and that Copies of ſuch Aſſignments, or Abſtracts thereof, ſhall be entered in Books to be kept for that Purpoſe by the ſaid Truſtees, and which Aſſignments ſhall be transferrable by Indorſement: Provided always, that no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Monies to be levied by virtue and in purſuance of this Act, excepting at the Quarterly Meetings before mentioned.

Subſcriptions advanced to be a Lien upon the Rates and Duties.

LXXXI. And be it further enacted, That any Sum or Sums of Money that any Perſon or Perſons has or have, or may hereafter ſubſcribe and pay towards the Purpoſes of this Act, ſhall be repaid out of the Monies to be raiſed and levied by virtue of this Act; and until Repayment, the Money advanced by the Subſcribers ſhall be a Lien and preferable Charge upon the ſame.

Truſtees accountable for Money miſapplied.

LXXXII. And be it alſo enacted, That in caſe the ſaid Truſtees ſhall miſapply any Part of the ſaid Monies and Funds committed to their Management by this Act, they may be proſecuted and made accountable therefor before any Court of Law competent, at the Inſtance of any Two or more Proprietors of Houſes, qualified to act as Truſtees under this Act: Provided always, that ſuch Actions or Proſecutions ſhall be commenced within Six Calendar Months after ſuch Offence, or Miſapplication ſhall have been alledged to have been committed.

Mode of Recovery of Penalties.

LXXXIII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees to proſecute for, and recover the ſeveral Fines, Penalties, Forfeitures, and Damages hereby impoſed (the Manner of levying and recovering whereof is not hereby otherways particularly directed), by Action, Bill, Plaint, or Information, exhibited within Six Calendar Months after ſuch Offence is committed, before the Baillie of *Alloa*, or any One or more of His Majeſty's Juſtices of the Peace, or any other Judge competent, within whoſe Juriſdiction the Offender or Offenders ſhall reſide or be apprehended; and that the Baillie, Juſtice, or other Judges aforeſaid ſhall, and they are hereby empowered and required, to proceed to the Trial of ſuch Offences in a ſummary Way; and upon Conviction of the Offender or Offenders by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſaid ſeveral Fines, Penalties, and Forfeitures which ſhall be ſo awarded, the Perſon

or Perſons who ſhall be convicted of any of the Offences before deſcribed, and ſhall and may be ſent to the Common Priſon of *Alloa*, and there be kept in Confinement for ſuch Time as ſuch Judge ſhall direct, not exceeding Three Months, unleſs the Sum ſo awarded againſt them ſhall be ſooner paid and diſcharged.

Penalties may be mitigated.

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

Truſtees not to hold Places of Profit.

LXXXV. Provided always, and be it further enacted and declared, That no Perſon or Perſons appointed, or to be appointed by this Act, a Truſtee for the Purpoſes of bringing in Water into, paving, lighting, and cleanſing the Streets of the ſaid Town, ſhall have or accept of any Place of Profit, ariſing out of or by reaſon of any Rates or Duties by this Act laid or granted for the Purpoſes aforeſaid.

Expences of this Act, how to be paid.

LXXXVI. And be it further enacted, That the Expence of paſſing this Act ſhall be paid as follows, *videlicet*, Three Fourth Parts thereof out of the Rates and Duties herein-before granted upon Goods and Merchandize exported from or imported into the ſaid Harbour of *Alloa*, and the other Fourth Part thereof out of the Rates and Aſſeſſments to be levied within the Town of *Alloa* as before directed, or out of the Monies to be borrowed by the ſaid reſpective Truſtees by virtue of this preſent Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment which ſhall be made in purſuance of this Act, ſuch Perſon or Perſons ſhall and may appeal to His Majeſty's Juſtices of the Peace for the County of *Clackmannan* at their next General Quarter Seſſions; provided ſuch Appeal be lodged within Two Calendar Months next after the ſaid Rent Roll ſhall have been lodged at the Office of the Clerk of the Peace as before directed; and that the Perſon appealing ſhall within Five Days after preſenting ſuch Appeal lodge in the Office of the Clerk of the Peace a Bond of Caution to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the ſaid Juſtices are hereby authorized and required to hear and determine all ſuch Appeals duly made within the Time before limited, and to make ſuch Amendment in the Aſſeſſment of the Party appealing, as to the ſaid Juſtices ſhall, under all the Circumſtances of the Caſe, appear juſt and equitable; and in caſe the ſaid Juſtices ſhall be of Opinion that the ſaid Appeal is frivolous or groundleſs they may award ſuch Charges and Expences of defending ſuch Appeal as they ſhall think proper, and their Determination ſhall be final, binding, and concluſive to all Intents and Purpoſes.

LXXXVIII. And

Privileges of the Family of *Mar* reserved.

LXXXVIII. And be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any of the Powers, Authorities, or the Rights, Privileges, and Properties of the Family of *Mar*, as Superiors of the ſaid Town of *Alloa*, but that the ſame ſhall remain entire and effectual to all Intents and Purpoſes.

Perſons proſecuted, may plead this Act.

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

Publick Act.

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

SCHEDULES

SCHEDULES

To which this Act refer.

Schedule N° 1.

THE TABLE OR SCHEDULE OF RATES.

	£.	s.	d.
For every Boll of Wheat, Rye, Barley, Bear, or Begg, Oats, Peaſe, Beans, Tares, and Rye Graſs Seeds -	0	0	0½
For every Sack of Wheat Flour - - -	0	0	2
For every Boll of Oat, Peaſe, Bear, or Barley Meal -	0	0	0¼
For every Hundred Weight of Pot or Pearl Barley, Split Peaſe, Rice, or Biſcuit - - - - -	0	0	2
For every Barrel of ſalted Beef, Pork, or other Proviſions - - - - -	0	0	3
And ſo in Proportion for every larger or ſmaller Caſk of Ditto.			
For every Pipe, Puncheon, or Piece of Wine or Foreign Spirits - - - - -	0	0	9
For every Pipe, Puncheon, or Piece of *Britiſh* Spirits -	0	0	6
And ſo in Proportion for every larger or ſmaller Caſk of Ditto.			
For every Hogſhead of Porter - - -	0	0	3
For every Hogſhead of Ale or Beer and Yeaſt -	0	0	2
For every ſolid Hogſhead of Raw Sugar or Melaſſes, and other Packages of theſe Articles in Proportion -	0	0	8
For every Hogſhead or Package of Loaf or Lump Sugar per Cwt. - - - -	0	0	1
For every Ton of Tallow - - -	0	1	0
For every Hundred Weight of Wool, Yarn, or Cotton -	0	0	4
For every Ton of Flax or Hemp dreſſed or undreſſed, and for every Ton of Tow - - -	0	1	0
For every Ton of Oakum - - - -	0	0	4
For every Ton of Iron, wrought or unwrought - -	0	0	8
For every Ton of Caſt Iron - - -	0	0	6
For every Ton of Pig Iron - - -	0	0	2
For every Ton of Iron Stone - - -	0	0	0½
For every Ton of Linen Yarn - - -	0	1	4
For every Pair of Coach or Cart Wheels - -	0	0	6
For every Hundred Weight of Copper or Braſs wrought -	0	0	6
For every Hundred Weight of Ditto unwrought -	0	0	3
For every Hundred Weight of Lead or Pewter wrought or unwrought - - -	0	0	8
For every Chalder of 30 Cwt. of *Scots* Coals - -	0	0	0½

For

	£.	s.	d.
For every Ton of Duty paid Salt - - -	0	1	8
For every Ton of Salt for the fiſhing Duty free -	0	0	6
For every Hundred Weight of dried Cod, Ling, or Hake - - - - -	0	1	1
For every Barrel of White or Red Herrings - -	0	0	1½
And ſo in Proportion for ſmaller Caſks.			
For every Chalder of Lime Shells - - -	0	0	2
For every Boll of ſlacked Lime - - -	0	0	0½
For every Ton of Lime Stones - - -	0	0	0¼
For every Load of Fir Timber, containing 50 Cubical Feet - - -	0	0	3
For every Load of Fir, Deals, Planks, Battons, or Deal Ends, reduced to 50 Cubical Feet - - -	0	0	6
For every Ton of dying Woods - - -	0	0	6
For every Hundred Handſpokes - - -	0	1	0
For every Fathom of Lathwood - - -	0	1	0
For every Load containing 50 Cubical Feet of Oak Plank - - - - - -	0	0	6
For every Load containing 40 Cubical Feet of Oak Timber - - - - -	0	0	3
For every Hundred Oars - - -	0	1	0
For every Hundred Spokes for Wheels, not exceeding Two Feet - - - - -	0	0	2
Ditto Ditto exceeding Two Feet -	0	0	2½
For every Hundred Waggon Rails - - -	0	0	4
For every Hundred Fir Crops - - -	0	0	2
For every Hundred Staves - - - -	0	0	4
For every Load of Wainſcot Logs - -	0	0	6
For every Ton of Oak, Birch, or other Bark - -	0	0	9
For every Bundle of Wood Hoops, containing 120 -	0	0	1
For every Milnſtone - - - -	0	0	9
For every Grindſtone - - - -	0	0	1
For every Thouſand Bricks - - -	0	0	1
For every Thouſand Tiles - - - -	0	0	1½
For every Thouſand Slates - - -	0	0	2
For every Hundred Feet of dreſſed Freeſtone, Superficial Meaſure - - - - -	0	0	9
For every Ton of rough Freeſtone - - -	0	0	1½
For every Hundred Feet of flat Paving Stones, Superficial Meaſure - - - -	0	0	3
For every Trunk, Cheſt, or Box, a Barrel Bulk -	0	0	2
For every Bag of Hops - - - -	0	0	6
For every Pocket of Hops - - -	0	0	3
For every Hundred Weight of eating Butter - -	0	0	1½
For every Hundred Weight of Greaſe - -	0	0	1
For every Hundred Weight of Cheeſe - -	0	0	1
For every Barrel of Train Oil - - -	0	0	2
For every Barrel of Pitch or Tar - - -	0	0	1
For every Cheſt of Lemons or Oranges - -	0	0	3
For every Boll of Potatoes - - -	0	0	0½
For every Ton of Cordage - - - -	0	1	8
For every Ton of Kelp - - - -	0	0	6

	£.	s.	d.
For every Ton of Pot, Pearl, or Wood Aſhes - -	0	1	3
For every Ox, Horſe, or Cow Hide Raw - -	0	0	0½
For every Crate of Glaſs Ware - - -	0	0	2
For every Crate of Earthen Ware - - -	0	0	3
For every Groſs of empty Bottles - - -	0	0	1½
For every Dozen of Wine in Bottles - -	0	0	1½
For every empty Hogſhead, Butt, or Puncheon -	0	0	0¼
For every Barrel of Flax, Hemp, or other Seeds -	0	0	1½
For every Cheſt of Tea - - -	0	0	9
For every Ton of Chalk, Oaker, and Fullers Earth and Whiting - - - - - -	0	0	2

Schedule N° 2.

An Old Houſe lying at the Head of the Street, called *John's Street*, belonging to and occupied by *John Roy* Porter.

A ſmall Houſe lying on the Weſt Side of the *Coal Gate*, belonging to and occupied by *Walter Strathen* Shoemaker.

A ſmall Houſe on the Eaſt Side of the *Coal Gate*, belonging to and occupied by *William Hunter* Wright.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.