ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. XXXVI.

An Act to continue the Term and enlarge the Powers of ſeveral Acts for impoſing and continuing a Duty of Two Pennies *Scots*, or a Sixth Part of a Penny Sterling, upon every *Scots* Pint of Ale and Beer which ſhall be brewed for Sale, brought into, tapped, or ſold within the Town of *Borrowſtownneſs* and Liberties thereof, in the County of *Linlithgow*, and for extending the ſame over the Pariſh of *Borrowſtownneſs*; for repairing the Harbour of the ſaid Town; and for other Purpoſes therein mentioned.

[31ſt *May* 1816.]

WHEREAS an Act was paſſed in the Seventeenth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for laying a Duty of Two Pennies* Scots *or a Sixth Part of a Penny Sterling upon every* Scots *Pint of Ale and Beer which ſhall be brewed for Sale, brought into, tapped, or ſold within the Town of* Borrowſtounneſs *and Liberties thereof, in the County of* Linlithgow; *for repairing the Harbour of the ſaid Town;* and another Act was paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Duty of Two Pennies* Scots *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer which ſhall* 17 G. 2. c. 21. 7 G. 3. c. 90.

be brewed for Sale, brought into, tapped, or ſold, within the Town of Borrowſtounneſs *and Liberties thereof, in the County of* Linlithgow, *and for extending the ſame over the Pariſh of* Borrowſtounneſs; *for repairing the Harbour of the ſaid Town; and for other Purpoſes therein mentioned;* and another Act was paſſed in the Thirty-fourth Year of the Reign of His ſaid preſent Majeſty, intituled *An Act to continue the Term and enlarge the Powers of Two Acts made in the Seventeenth Year of the Reign of His late Majeſty King* George *the Second, and the Seventh Year of the Reign of His preſent Majeſty, for continuing the Duty of Two Pennies* Scots, *or a Sixth Part of a Penny Sterling, upon every* Scots *Pint of Ale and Beer which ſhall be brewed for Sale, brought into, tapped, or ſold, within the Town of* Borrowſtounneſs *and Liberties thereof, in the County of* Linlithgow, *and for extending the ſame over the Pariſh of* Borrowſtounneſs; *for repairing the Harbour of the ſaid Town; and for other Purpoſes therein mentioned:* And whereas the ſaid Acts are about to expire, and the Duties thereby impoſed will conſequently ceaſe and determine: And whereas the Purpoſes for which the ſaid Duties were granted have not been completed and cannot be accompliſhed unleſs the ſaid Acts are further continued, and the Powers thereof altered and enlarged: And whereas it is expedient, and would be advantageous for the Community of the ſaid Town, if the Harbour thereof were further improved, and the Streets and Lanes of the ſame were lighted, and if a public Clock were erected in the ſaid Town, and Funds provided for thoſe Ends, and for the Maintenance of theſe Improvements when executed; but as theſe Purpoſes cannot be accompliſhed without the Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Impoſition or Duty chargeable and made payable by the ſaid recited Acts, upon all Ale and Beer brewed, brought into, tapped, or ſold, within the ſaid Town and Liberties of *Borrowſtounneſs* and Pariſh thereof, ſhall, from and after the Expiration of the ſaid Act of the Thirty-fourth Year of the Reign of His preſent Majeſty, be further continued, raiſed, levied, collected, paid and made payable to the Truſtees by or under the Authority of the ſaid recited Acts appointed or choſen, and their Aſſigns, or to ſuch Collectors or Receivers as ſhall at any Time, during the Continuance of this preſent Act, be by them appointed and empowered, for the Uſes, Ends, and Purpoſes in the ſaid recited Acts and this preſent Act appointed and directed.

34 G. 3. c. 91.

Duty payable under recited Acts further continued,

and to be levied during the additional Term hereby granted,

II. And be it further enacted, That the aforeſaid Impoſition or Duty ſhall, during the Term hereby granted, be raiſed, levied and collected from the ſame Perſons and by the ſame Means and Methods, and under the ſame Penalties and Forfeitures, and be accounted for, paid, and applied to and for the ſame Uſes and Purpoſes; and that the ſaid Truſtees appointed or choſen under the Authority of the ſaid Acts ſhall continue Truſtees for the ſame Purpoſes, and with the ſame Powers, and ſubject to the ſame Rules and Directions as are mentioned and preſcribed in and by the ſaid recited Acts; and that the ſaid Acts and every Article, Rule, Clauſe, Matter and Thing therein contained, ſhall be of the ſame force and effect to all Intents and Purpoſes, for raiſing, collecting, ſecuring, and levying the ſaid Impoſition or Duty, and for applying the ſame for the Uſes and Purpoſes mentioned in the ſaid Acts ſo far as theſe are not already

executed (and ſo far as the ſame are not altered by this Act) for and during the additional Term of Years for which the ſame are hereby granted, as if the ſaid recited Acts were particularly and at large repeated and re-enacted in the Body of this preſent Act.

Drawback on Beer ſold out of the Pariſh.

III. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and required to allow a Drawback of the ſaid Impoſition or Duty, for and upon all Ale or Beer made or brewed within the ſaid Town and Pariſh of *Borrowſtounneſs*, which ſhall be proved to the Satisfaction of the ſaid Truſtees, by Oath or otherwiſe, to be ſent by the Brewer or Maker thereof for Sale, and actually and *bona fide* ſold and conſumed out of the ſaid Pariſh; which Oath the ſaid Truſtees or any One of them are or is hereby empowered to adminiſter: Provided alſo, that nothing herein contained ſhall entitle any Perſon or Perſons to any Allowance or Drawback upon all or any Ale or Beer made or brewed within the ſaid Town and Pariſh, and ſold for the Uſe of any Ship or Ships as Stores.

Harbour Dues.

IV. And for the Purpoſe of enabling the ſaid Truſtees to complete the Improvements of the ſaid Harbour, and the Purpoſes of the ſaid recited Acts, be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, in lieu of the Rates and Duties formerly leviable at the ſaid Harbour, and from and after the Expiration of the ſaid laſt recited Acts, and during the Continuance of this Act, to raiſe, levy, and collect, or cauſe to be raiſed, levied, and collected, from every Ship or Veſſel entering the ſaid Harbour, or uſing the ſame, by putting aſhore a Rope or Ropes therein, or otherwiſe, the Rates and Duties following; For every Coaſting Ship or Veſſel, a Sum not exceeding Two-pence Halfpenny *per* Ton of the Regiſter Tonnage of ſuch Ship or Veſſel; and for every Ship or Veſſel from a Foreign Port, a Sum not exceeding Three-pence Halfpenny *per* Ton of the Regiſter Tonnage of ſuch Ship or Veſſel: Which Rates and Duties ſhall be payable to the Harbour Maſter appointed or to be appointed by the ſaid Truſtees, and ſhall be leviable and recoverable in the ſame Manner, and under the ſame Penalties and Forfeitures, as are by the ſaid recited Acts preſcribed and impoſed: Provided nevertheleſs, that it ſhall and may be lawful for and in the Power of the ſaid Truſtees, for themſelves and their Succeſſors in Office, to exempt from all or any Part of ſuch Rates and Duties, or to enter into valid and binding Agreements for exempting from ſuch Rates and Duties, any Ships or Veſſels entering the ſaid Harbour, which ſhall not uſe the ſame or remain therein above a certain Time, to be limited and fixed by the ſaid Truſtees.

Veſſels unregiſtered to be meaſured.

V. Provided always, and be it enacted, That the Maſters and Owners of all Ships and Veſſels entering and uſing the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, that ſhall be unregiſtered, or who ſhall refuſe or decline to produce their Regiſters, ſhall ſuffer and permit the ſaid Ships or Veſſels to be meaſured by the ſaid Truſtees or by any Perſon empowered by them ſo to do; and ſhall pay the Rates and Duties aforeſaid, according to ſuch Meaſurement, and that every ſuch Maſter or Owner who ſhall refuſe to produce his Regiſter, or to have his Ship or Veſſel meaſured ſhall, for every ſuch Offence, forfeit and pay a Sum of Five Pounds to the ſaid Truſtees.

VI. And

Unregiſtered Veſſels how to be meaſured.

VI. And be it further enacted, That in Caſes where it may be neceſſary to aſcertain the Tonnage of any ſuch Ships or Veſſels when afloat, the following Method ſhall be obſerved; *videlicet*, drop a Plumb Line over the Stern of the Ship, and meaſure the Diſtance between ſuch Line and the After-part of the Stern-Poſt at the Load Water Mark; then meaſure from the Top of the ſaid Plumb Line in a parallel Direction with the Water to a perpendicular Point immediately over the Load Water Mark at the Fore Part of the Main Stem, ſubtracting from ſuch Meaſurement the above Diſtance, the Remainder will be the Ship's extreme Length; from which is to be deducted Three Inches for every Foot of the Load Draught of Water for the Rake abaft, and alſo Three Fifths of the Ship's Breadth for the Rake forward, the Remainder ſhall be eſteemed the juſt Length of the Keel to find the Tonnage; and the Breadth ſhall be taken from Outſide to Outſide of the Plank in the broadeſt Part of the Ship, either above or below the Main Wales, excluſive of all Manner of Sheathing or Doubling that may be wrought upon the Side of the Ship; then multiplying the Length of the Keel for Tonnage by the Breadth ſo taken, and that Product by Half the Breadth, and dividing by Ninety-four, the Quotient ſhall be deemed the true Contents of the Tonnage: Provided always, that nothing herein-before contained ſhall in anywiſe be conſtrued to alter the Manner of admeaſuring the Tonnage of any Ship or Veſſel which has heretofore been practiſed for the Purpoſe of aſcertaining the Light Duties, or any other Duties or Impoſts whatever, payable according to the Tonnage of any Ship or Veſſel.

Power to appoint a Clerk.

VII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby empowered to appoint a Clerk or other Officer to aſſiſt the Harbour Maſter in the Collection of the Rates and Duties leviable at the ſaid Harbour, and otherwiſe in the Management of the ſame, and to allow and pay to the ſaid Harbour Maſter and Clerk reſpectively ſuch reaſonable Allowance for their Trouble, as the ſaid Truſtees ſhall think fit to be paid to the ſaid Harbour Maſter and Clerk, in ſuch Proportions and in ſuch Manner as to the ſaid Truſtees ſhall ſeem reaſonable and expedient; and alſo, that the ſaid Truſtees ſhall, and they are hereby required to take ſufficient Security from their Harbour Maſter and Clerk, for their duly accounting to the ſaid Truſtees for the Monies to be received by them, or either of them.

Application of Rates and Penalties.

VIII. And be it further enacted, That all and every the Sum and Sums of Money which ſhall be levied and received from or in Name of the Harbour Rates and Duties aforeſaid, or which ſhall be recovered for Penalties or Forfeitures incurred under the ſaid recited Acts or this Act, for or in reſpect of the ſaid Harbour, ſhall be applied for and towards the Ends and Purpoſes of the ſaid recited Acts and of this Act.

Power to make Bye Laws.

IX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to make, ordain, and eſtabliſh ſuch Orders, Rules, and Bye-Laws, for the further improving of the ſaid Harbour of *Borrowſtounneſs*, and for the better regulating, governing, and managing the ſame, and Piers, Quays, and other Works erected or to be erected, and for the better Execution of the Purpoſes of the ſaid recited Acts and of this Act; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter ſuch Rules, Orders, and Bye-Laws, as

to

to them ſhall ſeem meet; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Two Pounds for the Non-obſervance or Breach of ſuch Bye-Laws, or any of them, to be applied towards the Improvement and Maintenance of the ſaid Harbour, and to be recovered by ſuch and the like Means as the Harbour Rates and Duties by this Act impoſed are recoverable by the ſaid recited Acts or by this Act: Provided always, that ſuch Rules, Orders, or Bye-Laws, ſhall not be inconſiſtent with the ſaid recited Acts or this Act, or with the Laws of that Part of the United Kingdom called *Scotland*; and ſhall, before the ſame are publiſhed or enforced, be approved of at a General Meeting of the Quarter Seſſions of the Peace for the ſaid County, by a Writing under the Hand of the Preſes of ſuch Meeting; and when ſo approved of ſhall be printed, and hung up at the Market Place of the ſaid Town, and in ſome conſpicuous Part or Parts at and near the ſaid Harbour, Three Months at leaſt previous to the Commencement of the Operation of the ſame.

Application of Compenſation if amounting to 200l.

X. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts or of 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, Lunatic, 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 or upwards, 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 Heritages) 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 Heritages, or affecting other Lands, Tenements, or Heritages ſtanding ſettled therewith to the ſame Perſons, or the ſame or like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch Perſons, and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting and capable of taking effect; and in the meantime, 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 Heritages ſo purchaſed, taken, and uſed by the ſaid Truſtees, in virtue of the ſaid recited Acts or of this Act.

Application of Compenſation if leſs than 200l.

XI. And be it further enacted, That if ſuch Money ſhall be leſs than the Sum of Two hundred Pounds and not leſs than Fifty Pounds, then and

and not less than 50l.

and in all such Cases the same shall, at the Option of the Person or Persons who for the Time being would have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages 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, be paid into either of the said Banks under the like Direction and Authority, and placed to his, her, 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 Two or more Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees under this Act (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 Manner herein-before directed, so far as the Case is applicable.

Application of Compensation if less than 50l.

XII. 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 Fifty 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 Lands, Tenements, and Heritages so purchased, taken, or used for the Purposes of the said recited Acts or of this Act, in such Manner as the said Trustees 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.

In case of not making out Titles, or where Persons cannot be found.

XIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or payable for the Purchase of any Lands, Tenements or Heritages, to be purchased or taken by virtue of the said recited Acts or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or payable as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded or payable as aforesaid, to be paid into the said Bank of *Scotland* or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements or Heritages, (describing them) subject to the Order, Controul and Disposition of the Court of Session, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *Scotland* or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

In case of questionable Title.

XIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of the said recited Acts or of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest, in any Lands, Tenements, or Heritages, to be purchased in pursuance of the said recited Acts or of this Act, or to any Lands, Tenements, or Heritages, to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Rents and Profits of the Lands, Tenements, and Heritages, to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Court may order Expences of Purchase to be paid.

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

Streets to be lighted.

XVI. And for lighting the Streets of the said Town of *Borrowstounness*, be it enacted, That the said Trustees, or any Five of them, may cause Lamp Posts and Lamps to be affixed to or suspended from the Walls of the Houses or Buildings on the Sides of the Streets, Lanes, and Passages in the said Town: Provided always, that the said Trustees shall indemnify the Proprietors or Occupiers of such Houses or Buildings for any Damage or Loss which shall be ascertained to be thereby done to such Houses or Buildings.

Penalty on wilfully breaking Lamps.

XVII. And be it enacted, That if any Person or Persons shall wilfully break or throw down any Lamp or Lamp Post which shall be set up in the said Town and Parish, or shall wilfully extinguish the Light or Lights within the said Lamps, or damage the Irons or Appurtenances thereof, it shall and may be lawful for any Person or Persons who shall see any such Offence committed, to seize, and also for any other Person to assist in seizing the Offender or Offenders, and by the Authority of this Act and without any other Warrant to convey and deliver such Offender or Offenders into the Custody of a Peace Officer, in order to be secured and conveyed before

before the ſaid Truſtees or any Five or more of them; and if the Party or Parties accuſed of ſuch Offence, whether ſo apprehended or afterwards judicially cited for the ſame, ſhall be convicted thereof either by his, her or their own Confeſſion, or by legal Evidence, according to the Law of *Scotland*, ſuch Offender or Offenders ſhall forfeit and pay any Sum not exceeding Two Pounds Sterling for the Firſt Offence; Three Pounds Sterling for the Second Offence; and Five Pounds Sterling for the Third and every ſubſequent Offence; and moreover ſhall make Satisfaction for the Damages done.

Accidentally breaking Lamps.

XVIII. And be it enacted, That in caſe any Perſon or Perſons ſhall accidentally break, throw down, or damage any of the ſaid Lamps, or the Poſts, Irons, or Appurtenances thereof, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to award ſuch Sum or Sums of Money in Satisfaction for ſuch Damages, as they ſhall think reaſonable; provided ſuch Sum or Sums of Money ſhall not exceed the real Damage ſuſtained by ſuch Accident, beſides the Expence incurred in recovering the ſame; and in caſe of neglect or refuſal of ſuch Perſon or Perſons to pay ſuch Sum or Sums of Money ſo awarded, within One Day after the ſame ſhall be demanded, the ſaid Truſtees ſhall levy the ſame, or cauſe the Amount to be levied in Manner herein-after mentioned.

A Clock may be erected.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to erect, or cauſe to be erected, a Public Clock in ſome conſpicuous and appropriate Part of the ſaid Town; and for that Purpoſe to build, or cauſe to be built, a Spire or Tower for receiving the ſame; and to take the neceſſary and proper Means for maintaining and preſerving ſuch Spire or Tower and Clock in all Time thereafter.

Injuring the Clock.

XX. And be it further enacted, That all and every Perſon or Perſons, accidentally or wilfully injuring the ſaid Clock or Spire, or any of the Parts or Appurtenances thereof, ſhall be liable to be apprehended in like Manner as Perſons accidentally or wilfully injuring the Lamps in the ſaid Town may be apprehended, and ſhall be ſubject to the ſame Fines and Penalties to which ſuch Perſons are by this Act reſpectively ſubjected and made liable; and ſhall moreover in like Manner defray all the Damages incurred.

Aſſeſſment.

XXI. And be it further enacted, That for the Purpoſe of defraying the Expence of lighting the Streets of the ſaid Town, of cleanſing, paving, and improving the ſame, in Manner by the ſaid recited Acts and by this Act authorized and directed, and of erecting a Town Clock and maintaining the ſame as aforeſaid, and for defraying the Expences of the other Ends and Purpoſes of the ſaid recited Acts and of this Act, the ſaid Truſtees ſhall be and they are hereby empowered to aſſeſs and levy, or cauſe to be aſſeſſed and levied from all Occupiers of Dwelling-houſes, Shops, and other Buildings within the ſaid Town, a Rate or Duty not exceeding One Shilling in the Pound upon the Amount of the Rents, Profits, or annual Value of all ſuch Dwelling-houſes and Shops, of which the yearly Rent, Profit, or Value amounts to or exceeds the Sum of One Pound, and upon all Tenements and Buildings, other than Dwelling-houſes and Shops, a

Rate

Rate or Duty not exceeding Four-pence in the Pound upon the Amount of the Rent or Annual Value of ſuch Tenements and Buildings; the Rent, Profit, or annual Value of ſuch Dwelling-houſes, Shops, or other Buildings, to be eſtimated and taken at the Rack Rent for which ſuch Dwelling-houſes, Shops, or Buildings, if occupied by a Tenant or Tenants, is or are let at the Time; and if in the Poſſeſſion of the Proprietor, at ſuch fair yearly Rent or Value as ſhall be fixed by Two or more Aſſeſſors to be appointed by the ſaid Truſtees, with Power of Appeal to the ſaid Truſtees in caſe of Diſſatisfaction with the Deciſion or Award of ſuch Aſſeſſors.

Truſtees may decern for Penalties.

XXII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Three of them, to decern in a ſummary Manner, for and to iſſue their Warrant for Payment of the Aſſeſſment, Fines, Penalties, and Forfeitures, Damages, and Expences, impoſed by the ſaid recited Acts and by this Act (the Manner of levying and recovering whereof is not otherwiſe therein or herein particularly deſcribed) and which, if not immediately paid, may be levied and recovered by Diſtreſs and Sale of the Goods, Chattels, and Effects, and after deducting the Expences of ſuch Diſtreſs and Sale, the Surplus (if any) ſhall be paid to ſuch Perſon or Perſons, and the Aſſeſſment, Fines, Penalties, or Forfeitures, impoſed and recovered, ſhall be applied for the Purpoſes of the ſaid recited Acts and of this Act, as the ſaid Truſtees ſhall judge expedient.

Appeal to Quarter Seſſions.

XXIII. And be it further enacted, That any Perſon or Perſons, thinking himſelf, herſelf, or themſelves aggrieved by any Rate, Impoſition, Aſſeſſment or Penalty impoſed or exacted, or by any Order or Judgement made or given in purſuance of any Rule, Bye Law, or Order of the ſaid Truſtees, relating to any Power, Authority, Matter, or Thing, in or by the ſaid recited Acts or this Act impoſed, given, mentioned or contained, may within Three Calendar Months next after the Impoſition or Exaction of ſuch Rate or Aſſeſſment, or Penalty, or after ſuch Order or Judgement (Twenty-one Days Notice in Writing being given to the Perſon complained againſt) complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the ſaid County of *Linlithgow*, who ſhall in a ſummary way either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices, upon due Proof of Notice being given as aforeſaid, ſhall hear and determine the Cauſe and Matter of ſuch Complaint and Appeal, and award ſuch Coſts to the Party appealing or appealed againſt, as they ſhall think proper; and the Determination of the ſaid Juſtices ſhall be final and concluſive, and ſhall not be removed or ſtayed by Advocation, Suſpenſion, or other Proceſs whatſoever, any Thing in the ſaid recited Acts, or in this Act, or any other Law or Statute, to the contrary notwithſtanding.

Expences of the Act.

XXIV. And be it further enacted, That the Charges and Expences of paſſing this Act ſhall be paid and defrayed out of the firſt of the Monies raiſed or to be raiſed by virtue of the ſaid recited Acts or of this Act.

Overſeers appointed.

XXV. And be it enacted, That His Grace the Duke of *Hamilton*, the Moſt Noble the Marquis of *Douglas*, the Earl of *Roſeberry*, the Earl of *Hopetoun*, Sir *James Dalzell*, Sir *Thomas Livingstone*, *John Hamilton Dundas* Eſquire,

of *Duddingstone*, *Dundas* Esquire of *Dundas*, *Thomas Sharp* Esquire of *Houstoun*, Admiral *George Hope* of *Carriden*, *Andrew Gillon* Esquire of *Wallhouse*, *Baillie* Esquire of *Polkemmet*, *John Stewart* Esquire of *Binney*, *Patrick Baron Seton* of *Preston*, *Thomas Hog* Esquire of *Newliston*, *L. H. Ferrier* Esquire of *Belside*, Captain *John Hamilton* of *Westport*, *J. J. Cadell* Esquire of *Grange*, *William Shairp* Esquire of *Kirkton*, together with the Member of Parliament for the said County of *Linlithgow* for the Time being, or any Three or more of them, shall from and immediately after the passing of this present Act be, and they are hereby appointed Overseers of the several Duties and Rates herein-before directed to be raised, in Place and Stead of the Overseers nominated and appointed in and by the said last recited Act, and shall have and hereby are invested with the same Powers and under the same Regulations as are by the said last recited Acts or any of them granted and prescribed to the former Overseers, any Thing in the said former Acts to the contrary notwithstanding.

Public Act.

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

Duration of Act.

XXVII. And be it further enacted, That the said recited Acts and this Act shall continue in force for and during the further Term of Twenty-five Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1816.