ANNO QUINQUAGESIMO NONO

# GEORGII III. REGIS.

***

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 Regulations herein-after made with respect to the Establishment of a general System of Police, and for accomplishing the Purposes of this present Act, shall extend over the Whole and every Part of the said District, comprehending the said Burgh of *Calton* and Lands and Village of *Mile-end*.

Act to extend over the whole District.

Foot Pavements to be made.

II. And be it enacted, That the Owners and Proprietors of all Houses and Buildings, and of Gardens or Grounds adjoining to and fronting any Street, Square, or public Place, already formed or to be formed within the said District, shall, at his, her, or their Expence, cause the Ground before their Properties respectively, where the Houses or other Buildings are erected, on the Sides of the said Streets, Squares, or other public or principal Places, to be brought to a proper Level, so as to carry off the Water, and to be well and sufficiently paved with Flat Hewn Stone, of such Breadth and in such Manner and Form as the Commissioners appointed in manner herein-after mentioned (after visiting the Grounds and hearing the Parties) shall direct and appoint; the Foot Pavement in the said Street or Square being always of one Breadth, and the Breadth of the said Foot Pavement not to exceed Ten Feet in Streets of Sixty Feet wide and upwards; Eight Feet in Streets from Fifty to Sixty Feet wide; Seven Feet in Streeets from Forty to Fifty Feet wide; Five Feet in Streets from Thirty to Forty Feet wide; Four Feet in Streets from Thirty to Twenty Feet wide; and in Streets less than Twenty Feet wide, the Pavements shall be laid in such Form and of such Width as the said Commissioners may think proper to order and appoint: Provided always, that where the Owners or Proprietors are bound by their Title Deeds to make Pavements of a certain Breadth, such Title Deeds shall regulate the Commissioners in fixing the Breadth of Pavements in these particular Streets; and that it shall be in the Option of the Owners or Proprietors of such Gardens or Grounds within the said District, on which no Buildings are erected, either to make the Foot Pavements in manner aforesaid, or to pave opposite their Properties with Whin Stone, or lay the same with Gravel, leaving a sufficient Crib Freestone, until the same shall be built upon, but no longer; and that such Parts of Footpaths as are opposite to Wynds, Lanes, and Carts or Carriage Entries, may also, in the Option of the Proprietors, be paved with Whin Stones.

In case Proprietors refuse, the Provost, Bailies, or Dean of Guild, may order Foot Pavements to be made.

III. And be it enacted, That in case any such Owner or Proprietor shall refuse or neglect to cause such Ground to be paved in manner aforesaid, within such Time as he, she, or they shall be required so to do by the said Commissioners, it shall and may be lawful to any One or more of the Provost, Bailies, or Dean of Guild of the said Burgh of *Calton*, to cause the same to be done at the Expence of such Owner or Proprietor; and in case any such Owner or Proprietor shall refuse or neglect, when required, to pay the Expences of the said Foot Pavements, it shall and may be lawful to any One or more of the said Provost, Bailies, or Dean of Guild to decern such Expence, together with the Charges of recovering the same, to be paid by such Owner or Proprietor, either to the Tradesmen doing the Work, or to any Person authorized to receive the same, in manner herein-after mentioned: Provided always, that in every Case where

such Owner or Proprietor shall be unable to pay the Expence of making the said Foot Pavement in One Sum, any One or more of the said Provost, Bailies, or Dean of Guild, may decern the same to be paid by such Instalments, and at such Periods as to him or them shall seem proper.

Foot Pavements how to be kept in Repair.

IV. And be it enacted, That it shall and may be lawful for the said Provost, Bailies, or Dean of Guild, or any One of them, after the said Foot Pavements or Paths are made by virtue of this Act, to ordain them to be kept in proper Repair; and for any One or more of the said Provost, Bailies, or Dean of Guild, upon Complaint being made to him or them by the said Commissioners, to give Decrees for the Charges and Expence of repairing, relaying, and maintaining the same, together with the Expences of Recovery, against the Owners or Proprietors of Houses, Buildings, Gardens, and Grounds, in the same Manner as he or they are hereinbefore empowered to decern for the Expence of making the said Foot Pavements.

How Expences thereof to be apportioned.

V. And be it enacted, That when Houses, Grounds, or Buildings belong to more Proprietors than one, the several Proprietors shall be bound to cause the Ground before their respective Properties to be paved, and the Pavement to be kept in Repair, in manner aforesaid, the Expence being defrayed by such Proprietors, in proportion to the Rents of the respective Parts of the Premises belonging to each of them, according as the same shall at the Time stand rated in the Rent Roll herein-after mentioned; and in case any Dispute or Difference shall arise among the several Proprietors of the same House or Building, relative to their Proportions of the said Expence, it shall and may be lawful for any One or more of the said Provost, Bailies, or Dean of Guild, to fix and ascertain the same, according to the Rate of such Rents in the said Roll; and in case of any Difference between the said Commissioners and the Proprietors of the Premises, either with respect to making or keeping in Repair such Foot Pavements, or as to the Expence of the same, it shall and may be lawful to the said Provost, Bailies, or Dean of Guild, or any One or more of them, on a Complaint to be made to him or them (after visiting the Premises and hearing Parties concerned), to determine any such Difference, which Determination shall be final and binding on all Parties.

Expences when paid by Tenants to be deducted from their Rents.

VI. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings belonging to such Owners and Proprietors, in Default of the Proprietors paying such Expence, and in case such Tenants or Occupiers shall pay the Expences aforesaid (which they are hereby authorized and required to do, to the Amount of the Rents payable by them respectively), shall be at liberty, and they are hereby empowered, to deduct and retain out of his, her, or their Rents, such Sums of Money as they shall respectively pay on account of the said Pavements for their respective Landlords, Owners, or Proprietors, who are hereby required to admit of such Deductions, any Lease or Contract to the contrary notwithstanding.

Streets to be paved.

VII. And be it enacted, That it shall be lawful for, and in the Power of the said Commissioners to direct, and cause to be paved or causewayed, and kept in Repair, such Parts of the Public Streets, Roads, Lanes, and Passages, within the said District (other than the Roads falling under the Manage-

Management and Direction of Trustees under any Turnpike Act) as may be necessary for the general Convenience of the Inhabitants of the said District, and which the Owners or Proprietors of the adjoining Houses or Buildings, Gardens, or Grounds, are not required or obliged to pave or causeway, and to keep in Repair, by the Terms of their Title Deeds, or by any of the Provisions of this Act; and for that Purpose the said Provost, Bailies, Dean of Guild, and Council, shall have Power to assess and levy the County Statute Labour Assessment, leviable within the said District.

**Heritors to causeway in Terms of their Title Deeds.**

VIII. And be it enacted, That the Owners or Proprietors of Grounds in the said District, who may or shall have failed to causeway the Streets therein, or any Part of the said Streets, in Terms of the Obligations expressed in their Title Deeds, shall be obliged to causeway the said Streets, opposite to their respective Properties, within Six Calendar Months after being required to do so by the said Commissioners; and in the Event of such Owners or Proprietors refusing or delaying after Expiry of that Period to causeway the said Streets, or Parts of Streets, it shall and may be lawful for the said Provost, Bailies, or Dean of Guild, or any One of them (after having visited and inspected the Grounds), to ordain the same to be done at the Expence of the said Owners or Proprietors, and to issue Decrees against such Owners or Proprietors for the said Expence.

**Foot Pavements to be swept and cleaned.**

IX. And be it enacted, That from and after the passing of this Act, all and every Person or Persons who shall possess the Shops, or (where there are no Shops) the Ground Floor or Story of any Dwelling House or other Building adjoining to and fronting the Foot Pavements within the said District, shall cause the same, along the Front of his, her, or their respective Shops, Dwelling Houses, or other Buildings, to be swept, scraped, and cleaned, Once every lawful Day, between the Hours of Eight and Ten in the Morning, and if they fail so to do, it shall and may be lawful for the said Provost, Bailies, or Dean of Guild, or any One of them, to decern in a summary Manner, such Occupier or Occupiers, to pay a Sum not exceeding One Shilling Sterling for each Offence, to be levied and applied in manner herein-after directed; and in case any Dispute shall arise amongst the Occupiers of Shops, Dwelling Houses, or Buildings adjoining the said Foot Pavements, as to cleansing, sweeping, and scraping the same, it shall and may be lawful for the said Provost, Bailies, or Dean of Guild, or any One or more of them, to determine such Dispute; and when the Occupiers of Shops or Ground Floors, or Stories of Dwelling Houses, sweep, scrape, and clean the Foot Pavements, in manner aforesaid, they shall have Relief against the Inhabitants of the Upper Floors or Stories for a Proportion of the Expence, corresponding to the Valuation of their respective Possessions, as rated in the said Rent Roll, which Proportion shall, in case of Dispute, be determined and decerned for by the Provost, Bailies, or Dean of Guild, or any One or more of them: Provided always, that in case it may appear expedient to the said Commissioners to take the Charge of sweeping and cleansing the said Pavements, it shall and may be lawful for them to employ the public Scavengers to sweep and clean the said Pavements, and to defray the Expence thereof out of the Funds raised by virtue of this Act.

X. And

Sunk Dung-steads to be raised; proper Outlet to prevent stagnant Water.

X. And in order to prevent contagious Diseases from being prevalent within the said District, by Want of Cleanliness in the Houses of the poorer Inhabitants, and by Dunghills being dug lower than the Surface of the surrounding Ground, and allowed to remain for a long Time, without being cleaned out, and having a large Surface exposed to the Atmosphere; be it enacted, That the said Provost, Bailies, or Dean of Guild, or any One or more of them, upon Complaint being made to him or them by any of the Commissioners herein-after appointed, (after visiting the Premises and hearing Parties concerned) shall have Power to ordain the Possessors and Proprietors of all Houses within the said District, to whitewash the inside Walls of their Houses with Quick Lime, and to cause the Dunghills foresaid to be walled in, cleaned out, and raised to a proper Level, to prevent stagnant Water, in such Manner and at such Time as to the said Provost, Bailies, and Dean of Guild, or any One or more of them, shall seem proper, and to decern for the Expence of the said Operations against the Person or Persons for whom the same is executed; and where several Persons are concerned, to determine the Amount and Proportion to be paid by each, and decern for the same in a summary Manner, which Determination shall be final and binding on the Parties, without being subject to any Reverse or any Stay of Execution whatsoever, save and except as is provided by this Act: Provided always, that if it shall appear to the said Provost, Bailies, and Dean of Guild, that any Person so decerned to pay the Expence of such Operations shall be unable by reason of Poverty so to do, then it shall and may be lawful for them to direct the same to be paid out of the Money granted by this Act.

Closes to be cleaned by Proprietors.

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

The whole Proprietors to contribute to cleaning the Closes.

XII. And be it further enacted, That where the said Closes, Lanes, or Thoroughfares, and back Courts, or Houses and Buildings therein, belong to more Proprietors than One, the several Proprietors thereof shall be obliged to defray the Expence of sweeping and cleaning the said Closes, Lanes, or Thoroughfares, and back Courts, in proportion to the Value of their respective Properties; and in case any Dispute or Difference shall occur among such Proprietors relative to their Proportion of the said Expence, it shall and may be lawful to the said Provost, Bailies, and Dean of Guild, or any One or more of them, after hearing the Parties concerned, by a Decree to be pronounced by him or them, to determine the Amount and Proportion to be paid by each Proprietor, and to decern for the same in a summary Manner, which Determination shall be final and binding upon the Parties, without being subject to any Review or any Stay of

Proviso as to those who are bound by their Title Deeds to clean Closes.

Execution whatsoever, save and except as is provided by this Act: Provided always, that when any One or more of such Proprietors are by their Title Deeds or otherwise burdened with the Expence of sweeping and cleaning the said Closes, Lanes, or Thoroughfares, and back Courts, he, she, or they shall still continue to be subject to that Burden.

Power to employ Scavengers.

XIII. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to contract with and employ Scavengers or other Persons to cleanse and sweep the Streets, Squares, and other public Places within the said District (except the Foot Pavements, in case it shall not appear expedient to the said Commissioners to employ the public Scavengers to sweep and clean the said Foot Pavements as herein-before provided), and also those Parts of the said Footpaths which are made with Whin Stones or Gravel, and to order all Soil, Dirt, Ashes, and Filth to be collected into Heaps, and to be immediately removed and carried to such Place or Places as the said Commissioners shall appoint, and to sell and dispose of such Soil, Dirt, Ashes, and Filth to such Person or Persons as may be desirous to purchase the same, the Money thence arising being always applied towards the Purposes of this Act: Provided always, that the Expence of employing the said Scavengers or other Persons shall be defrayed from the Funds to be levied in manner herein-after directed.

Dung to be removed from the Streets;

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

and the Foot Pavement to be cleaned immediately.

XV. And be it enacted, That the Persons employed in carrying or wheeling the said Dung to the Streets shall be obliged to sweep, scrape, and cleanse the Foot Pavements and Streets over which the Dung shall have been carried or wheeled, immediately after they shall have finished their Work, under a Penalty not exceeding One Shilling Sterling for each Offence, to be levied and applied in manner herein-after directed.

Power to make Common Sewers.

XVI. And be it enacted, That it shall be lawful for and in the Power of the said Commissioners to make or cause to be made Common Sewers, Drains, and Watercourses for draining and carrying away the Water from the Roads, Streets, Squares, Lanes, and Passages made and to be made within the said District: Provided always, that the said Common

Sewers, Drains, and Watercourses shall be covered over in a sufficient and substantial Manner, and that all Damages done or occasioned by making or repairing the same shall be paid by the said Commissioners to the Person or Persons interested, from the Funds to be raised by virtue of this Act; and in case of Difference between the said Commissioners and such Person or Persons respecting the Amount of such Damages, the same shall be ascertained by Decrees to be pronounced by the Sheriff Depute of the County of *Lanark* or his Substitute, who are hereby authorized and required to hear the Parties, and to decern for the same finally, without being subject to Review by Advocation, Suspension, Reduction, or in any Way whatsoever, save and except as is provided by this Act.

Penalties on Persons obstructing the Foot Pavements.

XVII. And be it enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to carried, run, driven, or drawn, on any of the Foot Pavements within the said District, any Bier, Sledge or Wheelbarrow, Wheel or Wheels, or any Coach, Sedan Chair, Waggon, Cart, or Carriage whatever, except directly across the same; or shall wilfully lead, ride, or drive any Horse, Mule, Ass, or other Cattle (except when going directly across the said Foot Pavements to or from Stables or Cowhouses) upon any Part of the said Foot Pavements; or shall throw or cast any Dirt, Dung, Ashes, or Rubbish into or upon the same; or shall roll any Barrel, Hogshead, or Cask, empty or full, along the said Foot Pavements, for any Distance whatever (excepting directly across to or from Shops, Cellars, or Warehouses), or shall roll an ysuch Barrel, Hogshead, or Cask along any of the public Streets, Squares, and Places within the said District, except from Shops, Cellars, or Warehouses, directly to such Carts or Carriages as they are to be loaded upon, or from such Carts or Carriages as they have been loaded upon, directly to the Shops, Cellars, Warehouses, or other Places in which they are to be deposited (not exceeding Twenty Yards in any Case), then it shall and may be lawful for any Person or Persons who shall see any such Offence committed to seize, and for any Person or Persons to assist in seizing, such Offender or Offenders, and by Authority of this Act, without any Warrant, to convey and deliver him, her, or them to a Peace Officer, in order to be taken before any One of the said Provost, Bailies, or Dean of Guild; and it shall and may be lawful to such Provost, Bailies, or Dean of Guild, upon Information of such Offence being made to him, by any Person or Persons, to issue his Warrant or Order, to bring before him the Party or Parties so accused; and if he, she, or they shall be convicted of any such Offence, either by his, her, or their own Confession, or by legal Evidence, every such Offender shall forfeit and pay any Sum not exceeding One Shilling for the First Offence, Two Shillings and Sixpence for the Second Offence, and Five Shillings Sterling for the Third and every subsequent Offence; and in case such Offender or Offenders shall not upon such Conviction immediately pay such Penalty, the said Provost, Bailies, or Dean of Guild are hereby authorized and required to commit him, her, or them to Prison, for any Time not exceeding Two Days, unless such Penalty, and the Charges occasioned thereby, shall be sooner paid and satisfied.

No Goods, &c. to be exposed to Sale on the Streets.

XVIII. And be it enacted, That if any Person or Persons shall place or bring out, on any Street or Foot Pavement, either on Stalls or otherwise, within the said Districts, any Goods, Commodities, Provisions, or other Matter

Matter or Thing whatsoever, and shall expose the same for Sale or Show, on any such Street or Foot Pavement, or on the Walls of Houses, every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Shillings Sterling; and if the said Penalty shall not be immediately paid, and the said Articles removed, it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any One or more of them, to cause the Goods, Commodities, and other Things to be removed, taken away, and deposited in such Place or Places as he or they shall direct, there to remain until the Offender or Offenders shall have paid the Penalty, with the Charges and Expences attending such Removal; and if the same shall not be paid within the Space of Eight Days thereafter, then such Goods, Commodities, and other Things shall be sold by the Order of the said Provost, Bailies, and Dean of Guild, or any Two of them, and the Proceeds shall be applied in the Payment of such Penalty and such Charges and Expences, and the Overplus (if any) shall be paid to such Offender or Offenders.

Outside Stairs, &c. to be removed.

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

Proviso as to Outstairs.

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

XXI. And

No Houses to be thatched with Straw.

XXI. And be it enacted, That the Proprietors of such Tenements or Houses as may be erected, and of such Houses or Tenements as may be unroofed or rebuilt, subsequent to the passing of this Act, shall be and the said Proprietors are hereby prohibited from thatching with Straw, Broom, Heath, Rushes, Reeds, or Fern, and from covering with Tar, Pitch, or Paper the Roofs of such Tenements; and if any Person shall offend in any of these Particulars, every Person so offending shall pay a Penalty not exceeding Ten Pounds for every Calendar Month that any such House or Tenement shall remain so thatched with Straw, Broom, or Heath, Rushes, Reeds, or Fern, or that any such Roof shall remain covered with Tar, Pitch, or Paper.

Provost, Bailies, and Dean of Guild authorized to line Front Tenements.

XXII. And be it enacted, That the said Provost, Bailies, and Dean of Guild, or any One or more of them, upon Report of their Birleymen or Liners, are hereby empowered, upon Complaint and Application made to them by the said Commissioners, or by any neighbouring Proprietor, or by the Procurator Fiscal for the said Burgh of *Calton*, on Behalf of the Public (after visiting the Premises and hearing Parties concerned), to line the Fronts of any House or Building to be erected in any of the Streets, Passages, or Lanes within the said District, in such Manner as they may see necessary for preserving the Regularity of the Line of building in the said Streets, Passages, or Lanes, and to cause all Openings in the Streets or Pavements, either for Lights or Entry, to be properly secured.

Commissioners may make Bye Laws.

XXIII. And be it enacted, That a Majority of the said Commissioners, present at any Meeting called for that Purpose, shall have full Power and Authority, from Time to Time, to make Rules, Regulations, and Bye Laws consistent with this Act and the Law of *Scotland*, for the better Execution of this Act, for removing Obstructions, and preventing Nuisances of every Kind on the Foot Pavements, Streets, and other Places within the said District, and in general for all other Purposes connected with the Preservation of Peace and good Order, and the general Safety and Comfort of the Inhabitants; and from Time to Time, as Occasion may require, to repeal, add to, amend, and alter such Regulations, or any of them, and to enforce the same by such pecuniary Penalties as they shall think proper, not exceeding in any Case the Sum of Ten Shillings Sterling for each Offence, to be levied and recovered in Manner herein-after directed; provided always, that Ten Days previous Notice shall be given of every such Meeting, by Advertisement in any One or more of the *Glasgow* Newspapers, specifying the Bye Laws and Regulations proposed to be made thereat; and provided also, that such Rules, Regulations, and Bye Laws shall have been submitted to the Lords Commissioners of Justiciary for their Approval, at a Circuit Court in *Glasgow*, before the same shall be acted upon or put in force.

Proprietors of Public Works to convey the Refuse or Water under Ground.

XXIV. And be it enacted, That the Proprietors, Owners, or Occupiers of Distilleries, Dyeworks, and other Works within the said District, shall be obliged to cause the Refuse or Water coming from such Works to be conveyed by means of Drains or Sewers under Ground, made and kept in Repair at their Expence, and properly secured and covered; and if they refuse so to do, when thereto required by the said Commissioners, the said Provost, Bailies, and Dean of Guild, or any Two of them, are hereby authorized

authorized and required to cause such Drains or Sewers to be made and kept in Repair, and to recover the Expence thereof from the Owners or Occupiers of such Works, in the same Manner as any Penalty may be recovered by this Act.

Gunpowder where to be kept;

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

and how to be kept and sold.

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

Houses to be numbered.

Streets, &c. to be named.

XXVII. And be it enacted, That the said Commissioners shall and may order and direct the Houses, Buildings, Shops, and Warehouses within the said District, to be numbered with Figures, placed or painted and continued or renewed on the Doors, or on such other conspicuous Part thereof as they shall think proper; and may likewise order to be painted or otherwise inscribed, and also that such Painting or Inscription shall be renewed when necessary, on a conspicuous Part of any House or Building, at or near the End or Corner of each Street, Square, Lane, Passage, or Place, the Name of such Street, Square, Lane, Passage, or Place; and any Person or Persons who shall wilfully and maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall, for every such Offence, forfeit and pay a Sum not exceeding Two Pounds Sterling, to be levied and applied in manner herein-after directed.

XXVIII. And

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

XXVIII. And be it enacted, That the Water from the Roofs of all Houses and other Buildings within the said District, fronting the public Streets and Squares, and the Lanes and Wynds which are Thoroughfares, shall be conveyed in Lead or other Pipes, reaching within Six Inches of the Ground, and affixed to or on the Sides of such Houses and Buildings; and the Owners or Proprietors thereof shall be obliged to make a Gut or Gutter in the Pavement, from the Termination of the said Pipe or Pipes, for carrying off the Water therefrom into the Common Sewer; and in case the Owners or Proprietors of such Houses and Buildings shall not cause such Water to be so conveyed within Twelve Months after being required to do so by the said Commissioners, then it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any Two of them, and they are hereby authorized and empowered, upon Application by the Commissioners, or Procurator Fiscal aforesaid, (on inspecting the Premises and hearing Parties concerned), to decern in a summary Manner such Owners or Proprietors to pay any Sum not exceeding Two Shillings and Sixpence Sterling for every such Offence; and if, after Conviction of any such Offence, the Water from such Houses and other Buildings shall still be conveyed otherwise than in Pipes so affixed, and reaching as aforesaid, for the Space of One Calendar Month, then the Owner or Proprietor of every such House or Building shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so, *toties quoties*, for every Month after such first Conviction, during which the Water shall be conveyed otherwise than aforesaid; such Fines to be levied and applied in manner herein-after directed, and to be always paid by the Proprietors, according to the Proportion of their respective Rents, rated as after mentioned; and in case the said Persons shall neglect, for Two Calendar Months, to convey the Water from the said Houses or Buildings in manner aforesaid, it shall be lawful to the said Provost, Bailies, and Dean of Guild, or any One or more of them, upon Application by the Commissioners, or Procurator Fiscal, to order the Work necessary for conveying the Water in manner aforesaid, to be done at the Expence of the said Persons, and to decern against them for the Expence thereof, over and above the Penalties which they may have incurred.

Where Houses belong to more Proprietors than One.

XXIX. And be it enacted, That when the Floors or Stories of any Houses or Buildings belong to more Proprietors than One, the several Proprietors of the same House or Building shall defray the Expence of making, affixing, and keeping in Repair the said Pipes, and the said Guts or Gutters in the Pavements, in Proportion to the Rents of the Parts of such Houses or Buildings which belong to them respectively, as rated in the Rent Roll after mentioned; and in case any Dispute or Difference shall arise amongst the several Proprietors of the same House or Building relative to the Proportions of the aforesaid Expences, it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any One or more of them, after inspecting the Premises and hearing the Parties concerned, by a Decree under their Hands, to determine the same according to the Rate of such Rents in the said Roll, and to decern for that Expence in manner aforesaid.

Where done by Tenants or Occupiers, Recourse to

XXX. Provided also, and be it enacted, That where the Tenants or Occupiers of any House or other Building, shall in Default of the Proprietors paying such Expence, have been at any Expence, in conveying the Water as

be had by them to Proprietors.

as aforesaid, (which they are hereby authorized and required to do, to the Amount of the Yearly Rents payable by them respectively), they may and are hereby authorized and empowered to apply the Lead and Materials of any Pipe or Pipes formerly affixed to the said Houses, or the Produce thereof, towards such Expences, and to deduct the Remainder of the said Expence from the next Rent due to his, her, or their Landlord or Landlords, who are hereby directed and required to allow the same, any Lease or Contract to the contrary notwithstanding; and in the Event of the said Proprietors not residing within the said District, Notice of the Complaint, or of the Order of the said Provost, Bailies, or Dean of Guild, or any One or more of them, being served on the Occupiers or Tenants, shall be as valid and effectual as if served on the Owners or Proprietors personally.

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

XXXI. And be it enacted, That it shall and may be lawful to and in the Power of the said Commissioners to direct and cause the several Public Streets, Squares, Lanes, and Passages in the said District, to be lighted in such Manner and Form as they shall think proper, and to contract with any Person or Persons for that Purpose, and also to order Lamp Irons and Lamps to be fixed on the Walls of Houses and other Buildings, or on the Sides of the Streets, and from Time to Time to alter and remove the same: Provided always, that the said Commissioners shall cause any Damage that may thereby be occasioned to be repaired, and the Expence thereof to be defrayed out of the Money granted by this Act; and if any Proprietor or Occupier shall be dissatisfied with such Repair, it shall be lawful for him or her to complain to the said Provost, Bailies, and Dean of Guild, who, or any Two of them, shall determine the Matter of such Complaint, without being subject to any Appeal or Review whatsoever, save and except as provided by this Act.

Penalty for breaking Lamps wilfully.

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

she, or they is or are committed, unless such Forfeiture and Satisfaction be sooner paid and given.

Satisfaction for breaking Lamps by Accident.

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

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

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

Houses when taken down or unroofed, to be fenced.

XXXV. And be it enacted, That when it is necessary to take down or unroof any Houses or Tenements in the said District, for the Purposes of rebuilding or repairing them, or for any other Purpose, and when it becomes necessary to perform any other Work upon the said Houses or Tenements, whereby Risk may arise of Stones, Slates, Timber, or any other Materials falling upon the said Foot Pavements, every Person or Persons carrying on or causing to be carried on such Works, shall, at his, her, or their Expence, fence round, or cause to be fenced round,

with a sufficient Rail, or other Fence, the Parts of the said Foot Pavements opposite to the said Houses or Tenements rebuilding or repairing, or where other Works are carrying on, and shall uphold and keep in proper Repair and Condition the Rails or other Fences aforesaid, during the whole Time the said Works are carrying on, to prevent Passengers from walking along those Parts of the said Foot Pavements; and it shall be lawful to and in the Power of the said Provost, Bailies, and Dean of Guild, or any One or more of them, to fine the Person or Persons neglecting or refusing so to fence round the said Foot Pavements, in a Sum not exceeding Ten Shillings Sterling for each Day's Failure; and also to order the said Foot Pavements to be fenced in as aforesaid, at the Expence of such Person or Persons the said Fines to be levied and applied in manner herein-after directed.

Barony divided into Wards.

XXXVI. And whereas the dividing the said Barony and Village into separate Wards or Districts, and appointing Commissioners over them, will have the most beneficial Consequence in facilitating the Plan of Police established by this Act, and assisting the Execution thereof, and in providing, levying, and applying the Funds necessary for defraying the Expence thereof; be it therefore enacted, That the said District shall be and the same is hereby divided into the following Wards; *videlicet*,

The First Ward—bounded by *Great Hamilton Street* on the South, by *Wall Street* on the East, by *New Street* on the North, and by the Royalty of the City of *Glasgow* on the West, and comprehending all the intermediate Grounds and Buildings.

The Second Ward—bounded by *New Street* on the South, by *Main Street* on the East, by the Royalty of the City of *Glasgow* on all other Parts, and comprehending all the intermediate Grounds and Buildings.

The Third Ward—bounded by *Great Hamilton Street* on the South, by *Green Street* on the East, by *Kirk Street* on the North, and by *Well Street* on the West, and comprehending all the intermediate Grounds and Buildings.

The Fourth Ward—bounded by *Kirk Street* on the South, by *Green Street* on the East, by the Royalty of the City of *Glasgow* upon the North, and by *Main Street* on the West, and comprehending all the intermediate Grounds and Buildings.

The Fifth Ward—bounded by *Barowfield Road* on the South, by *Clyde Street* on the East, by *Crossloan Street* on the North, and by *Green Street* on the West, and comprehending all the intermediate Grounds and Buildings.

The Sixth Ward—bounded by *Crossloan Street* on the South, by the Royalty of the City of *Glasgow* on the East and North, and by *Green Street* on the West, and comprehending all the intermediate Grounds and Buildings.

The Seventh Ward—bounded by *Barrowfield Road* on the South, by the Lands and Village of *Mile End* and upon the East, by the Royalty of the City of *Glasgow* upon the North, and by *Clyde Street* upon the West, and comprehending all the intermediate Grounds and Buildings.

The

The Eighth Ward—bounded upon the West and South by the Royalty of the City of *Glasgow*, by *Camlachie Burn* upon the East, and the *Barowfield Road* on the North, and comprehending all the intermediate Grounds and Buildings.

The Ninth Ward—comprehending the Lands and Village of *Mile End*.

Commissioners may alter Wards.

XXXVII. Provided always, and be it enacted, That it shall be lawful to and in the Power of the Commissioners appointed in manner hereinafter mentioned, to alter, vary, add to, or diminish the said Wards, or any of them, in such Manner as the State of the Population thereof, or other Circumstances, shall to the said Commissioners appear from Time to Time to require.

Resident Commissioners to be appointed.

XXXVIII. And be it enacted, That a Commissioner residing within his own District or Ward, qualified and elected in manner herein-after directed, shall be appointed over each of the said Wards, with Power to him to take Lists of Persons residing within his own Ward, and to warn away poor Persons, not entitled to Relief, so as to prevent them from being entitled to the Benefits and Charities thereof; and such Commissioners are hereby invested with the whole Powers known in the Law of *Scotland* to belong to the Office of Constable: Provided always, that in the event that any Commissioner after being elected shall cease to be resident in the Ward to which he was elected, he shall nevertheless continue to act as Commissioner for that Ward until the General Election of Commissioners in the Month of *October* thereafter.

Commissioners how to be elected.

XXXIX. And be it enacted, That the said Commissioners shall be elected on the Third *Monday* after after the passing of this Act, and thereafter on the First *Monday* of *October* annually, by a Majority of Votes of all the Occupiers of Dwelling Houses, Shops, Warehouses, and other Buildings within the said respective Wards, valued in manner after mentioned at Five Pounds Sterling or upwards of yearly Rent, out of Persons who are Natives of the United Kingdom, possessed of Property in *Calton* or *Mile End* valued in the assessed Books of the County at Twenty Pounds Sterling *per Annum*, or out of the Householders within the Districts or Wards respectively, who are Natives of the United Kingdom, and whose Dwelling Houses (exclusive of those Parts occupied as Shops or Warehouses) are valued in manner after mentioned at Ten Pounds Sterling or upwards of yearly Rent: Provided always, that where Dwelling Houses and Shops are contiguous, and are possessed by the same Person, one Half of the Rent of the Whole shall be accounted House Rent, and the other Half Shop Rent.

Provost, Bailies, and Dean of Guild to be Commissioners ex officiis.

XL. And be it enacted, That the Provost, Bailies, and Dean of Guild of the said Burgh of *Calton* for the Time being shall be, *ex officiis*, always Commissioners, without being elected as aforesaid.

Manner of voting for Commissioners.

XLI. And be it enacted, That the Votes for Commissioners shall be given in each Ward separately by written Votes or Tickets, subscribed by the Voters, specifying their Names, Designations, and Qualifications, the Names of the Streets in which they reside, and the Numbers of their Houses, and

and containing the Names and Designations of the Persons voted for, put into Boxes to be prepared for the Purpose, on the Day appointed for the Election, which Boxes the said Provost, Bailies, and Dean of Guild shall prepare for the First Election, and afterwards the said Commissioners acting for the Time shall and they are hereby authorized and required to prepare the same, in such Form as to them shall seem expedient, and to put up one Box in a proper Place within each Ward, Eight Days previous Notice of the Day of Election and of the respective Places where the said Boxes are put up, being always given to the said Inhabitants, either by a written Notice affixed to the Door of the Court-house of the said Burgh of *Calton*, and by Tuck of Drum through the principal Streets of the said several Wards, or by a printed Advertisement affixed on some conspicuous Place in each Ward, in order that all concerned may have Access to put their Votes or Tickets in the Boxes, which shall remain open between the Hours of Ten in the Forenoon and Four in the Afternoon of the Day of Election, at which last Hour the Election shall close, and the Boxes be removed and opened, when the Votes shall be scrutinized, for the First Election by the said Provost, Bailies, and Dean of Guild, and thereafter by the said Provost, Bailies, Dean of Guild, and the other Commissioners for the Time being; and the Persons appearing to have been chosen by a Majority of Votes shall be declared to be Commissioners; and in case of an Equality of Votes for any Commissioner or Commissioners, the said Provost, or Preses of the Meetings for the Time, shall have the casting Vote: Provided always, that no Person shall have more than One Vote, or shall vote in more than One Ward or District, at any Election of Commissioners for the said District.

Penalty on unqualified Voters;

XLII. And be it enacted, That in case any Person or Persons not qualified to vote in manner aforesaid shall vote or attempt to vote at the said Elections, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence, which Forfeitures shall be levied and applied in manner herein-after directed.

and on Persons elected refusing to act.

XLIII. And be it enacted, That if any of the Commissioners named and elected in manner aforesaid shall die, or shall refuse or neglect to accept the said Office, and subscribe an Acceptance thereof, on being required so to do by the said Commissioners, or shall cease to reside within the said District, their Places shall become vacant, and shall be supplied by other Householders qualified as aforesaid, to be elected in manner herein-after directed; and if any Person or Persons duly elected a Commissioner or Commissioners under this Act, not labouring under such bodily Infirmity as shall render him incapable of executing the Duties of a Commissioner, and not being above Sixty Years of Age, shall refuse to act without assigning a just or reasonable Cause, it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any One of them, to fine such Person or Persons in payment of any Sum of Money not exceeding Two Pounds Sterling, to be applied for the Purposes of this Act; provided that the Person paying the same shall be exempted from acting as a Commissioner for the Three succeeding Years.

How Vacancies are to be supplied.

XLIV. And be it enacted, That when the Place of any of the said Commissioners shall become vacant, the remaining Commissioners shall, within

Fourteen Days thereafter, give Notice thereof to the Inhabitants of the vacant Ward or Wards, and of the Time appointed by them for the Election of another Commissioner to supply such Vacancy, to be made in Manner aforesaid, within Fourteen Days after such Notice.

Disputes how to be settled.

XLV. And be it enacted, That in case any Dispute or Difference shall arise relating to Qualification of the Electors, or of the Persons elected, the same shall be determined by the said Provost, Bailies, and Dean of Guild, or by any One of them, for the First Election, and afterwards by the said Provost, Bailies, Dean of Guild and other Commissioners for the Time being, or a Majority of those present, whose Determination shall be final and binding on all Parties concerned, without being subject to Question or Debate in any Way whatsoever, save and except as is provided by this Act.

Elections if not made, how to be supplied.

XLVI. And be it enacted, That in case the Electors of any Ward shall refuse or neglect to elect Commissioners for the same in manner aforesaid, it shall be lawful to and in the Power of the said Provost, Bailies, and Dean of Guild, and of the Commissioners who shall have been elected and accepted their Offices, to nominate and appoint Commissioners qualified as aforesaid, for the Wards in which Elections shall not have been made, and the Persons so nominated and appointed shall have the same Powers, and shall remain the same Time in Office, as if they had been elected by the Occupiers of Houses, Shops, Warehouses and other Buildings within their respective Wards, in manner herein-before directed.

Three Commissioners to go out of Office yearly.

XLVII. And in order that the said Commissioners of Wards may remain in Office for such a Period as may enable them to acquire Experience and Knowledge of the Business hereby intrusted to them, be it enacted, That the Commissioners who shall be chosen on the said Third *Monday* after the passing of this Act, and those chosen to supply Vacancies, during the present and ensuing Year, shall remain in Office till the First *Monday* of *October* One thousand eight hundred and twenty, on which Day Three of them shall be disqualified, and shall go out of Office by Ballot of the whole Commissioners, or a Majority of them assembled on that Day, and Three other Commissioners, qualified and elected in manner aforesaid, shall be chosen to supply their Places; and the remaining Six Commissioners who shall be chosen on the said Third *Monday* after the passing of this Act, or those chosen to supply Vacancies, shall remain in Office till the First *Monday* of *October* One thousand eight hundred and twenty-one, on which Day Three of them, or of those who shall have been elected to supply Vacancies, shall be disqualified and go out of Office by Ballot of the Whole of the said Commissioners, or of a Majority of them assembled for that Purpose, and Three other Commissioners, qualified and elected in manner aforesaid, shall be chosen to supply their Places; and that the remaining Three Commissioners who shall be chosen on the said Third *Monday* after the passing of this Act, and those who shall have been chosen to supply Vacancies, shall remain in Office till the First *Monday* of *October* One thousand eight hundred and twenty-two, when they, as being disqualified from Seniority, shall go out of Office, and Three other Commissioners, qualified and elected in manner aforesaid, shall be chosen to supply their Places; and that on the First *Monday* of

*October* One thousand eight hundred and twenty-three, and on the First *Monday* of *October* annually thereafter, Three of the senior Commissioners shall be disqualified, and go out of Office by Rotation, and Three other Commissioners, qualified and elected in manner aforesaid, shall be chosen to supply their Places, so that there may be an Election of Three Commissioners each Year, and no more, except for supplying Vacancies: Provided always, that Persons disqualified in manner aforesaid, may be immediately re-elected into Office, in the Option of their Constituents, in which Case they shall come in as the youngest Commissioners, and shall be enrolled accordingly; but in the event of any Commissioner being re-elected, and refusing to act upon such Re-election, he shall not be liable in the Penalty before mentioned; provided nevertheless, that he shall be liable in such Penalty, if elected, at any Time after the Expiration of Twelve Months after any such Re-election.

Commissioners may be re-elected.

Quorum of Commissioners.

XLVIII. And be it enacted, That any Five of the said Commissioners shall be a Quorum for executing the Powers committed to them by this Act; save and except that no Assessment shall be made or imposed, nor the Master of Police, nor Clerk, nor Treasurer appointed, nor their Salaries fixed, by virtue of this Act, except at Meetings where a Majority of the Commissioners who have accepted their Offices are present: Provided always, that the whole Commissioners shall be summoned to attend every Meeting of the said Commissioners, by written or printed Notices, delivered to them personally, or left at their Dwelling Places, Twenty-four Hours previous to such Meeting; and that the Provost, senior Bailie, or any Bailies present, or Dean of Guild, or in his or their Absence, such Person as shall be appointed by the Commissioners present, shall preside at the Meetings of the said Commissioners, and such Preses shall have both a deliberative and also in Cases of Equality a casting Vote in all Matters and Questions which shall come before them.

Four stated Meetings to be held in each Year.

XLIX. And be it enacted, That Four Meetings of the said Commissioners for the said District shall be held annually on the Second *Monday* in the Months of *October*, *January*, *April*, and *July*, at Ten of the Clock in the Forenoon, for putting this Act into execution, the said Meetings of the Commissioners to be held in the Court-house of the Burgh of *Calton*, or in such other Place within the said District as shall be appointed by the said Commissioners, the First of the said Quarterly Meetings to be held on the Second *Monday* of *October* after the passing of this Act; and that the said Provost, Bailies, and Dean of Guild shall cause the whole of the said Commissioners resident at the Time in the said District to be summoned to attend the said Quarterly Meetings, in manner before mentioned, Twenty-four Hours at least previous to the Time of Meeting.

Meetings may be adjourned.

L. And be it enacted, That the said Commissioners, or a Majority of those present, at any of the said Quarterly Meetings, or other Meetings held in virtue of this Act, may adjourn to the same or any other Place within the said District, which they may think necessary or proper for executing the Powers vested in them by this Act.

Special Meetings how to be called.

LI. And be it enacted, That the said Provost, Bailies, and Dean of Guild, or any One or more of them, or in their Absence, the Commissioner

sioner who may have presided at the last Meeting of the Commissioners for the said District, shall, when required so to do by a Writing under the Hand of any Two of the said Commissioners, appoint a special Meeting of the said Commissioners to be held within Forty-eight Hours after such Requisition, and shall cause all the Commissioners to be summoned to such Meeting, in manner aforesaid; and it shall be in the Power of the said Provost, Bailies, or Dean of Guild, or in their Absence, the Person who shall have presided at the last Meeting as aforesaid, to appoint other Meetings of the said Commissioners, to be held at such Places and Times within the said District, as may to them seem necessary for the above Purposes, the whole Commissioners being always summoned to attend the same Twenty-four Hours previous to such Meetings.

Powers to appoint a Master of Police, &c.,

LII. And be it enacted, That it shall and may be lawful to the said Commissioners, and they are hereby empowered, to appoint a Master of Police, Clerks, Servants, and other proper Officers, during their Pleasure, to act under the Authority and Orders of the said Provost, Bailies, and Dean of Guild, or any One or more of them, for executing the Matters committed to them by this Act, and for regulating the Police, and for preserving Peace and good Order in the said District, and for the other Affairs of the Burgh.

and Watchmen.

LIII. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to appoint such a Number of Watchmen as they shall judge necessary, for guarding, patrolling, and watching the Streets, Lanes, and other Passages of the said District, in such Manner and under such Rules and Regulations as to the said Commissioners shall appear proper and expedient.

Powers to give Salaries to Clerks, &c.

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

Duties of Master of Police, Clerks, &c.

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

Persons

Persons of the aforesaid Description; suppressing Shows and similar Exhibitions, unless permitted by the said Provost, Bailies, and Dean of Guild; in suppressing Mobs and Riots in assisting to extinguish Fires, in putting the Laws into Execution for the Regulation of Weights and Measures, in putting the Laws into execution by which Owners and Drivers of Carts and other Carriages are prohibited from leaving the same on the Streets, Roads, and Passages, or riding on their Carts, or driving Carriages or Horses or Cattle furiously or improperly, so as to endanger His Majesty's liege Subjects, in preventing Horses or other Animals from being cruelly treated, and in removing Wheel or Hand Barrows, or any other Vehicles in or upon which Goods or Provisions are carried, that shall have been left upon the Streets or Pavements, or in the Closes or Passages, after Day-light; in seeing that the said Streets, Squares, Lanes, Passages, and other Places are properly lighted and cleaned, and that all Openings in the Streets and Foot-pavements are properly secured; in guarding, patrolling, and watching the Streets, preventing Horses, Cattle, or Swine from going at large in the Streets, Closes, Areas, Lanes, or Passages of the said District; and in general, in regulating the Police, and preserving good Order and Tranquillity in the said District, and in carrying the different Purposes of this Act into execution.

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

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

Keepers of Tippling Houses to find Security.

LVII. And be it enacted, That it shall and may be lawful to the said Provost, Bailies, and Dean of Guild, or any One of them, and they or either of them are hereby authorized and empowered, to cause bring before them, and thereupon to require all Persons keeping Tippling Houses, or Houses resorted to by riotous or disorderly People, to find Security for his, her, or their good Behaviour, for such Length of Time and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as they shall judge proper; and in the event of such Security not being found within a reasonable Time, it shall and may be lawful to deprive such Person or Persons of his, her, or their Licence or Licences for selling Ale or Spirituous Liquors; and in the event of the said Persons or any of them selling Ale or Spirituous Liquors not being duly licensed in Terms of Law, it shall and may be lawful to the Judge before whom they are brought to inflict a Fine not exceeding Ten Pounds Sterling.

Excise Licences to be forfeited in certain Cases.

LVIII. And be it enacted, That it shall be in the Power of the said Provost, Bailies, or Dean of Guild, respectively, to decern the Excise Licences of any Person or Persons selling Ale, Beer, or Spirituous Liquors, to be forfeited, upon Complaints being established against such Person or Persons

sons of permitting riotous or disorderly Conduct within the Premises of any such Person or Persons vending any such Liquors.

Brokers to produce Goods on Demand.

LIX. And be it enacted, That all and every Person or Persons buying and selling Second-hand Goods or Metals, of whatsoever Kind or Description, shall at all reasonable Times show and produce, on Demand, to the Superintendant of Police, or the Officers acting under his Orders, all and every Article or Articles of whatsoever Kind or Description in his, her, or their Possession, or which he, she, or they may have received in Pawn or purchased, and shall also produce his, her, or their Book or Books in which the Description of any such Articles may have been entered; and as often as it shall be found that any Goods or Articles which shall have been stolen or fraudulently obtained shall be in the Possession of any such Person, they are hereby required, on being informed that such Goods or Articles were stolen or fraudulently obtained, to deposit the same with the Superintendant of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Public Justice, or restored to the proper Owner or Owners thereof; and all and every Person so dealing in Second-hand Articles, who shall refuse to produce and show the Goods or Articles in his, her, or their Possession, or the Book or Books in which the same are described, on being required so to do by the Superintendant of Police or the Persons acting under his Orders, or who shall not instantly deliver any such Goods stolen or fraudulently obtained as aforesaid, he, she, or they, for every such Offence, shall forfeit the Sum of Five Pounds upon Conviction before the Provost, Bailies, and Dean of Guild, or any One or more of them, such Forfeiture to be recovered and applied in manner herein-after directed, without prejudice to such Persons being also proceeded against as Receivers or Resetters of stolen Goods, according to Law, besides being bound to deliver such Goods; to compel Delivery of which, it shall and may be lawful for such Superintendant to cause any such Offender or Offenders to be carried before the said Provost, Bailies, and Dean of Guild, any Two of them may commit such Offender or Offenders to the Common Gaol or House of Correction for any Period not exceeding Six Calendar Months, if such Goods shall not be delivered as herein directed, unless a sufficient Reason shall be assigned to the Satisfaction of the said Provost, Bailies, and Dean of Guild, why such Goods are not delivered.

Names and Residences of Brokers, &c. to be registered.

LX. And be it enacted, That all Brokers or Dealers in Second-hand Goods, other than licensed Pawnbrokers, resident within the District over which this Act extends, shall be bound to register their Names and Places of Residence at an Office of Police, to be established by virtue of this Act, where they shall obtain a Certificate under the Hand of any One of the said Provost, Bailies, or Dean of Guild, respectively, of such Registration; and all such Brokers and others failing to register their Names and Places of Residence as aforesaid, shall be liable in a Penalty not exceeding Five Pounds.

Provost, Bailies, and Dean of Guild may constitute the Officers of Police Special Constables.

LXI. And be it enacted, That the said Provost, Bailies, and Dean of Guild shall have Power and they are hereby authorized to constitute and appoint Special Constables, for executing the Sentences or Warrants to be issued by them in virtue of this Act, or otherways, and with all the Powers competent to Constables by the Law of *Scotland*.

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

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

Rate of Assessment.

LXIII. And be it enacted, That the said Commissioners shall have Power, and they are hereby authorized and required, at a General Meeting to be held upon the Fifth *Monday* after the passing of this Act, and after the Expiration of the present Year, upon the Second *Monday* of *June*, or at any Adjourned Meeting to be held by them, to fix, ascertain, and impose the following Rate and Assessment, to be raised and levied from the Occupiers, whether Owners or Tenants, of all Houses, Shops, Cellars, Warehouses, Cotton and other Works, Manufactories, and Buildings within the said District; that is to say, on the Yearly Rent of all such Subjects, an Annual Assessment not exceeding One Shilling in the Pound Sterling, according as the said Shops, Houses, and other Buildings shall be rated and assessed in the Rent Roll and Valuation to be made annually by a Surveyor to be appointed by the said Commissioners, which annual Assessment shall be calculated for the present and every succeeding Year, from *Whitsunday* to *Whitsunday*, upon the aggregate Rent of each Person's Possession, and shall be payable at the Times and in the Proportions to be appointed by the said Commissioners.

Assessments where not to be levied.

LXIV. Provided always, That the said Assessment shall not be levied from Proprietors or Inhabitants of such Parts of the said District as do not receive the Benefits of Watching and Lighting, and that the said Commissioners shall not be obliged to extend those Benefits to such Parts of the said District where the said Assessment is not levied.

Surveyors to be appointed to asceriain Rents.

LXV. And be it enacted, That the said Commissioners, at their first or any subsequent Meeting for putting this Act into execution, shall appoint a proper Person or Persons for ascertaining the free Rent of all such Houses, Shops, Cellars, Warehouses, Cotton or other Works, if occupied by Tenants, and the Rents at which the same are worth to be let by the Year, if occupied by Proprietors or Life-renters, with Power to such Person or Persons to enter upon and survey all such Houses, Shops, and other Buildings, the said Survey to be made previous to the First Day of *October* yearly; and the Person or Persons so to be appointed, after making the same, shall leave for every Occupier at his or her Dwelling House, or on the Premises surveyed, a Notice of the Rent for which such Occupier is to be rated, and immediately after such Survey shall be completed, the said Surveyor or Surveyors shall deposit with the said Commissioners or their

their Clerk a distinct Rent Roll or Return of the said Rents, for the several Wards herein-before mentioned, agreeably to the Survey so made; and in case any Occupier shall think himself or herself over-charged in the said Rent Roll or Return, it shall be lawful for such Occupier, within Six Days after the said Notice shall have been left at his or her Dwelling Place or on the Premises surveyed, to give Notice in Writing to the Clerk to the said Commissioners of the Overcharge complained of; and the said Commissioners shall meet annually within the said Court House of *Calton*, or other Place to be by them appointed, upon the Second *Monday* in the Month of *October*, after making the said Survey, at Ten of the Clock in the Forenoon, with Power to adjourn from Time to Time, for the Purpose of hearing the Parties, and determining the Matter of such Complaint; and in case the said Commissioners, or a Majority of them, shall, at any of the said Meetings, think the Rent of any Occupier so given in by the Surveyor or Surveyors too low, they shall and may give similar Notice to such Occupier, and shall, at a subsequent Meeting, finally determine the Amount thereof; and similar Surveys shall be made and Meetings held, for correcting the Rent Roll, in every Year during the Continuance of this Act: Provided always, that the Surveys so to be made shall include all Houses, Shops, Cellars, Warehouses, Cotton or other Works, actually inhabited, or in which any Furniture or Goods are deposited at the Time, and that a Second Survey shall be made in manner aforesaid, in the Month of *January* or *April* annually, of such Houses or other Premises as were uninhabited, or in which no Furniture or Goods were deposited at the Time of the first Survey, and if any such Houses or other Premises shall be inhabited, or have any Goods or Furniture therein at the Time of such Second Survey, the Rents thereof shall be added to the said Rent Roll or Return, and assessed for Half of the Yearly Rate, which Half-yearly Assessments shall be paid in like Manner as the other Assessments herein-before mentioned, and in case of Failure, recovered in Manner herein-after directed.

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

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

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

LXVII. And be it enacted, That all Houses and other Buildings occupied by Proprietors or Life-renters shall be rated and assessed for the Duties hereby imposed upon such Yearly Rent or Value as the same shall be rated and estimated by the Surveyor or Surveyors before mentioned and approved of by the said Commissioners, according to the best of their Judgment, and that such Proprietors and Life-renters shall only be liable in Payment of the said Assessments for Houses and Buildings occupied by themselves and their Domestic Servants, but not for those occupied by their Tenants, from whom only the said Assessments for their respective Possessions shall be levied and recovered by virtue of this Act; and that all such Proprietors and Life-renters shall only be entitled to vote for or be elected Commissioners under this Act according to the estimated Rents of the Houses, Shops, Warehouses, Cellars, or other Buildings actually occupied by themselves, without

regard

regard to the Rent of any other Houses belonging to them in Possession of their Tenants.

Abatements may be made in Option of the Commissioners.

LXVIII. And be it enacted, That it shall be lawful to, and in the Power of the said Commissioners, to give such Abatement or Relief from any Assessment to be made under the Authority of this Act, as the Circumstances of any Person or Persons applying for the same may to them seem to require; any thing herein contained to the contrary notwithstanding.

Assessments vested in Commissioners.

LXIX. And be it enacted, That the Monies arising from the aforesaid Assessments shall be, and the same are hereby vested in the said Commissioners for the said District, and all such Monies shall be applied, laid out, and expended, in the first place, in paying the Expences to be incurred in passing of this Act, and then in defraying the Expence of the aforesaid Establishment of Master of Police, Clerks, Servants, Watchmen, and other Officers, and for the other Purposes of this Act, and to no other Purpose whatever; and in case any Surplus Monies shall remain, after executing the Purposes aforesaid, upon settling the Account thereof, at the End of each Year, the same shall be applied towards the same Purpose for the Year following, so that the aforesaid Assessments shall be thereby proportionally reduced.

Recovery of Rates.

LXX. Provided always, and be it enacted, That in case the Particulars of all the Tenements subject to Payment of the said Assessment shall not be contained in any of the said Rent Rolls, it shall be lawful for and in the Power of the said Commissioners to ascertain the Yearly Rent or Value of these Tenements; and if any Person or Persons, rated and assessed as in manner herein-after directed, shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the Space of Fourteen Days next after such Rates or Assessments shall be due and demanded, and Notice given by general Advertisement once in any Two of the *Glasgow* Newspapers, and by Tuck of Drum through the said District, then and in such Case, it shall be lawful for the Collector or Collectors to be appointed by the said Commissioners, to apply to the Provost, or any One of the said Bailies or Dean of Guild, for a Warrant, to any of their Officers, to enter his, her, or their House or Houses, and to seize and take Possession of his, her, or their Goods and Effects; and which Warrant the said Provost, Bailies, or Dean of Guild, is hereby authorized to grant, upon an Affidavit made by the Collector or Collectors, of such Demand having been made, of such Notice having been given, and of such Person or Persons being in Arrear to the Amount stated in such Affidavit; and if such Rates or Assessments shall not be paid within Three Days next after such Seizure is made, together with the Costs or Charges thereby incurred, then the Collector or Collectors is and are hereby authorized to sell, by public Roup, at such Place as may appear proper, such Part of the said Goods and Effects as shall be sufficient to pay the said Rates and Assessments, with the Costs and Charges attending such Seizure and Sale, returning the Overplus, if any be, to the Owner or Owners; the Costs or Charges to be ascertained by the Judge who shall issue the said Warrant.

LXXI. And

Powers of Commissioners as to assessing and levying Monies.

LXXI. And be it enacted, That the said Commissioners shall have full Power and Authority, and they are hereby authorized and required, at their Meeting to be held on the said Second *Monday* of *October*, annually, or any adjourned Meeting, to ascertain and lay on the Assessment to be levied from the Renters or Occupiers and Possessors of the Houses, Cellars, Shops, Warehouses, and other Buildings before described, and also to ascertain the Sums of Money to be expended for the Purposes of this Act, for the then current Year; and that it shall not be lawful for, nor in the Power of the said Commissioners, or any Person or Persons acting under their Authority, to levy or expend any Monies by virtue of this Act, unless the same shall have been previously assessed and laid on, and the Expenditure thereof voted by the said Commissioners.

Questions as to Assessments to be decided by the Provost, Bailies, or Dean of Guild.

LXXII. And be it enacted, That in case any Question or Dispute shall arise relative to the Houses, Buildings, Cellars, Shops, and Warehouses, which are claimed to be exempted from the aforesaid Assessments, or relative to the Amount of the Assessments, or the Valuation of the said Subjects, and the Expence of cleansing the Foot Pavements and Closes and Back Courts in the said District, the same shall be determined by Decrees to be given under the Hands of the said Provost, Bailies, and Dean of Guild, or any One of them, without being subject to Review or Challenge, or any Stay of Execution whatsoever, save and except as is provided by this Act.

Commissioners may appoint Collectors or Treasurers.

LXXIII. And be it enacted, That the said Commissioners shall have Power to appoint a Collector or Collectors, Treasurer or Treasurers, Clerk or Clerks, or any other Officer or Officers, for levying recovering, and paying away the Monies to be raised by virtue of this Act, and for keeping their Books and Records, and for other Purposes aforesaid, and to rent, hire, build, or purchase a sufficient Office for holding their Meetings and transacting their Business, and also to appoint suitable Salaries to the said Collectors, Treasurers, or Clerks, and to agree for and pay a reasonable Price or Rent for the said Office, out of the said Funds, and that the said Collectors or Treasurers shall find sufficient Security to the said Commissioners for their respective Intromissions with the Funds which they shall be empowered to levy and collect.

Clerk restrained from acting as Treasurer, and vice versâ.

LXXIV. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered before the Judge Ordinary of the said County of *Lanark*, or the Court of Session, with double Expences of Process.

Commissioners may provide Fire Engines and appoint Firemen.

LXXV. And be it enacted, That the said Commissioners may, and they are hereby authorized, if found necessary, to purchase One or more Fire Engines, Pipes, and other necessary Appurtenances for extinguishing Fires, and to name and appoint, during Pleasure, a proper Person to take charge of the said Engines, Pipes, and other Appurtenances, with such Number of active Men as they shall think fit for working the same in a proper Manner, and for assisting in extinguishing Fires within the said District; and the said Commissioners are also hereby authorized to make such Regulations and Rules for the said Persons as to them shall seem proper; and the Expence of keeping and maintaining the said Engines, Pipes, and Appurtenances, and paying the said Firemen, shall be defrayed from the Funds raised by virtue of this Act.

Proprietors or Occupiers of Houses where Fires happen to pay not exceeding 10*l.*

LXXVI. And be it enacted, That the Proprietors or Occupiers of any Dwelling House, Shop, Warehouse, Workshop, or other House or Tenement whatsoever, in which a Fire breaks out or takes place, shall pay a Sum of Money not exceeding Ten Pounds Sterling, as the said Commissioners shall fix and direct, to be expended in giving Premiums or Wages to the Persons who may assist in extinguishing the said Fires, by bringing to the Spot Fire Engines and a Supply of Water, or otherways in such Manner and Proportions as the said Commissioners may judge fit, the said Money to be recovered by the Procurator Fiscal of the said Burgh of *Calton*.

Commissioners may rent or purchase Ground and Buildings for receiving Fire Engines, &c.

LXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to rent or hire a Piece of Ground for the depositing of Dung, sweeped and collected from the Streets and Pavements in the said District, and also to rent or hire Houses or other Buildings for securing the said Fire Engines, with the Dung Carts which it may be found requisite to employ; or if it may appear more expedient, it shall and may be lawful for the said Commissioners, and they are hereby authorized, to purchase a Piece of Ground not exceeding One Acre, and to erect thereon the necessary Sheds and other Buildings for the said Purposes.

Power to erect a Gaol and Court-house, and Bridewell or Workhouse.

LXXVIII. And be it enacted, That the said Commissioners shall have Power and they are hereby authorized and empowered to purchase a convenient Piece of Ground not exceeding Three Acres, and to erect and build thereon a Gaol and Court-house, and also a Residence or Workhouse, for the Reception only of Persons committed for Trial or further Examination, or Persons convicted by the said Provost, Bailies, or Dean of Guild, of Crimes committed within the said District: Provided always, that the Money to be expended in the Purchase of the said Ground, and in erecting and building the said Gaol, Court-house, and Residence or Workhouse shall not exceed the Sum of Five thousand Pounds Sterling; and the said Commissioners are hereby authorized to appoint Keepers, Clerks, and other Persons for managing the said Gaol and Bridewell or Workhouse, with suitable Salaries, and also from Time to Time to make proper Rules and Regulations for the internal Government of the said Gaol and Bridewell or Workhouse, not inconsistent with the Laws and Practice of *Scotland*, and the Provisions of this Act, and to alter and amend the same as they shall see fit, which Rules and Regulations the said Keepers, Clerks, and other Servants shall punctually observe and obey; and the said Keepers or Clerks

are

are hereby required to keep Books, wherein shall be inserted the Name of every Person confined within the said Gaol and Bridewell or Workhouse, and the Crime for which he or she is committed, the Time they are to be confined, and the Name of the Judge by whom the Warrant of Commitment is granted and signed, the Work (if any) executed during such Confinement, and the Price or Money arising and received therefrom by the Person authorized to receive the same, with the Name of the Person or Persons by whom such Price or Money is paid; which Book shall at all Times be open for the Inspection of the Provost, Bailies, and Dean of Guild and Commissioners; and the Persons confined in the said Bridewell or Workhouse shall be employed at such Work as they shall be found best qualified to perform during the respective Periods of their Confinement.

Offenders against the Common Law may be committed to Bridewell.

LXXIX. And be it enacted, That in all Cases where, by Common or Statute Law, any Offender is liable to be committed to a House of Correction, or to hard Labour, it shall be lawful to and in the Power of the said Provost, Bailies, and Dean of Guild, or any One of them, to commit such Offender to the said Bridewell, provided he or she resides or the Offence be committed within the said District.

Procedure to be of a summary Nature, without written Pleadings.

LXXX. And be it enacted, That in all Prosecutions against Offenders for Crimes committed within the said District, where the Punishment shall not exceed Thirty Days Confinement in the said Bridewell, or the Fine to be imposed shall not exceed Two Pounds Sterling, the Procedure against such Offenders may be of a summary Nature, without any written Pleadings; it being hereby provided that a Record shall be kept of the Charge and of the Judgment pronounced against such Offenders.

Power to commit Vagabonds, &c.

LXXXI. And be it enacted, That it shall and may be lawful to the said Provost, Bailies, and Dean of Guild, or any One of them, to commit Idlers, Vagabonds, public and sturdy Beggars, and all Persons who have no settled Place of Residence, or follow no lawful Employment, to the said Bridewell or Workhouse, to be kept at hard Labour for a Period not exceeding Three Calendar Months.

Money arising from their Labour how to be applied.

LXXXII. And be it enacted, That the Money arising from the Labour and Work of the Persons confined in the said Bridewell or Workhouse shall be applied by the said Commissioners, first, in defraying the Expence of his or her boarding and keeping therein, and such Portion of the Surplus, if any, shall be paid to the Persons so confined, at his or her Liberation, as to the said Commissioners shall seem right and proper, and the Remainder in rewarding Turnkeys, Taskmasters, and such other Persons attending the said Bridewell, as the said Commissioners shall think right and proper.

Purchase Money of Grounds how to be defrayed.

LXXXIII. And be it enacted, That the Purchase Money of the said Grounds, and the Expence of erecting the said Gaol, Court-house, and Bridewell or Workhouse, and other Buildings, shall be defrayed from the Funds to be levied under this Act.

Power to borrow Money.

LXXXIV. And be it further enacted, That the said Commissioners may and they are hereby empowered to borrow any Sum or Sums of Money not exceeding

exceeding Five thousand Pounds Sterling, for the Purpose of obtaining this Act, purchasing the said Grounds, and erecting the said Gaol and Court-house, and Bridewell or Workhouse, and other Buildings, and to assign over the Rates and Assessments hereby granted to any Person or Persons from whom such Money may be borrowed, as a Security for the same.

Penalty on Persons harbouring Rogues, &c.

LXXXV. And be it enacted, That if any Person or Persons within the said District shall knowingly permit or suffer any Idler, Rogue, or Vagabond to lodge or take Shelter in any House, Barn, or Out-house belonging to him, her, or them, and shall not apprehend and carry such Rogue, Idler, or Vagrant before One or more of the said Provost or Bailies, or Dean of Guild, or give Notice to some Constable or other Officer so to do, every Person so offending, upon being lawfully convicted thereof, by his or her own Confession, or by legal Evidence, before One or more of the said Provost, Bailies, or Dean of Guild, shall forfeit a Sum not exceeding Two Pounds Sterling for each Offence, One Moiety thereof to be paid to the Informer, and the other to be applied to the Purposes of this Act.

Penalty on Persons enticing Watchmen, &c. from their Duty.

LXXXVI. And be it enacted, That if any Person shall entice or incite from his Duty any of the said Watchmen, or other Servants of the Police, or shall entertain, or permit or suffer to be entertained in his or her House, any such Watchman or other Servant of the Police during their Hours of Duty, every Person so offending, and upon being convicted thereof by his or her own Confession, or by legal Evidence, before any One or more of the said Provost, Bailies, or Dean of Guild, shall forfeit and pay a Sum not exceeding One Pound Sterling, one Half thereof to be paid to the Informer, and the other to be applied to the Purposes of this Act.

Accounts to be kept.

LXXXVII. And be it enacted, That a Book or Books shall be prepared and kept by the said Commissioners, or by such Person or Persons as they shall appoint, wherein shall be fairly entered an Account of all Monies levied and paid by virtue of this Act, and how the same have been applied; and the said Books shall be regularly balanced and doqueted yearly on the last *Monday* of *September*, immediately preceding the Annual Election of Commissioners, the First Balance to be struck on the last *Monday* of *September*, in the Year One thousand eight hundred and twenty, from which a Statement of the Receipts and Disbursements for the Year preceding shall be made out and printed on or before the Second *Monday* of *October* annually, after the Books are balanced, and a Copy thereof shall be delivered to each of the said Commissioners, and lodged in the Court-house and Police Office of the said District, where they shall remain Six Weeks for the Inspection (without Fee or Reward) of all Persons contributing to the aforesaid Assessments.

Minutes to be kept.

LXXXVIII. And be it enacted, That the said Commissioners shall keep or cause to be kept a Book or Books, in which shall be engrossed or written Minutes of all their Proceedings and Transactions, with an Account of the Salaries and Emoluments of Surveyors, Master of Police, Clerks, Servants, Watchmen, Collectors, Treasurers, and other Officers appointed by them, which Book or Books shall at all reasonable Times be open for the Inspection

tion of every Person contributing to the aforesaid Assessments, who may peruse the same without Fee or Reward.

Actions by and against Commissioners.

LXXXIX. And be it enacted, That it shall be competent to the said Provost, Bailies, and Dean of Guild, or any One of them, to bring Actions against the said Commissioners, or to the Commissioners for the Time being, or a Majority of them, to bring Actions against their Predecessors, before any competent Court in *Scotland*, in case they shall embezzle, squander, or misapply any of the Funds vested in them by virtue of this Act; provided that such Action or Actions shall be commenced within Fifteen Calendar Months after the Offence prosecuted for shall be alleged to have been committed; and in order to prevent vexatious Prosecutions, be it enacted, that in the event of any such Actions being ill founded, the Judge before whom they may be brought shall decern against the Pursuers thereof for the whole Charges necessarily incurred in defending such Actions.

Actions competent to Procurator Fiscal.

XC. And be it enacted, That it shall and may be lawful for the Procurator Fiscal of the said Burgh of *Calton* to bring Actions before the said Provost, Bailies, and Dean of Guild, and Execution shall pass at his Instance for Performance of the Obligations, and for levying and recovering the Penalties herein specified.

Provost, Bailies, and Dean of Guild may decern summarily for Penalties.

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

Penalties exceeding 2*l.* Sterling to be recovered by Distress and Sale.

XCII. And be it further enacted, That where the Penalties, Forfeitures, Damages, and Expences decerned for shall exceed the Sum of Two Pounds Sterling, and where the Manner of levying and recovering the same is not herein-before pointed out, it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any One of them, upon Conviction of the Offender or Offenders, by their own Confession, or by legal Evidence, in case the Offender or Offenders shall not immediately pay the Sums decerned for, to cause the same to be recovered by Distress and Sale of the Offender or Offenders Goods and Effects, by a Warrant under the Hand of any of the said Provost, Bailies, or Dean of Guild; and after deducting the Charges of such Distress and Sale, the Surplus, if any, shall be paid to such Offender or Offenders; and in case sufficient Goods and Effects shall not have been found, it shall be lawful for such Provost, Bailie, or Dean of Guild, to cause the said Offender or Offenders to be committed to the Common Gaol or Bridewell of the said District, or Workhouse aforesaid, therein to continue for a Space not exceeding Three Months, unless the Sums

of Money so decerned for, and all reasonable Charges incurred, shall be sooner paid and satisfied.

Provost, Bailies, or Dean of Guild may decern for Costs of Suits.

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

Power to mitigate Penalties.

XCIV. And be it enacted, That it shall and may be lawful for the said Provost, Bailies, and Dean of Guild, or any One of them, from Time to Time, to mitigate and lessen any of the Forfeitures or Penalties incurred under this Act, as to them shall seem proper.

Penalties to be applied to the Purposes of this Act.

XCV. And be it enacted, That the whole of the pecuniary Penalties and Forfeitures herein-before authorized to be levied shall, after deducting the necessary Charges of recovering the same, be paid to, and make Part of the Funds to be applied under the Direction of the said Commissioners for the Purposes of this Act, excepting as herein specially before provided.

Penalties to be sued for within Three Months.

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

No Action to be commenced against Commissioners after Three Months.

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

Appeal.

XCVIII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved, by any Order or other Proceeding of the said Provost, Bailies, or Dean of Guild, or of the said Commissioners, it shall be lawful for him, her, or them, to appeal to the first Circuit Court of Justiciary, to be held at *Glasgow* thereafter; and the Appellant or Appellants shall find Security, and observe the other Requisites of the Law relative to Appeals to that Court.

Saving Clause to Sheriff and other Judges.

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

C. And

Bodies Politic empowered to sell and convey Lands.

C. And be it further enacted, That it shall and may be lawful for the said Commissioners to acquire, and for all Bodies Politic, Corporate, or Collegiate, Liferenters, Heirs of Entail, Husbands, Guardians, Trustees and Feoffees in Trust, Executors, and all other Persons and Trustees whomsoever, not only for and on behalf of those having the beneficial Interest, whether Persons under Age, Issue unborn, Lunatics, Idiots, or fatuous Persons, or other Person or Persons, and to and for all married Women who are or shall be seised, possessed of, or interested in their own Right, and for every other Person or Persons whomsoever who shall be seised, possessed of, or interested in any Lands, Grounds, and Heritages which shall be required for the Purposes of this Act, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners under the Provisions of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

Form of Conveyance to the Commissioners.

CI. And be it further enacted, That all Conveyances and Assurances which shall be made of any Lands or Heritages to the said Commissioners, or any other Person or Persons, for the Purposes of this Act, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit:

'I, [*or* We] of in consideration of the Sum of to me [*or* us] paid, do hereby grant, dispone, and convey to all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said and their Successors, for the Purposes specified in and by virtue and according to the true Intent and Meaning of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*]. In witness whereof I have set my Hand to these Presents, written by [*insert Name and Description of the Writer*] this Day of in the Year of our Lord before these Witnesses [*insert Names and Descriptions of Witnesses, who will also subscribe as Witnesses*].'

And all such Conveyances and Assurances shall be registered, within Sixty Days of the Date thereof, in the Register of Sasines of the said County of *Lanark*, and shall thereupon be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, and Interests, and Incumbrances to, in or upon the same whatsoever.

Satisfaction to be made.

CII. Provided always, and be it further enacted, That all and every Body Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell and convey any Lands, Tenements, or other Heritages, or

or any Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Heritages required to be taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Heritages, or of any such Interests as aforesaid; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Commissioners, or any Person or Persons purchasing the same, under the Provisions and for the Purposes of this Act, may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and use the said Lands, Tenements, and other Heritages, for the Purposes of this Act; and in case the Parties interested in such Lands, Tenements, or Heritages cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is herein-after directed.

**If Parties are dissatisfied, or refuse or are unable to treat, &c. a Jury to be impannelled to decide the Matter.**

CIII. And for settling all Differences which may arise between the said Commissioners and the several Owners of or Persons interested in any Lands, Tenements, or other Heritages which shall or may be taken or used for the Purposes of this Act, be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons so interested, for and on his, her, or their Part or Parts, or for or on the Part of any Person or Persons for whom they may hold the same, or Persons as aforesaid, shall refuse to accept such Purchase Money or other Compensation as shall be offered by them the said Commissioners, or their Agent by or on their Behalf, shall give Notice thereof in Writing to the said Commissioners or such Agent within Seven Days after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Person or Persons seised or possessed of or interested in any such Lands, Tenements, or Heritages, as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Commissioners, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interest therein, or cannot be found or known, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, or of the Person or Persons authorized by them, then and in every such Case the said Commissioners shall and they are hereby empowered and required from Time to Time to direct the Sheriff Depute or Substitute of the said County of *Lanark* to summon, assemble, and choose a Jury, in such Way and Manner as Juries are summoned, assembled, and chosen in Counties in *Scotland*; and the said Sheriff may order and authorize the said Jury when chosen, or any Three or more of them, to view the Place or Places or Matters or Things in controversy; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths of such Witnesses, the said Sheriff is hereby empowered and required to administer) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands, Tenements, or Heritages, or Compensation for any Interest therein as aforesaid; and the said Sheriff shall give Judgment for such Purchase Money or Compen-

sation so assessed by such Jury; which said Verdict and the Judgment thereupon shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and upon all Persons whomsoever, and shall not be subject to any Review, or any Stay or Sist of Execution whatsoever: Provided that Fourteen Days Notice in Writing at the least of the Hour and Place at which such Jury are so required to be returned be given to the Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested, or claiming so to be, before the Time of the Meeting of the said Sheriff and Jury as aforesaid, by leaving such Notice at the Dwelling-house of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or Heritages, or as a Compensation for any Interest therein as aforesaid, than shall have been previously offered by or on behalf of the said Commissioners before the summoning such Jury, and where no Compensation shall have been previously offered in respect thereof by or on behalf of the said Commissioners, or where by reason of Absence, or other Impediment or Disability, there shall not be found any Person or Persons at hand, who may be legally capacitated to contract with and make Conveyances to or receive Compensation from the said Commissioners as hereinbefore mentioned, then and in all such Cases all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid shall be settled by the said Sheriff, and be defrayed by the said Commissioners; but if any Verdict shall be given for the same Sum that shall have been previously offered by or on behalf of the said Commissioners, or for a less Sum than shall have been so previously offered, or in case of such Refusal to treat with or make Conveyances to the Commissioners by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where, by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Commissioners) the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid shall be settled in like Manner to the said Sheriff, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Person or Persons with whom the said Commissioners shall have such Controversies or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be Payment or Tender of the whole Sum or Sums so assessed or awarded as aforesaid.

Verdicts to be recorded.

CIV. And be it further enacted, That all the said Judgments and Verdicts shall be deemed to be and shall become Records of the said Sheriffs Depute or Substitute by or before whom the same shall be made and given, to all Intents and Purposes whatsoever; and the same or true Copies thereof shall be allowed to be good Evidence; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One

Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Power to enter upon and take Possession of Land, &c. on Payment or Tender of Purchase Monies.

CV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined or adjusted by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or Heritages, to the Proprietor or Proprietors of such Lands and other Heritages and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or awarded, if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British* Linen Company, as hereafter directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Commissioners, and their Agents, Servants, and Workmen, or any other Persons authorized by them in their behalf, immediately to enter upon such Lands, Grounds, and Heritages respectively; and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in such Person or Persons in such Manner as directed in and by this Act, to and for the Purposes of this Act, for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Terce of the Wife, and all Right of every other Person, and all Incumbrances whomsoever therein: Provided nevertheless, that before such Payment it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to enter into or upon such Lands or Grounds, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Application of Compensation when exceeding 200*l.*

CVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, married Woman, Minor, or other Person or Persons under any Disability or Incapacity, as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British* Linen Company, to be placed to an Account in the Name or Names of such Person or Persons as any Three of the Commissioners shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the

Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed to, for, and upon such 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 undetermined 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 said Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

CVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians, to be signified in Writing under their respective Hands, be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, under the Direction and Authority of the Court of Session, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Session.

When less than 20*l.*

CVIII. Provided always, 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 Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, as the said Commissioners, or any Three or more of them, shall think fit, or then to his,

his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

**In case of not making out Titles;**

CIX. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or any Three of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 be lawful for the said Commissioners, or any Three or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages [describing them], subject to the Order, Control, 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, 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 remain in the Hands of the said Banks, or One of them, or to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest or 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 said Banks respectively, 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, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

**or if Persons cannot be found, Purchase Money to be paid into the Bank;**

**subject to the Order of the Court of Session by Motion or Petition.**

**Cashier of the Bank to give a Receipt.**

**Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession.**

CX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into such Banks in pursuance 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 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 shown to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, in the Hands of any of the said Banks, shall be paid and 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.

**The Court may order reasonable**

CXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled

titled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, and the Purchase Money for the same shall be required to be paid into the said Banks, or One of them, by the Order of the said Court, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by the Commissioners.

CXII. And whereas the said Commissioners may purchase Lands, Tenements, or Heritages, to be made use of for the Purposes of this Act, and it may happen that they may not be required for the Purposes of this Act, and it may in such Case become necessary to resell the same; be it therefore further enacted, That it shall be lawful for the said Commissioners, by Deed under the Hands of any Five or more of them, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Lands, Tenements, or Heritages, or any such Part or Parts thereof, as shall not be wanted for the Purposes of this Act; and all such Conveyances from the said Commissioners shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Tenements, and Heritages, it shall and may be lawful for the said Commissioners to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Heritages shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Commissioners, before they shall sell and dispose of such Lands, Tenements, or Heritages shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same or would have been entitled to in case the same had not been purchased by the said Commissioners, the Price at which the same shall be resold being, at the Option of the said Persons, either the Price paid by the said Commissioners, or a Price for the same adjusted and settled by a Jury, in like manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to repurchase the same, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before One of His Majesty's Justices of the Peace for the said County of *Lanark*, stating that such Offer was made by or on behalf of the said Commissioners, and that such Person or Persons did not agree, or refused to purchase such Lands or Heritages, as the Case may be; and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused.

Commissioners empowered to re-sell Lands.

Expence of this Act how to be paid.

CXIII. And be it enacted, That the Charges incurred in applying for and obtaining this Act, and in erecting and maintaining the aforesaid Gaol and Court-house, and Bridewell or Workhouse, and other Buildings, with Interest from the respective Periods of advancing the same, shall be defrayed out of the Monies arising from the Assessments aforesaid by equal Portions, during the Continuance of this Act.

Sheriffs, &c. to assist in putting this Act in execution.

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

Public Act.

CXV. 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.

Continuance of this Act.

CXVI. And be it further enacted, That this Act shall continue in force for Twenty-one Years from and after the passing thereof, and to the End of the next Session of Parliament, and no longer.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.