ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 172.

An Act for altering and amending an Act of the Forty-fifth Year of His present Majesty, for regulating the Police of the City of *Edinburgh*, and the adjoining Districts; and for other Purposes relating thereto.

[20th *June* 1812.]

WHEREAS an Act was passed in the Eleventh Year of His present Majesty, intituled *An Act for cleansing, lighting, and watching the several Streets and other Passages on the South Side of the City of* Edinburgh, *and for removing Nuisances and Annoyances therefrom, and preventing the same for the future*: And whereas another Act was passed in the Twelfth Year of His present Majesty, intituled *An Act for lighting, cleansing, and watching the Streets, Lanes, and other Passages of the Burgh of* Canongate, *and the Liberties of* Pleasance, *and* Leith Wynd, *adjoining to the Royalty of the City of* Edinburgh: And whereas another Act was passed in the Twenty-fifth Year of His present Majesty, intituled *An Act for opening an easy and commodious Communication from the High Street of* Edinburgh *to the Country Southward, and also from the Lawn-Market to the New Extended Royalty on the North, and for enabling Trustees to purchase Lands, Houses, and Areas for that Purpose; for widening and enlarging the Streets of the said City and certain Avenues leading to the same; for rebuilding or improving the University, for enlarging the Public Markets and Communications thereto, for regulating certain Taxes for lighting the said City, for providing an additional Supply of Water, for extending the Royalty of the said City, and for levying an additional Sum of Money for Statute Labour in the Middle District of the* 11 G. 3. c. 36. 12 G. 3. c. 15. 25 G. 3. c. 28.

County of Edinburgh: And whereas another Act was passed in the Forty-
45 G. 3. c. 21. fifth Year of His present Majesty, intituled *An Act for regulating the Police of the City of* Edinburgh *and the adjoining Districts, and for other Purposes relating thereto*; by which last recited Act the said Three first recited Acts, of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty were in Part suspended, explained, and altered: And whereas the Rules and Regulations established by the before recited Acts have been found upon Trial to be ineffectual for the Preservation of Peace and good Order within the City of *Edinburgh* and the adjoining Districts; and it is expedient that one uniform System of Police should be established, whereby a single Body of Commissioners may be entrusted with the Duty, not only of watching and protecting the Inhabitants within the Limits to be hereinafter established, but also with the Duty of cleansing and lighting within the same: But as these Purposes cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

45 G. 3. altered and amended.

the Authority of the same, That, from and after the First *Monday* of *July* in the present Year One thousand eight hundred and twelve, the said last recited Act of the Forty-fifth Year of His present Majesty shall be and the same is hereby repealed; and that the Rules and Regulations hereinafter contained shall, from that Period, commence and be in full Force; and the before recited Acts of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty shall, from and after the foresaid First *Monday* of *July*, and during the Continuance of this Act, be suspended, in so far as concerns the watching, lighting, and cleansing the Burgh of *Canongate*, the Liberties of *Pleasance*, and *Leith Wynd*, and the Eight Districts on the South of the City of *Edinburgh*; and the lighting of the Ancient and Extended Royalties of the said City; and in so far as concerns the raising and levying Funds to defray the Expences of the same; but saving and reserving the before recited Acts of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty, or any of them, in so far as they relate to the other Matters and Things therein mentioned; and declaring that all Debts contracted, and all lawful Contracts entered into by the Commissioners under the before recited Act of the Forty-fifth Year of His present Majesty, and all lawful Contracts entered into by the Commissioners under the before recited Acts, of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty, shall remain valid and binding upon the General Commissioners hereinafter appointed for executing this Act, and be chargeable upon the Rates and Assessments herein-after authorized to be levied: Provided always, that the whole Rates assessed and Monies levied in virtue of the before recited Act of the Forty-fifth Year of His present Majesty, and all Arrears of the same, shall be and the same are hereby made payable to, and vested in the General Commissioners herein-after appointed for the Purposes of this Act: And provided also, that the whole Rates assessed, and Monies already levied and owing, in virtue of the Powers contained in the before recited Acts, of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty, or any of them, and all Arrears of the same, shall be raised, levied, and collected, and be at the Disposal of the Commissioners under the before recited Acts, or any of them, for the Purposes after mentioned, in so far as the same have relation thereto.

Certain Powers of the 11th, 12th, and 25th G. 3. suspended.

II. And

Places over which the Act is to extend.

II. And be it enacted, That the Regulations herein-after contained, with reſpect to the Eſtabliſhment of a general Syſtem of Police, and for cleanſing and lighting the Streets, Ways, and Paſſages; for apprehending and puniſhing Vagrants and diſorderly Perſons; ſuppreſſing common begging; preventing Nuiſances and Obſtructions; and for other Purpoſes tending to the Preſervation of Peace and good Order within the ſaid City, Suburbs, and adjoining Diſtricts; and for impoſing an Aſſeſſment for the Purpoſes aforeſaid, ſhall extend over the Ancient and Extended Royalties of the City of *Edinburgh*, and the whole Grounds and Houſes locally ſituated and comprehended within the following Limits; *videlicet*, within a Line to be drawn from the Toll Bar on the Road leading to the *Water of Leith*, commonly called the *Kirkbraehead* or *Drumſheugh* Toll Bar, to the Toll Bar on the *Corſtorphine* Road, and continued from thence to the Toll Bars on the old *Glaſgow* and *Slateford* Roads, and from the laſt mentioned Toll Bar by a Line, ſo as to comprehend *Gilmore-Street*, and the Buildings thereto adjacent, to *Wrights Houſes* Toll Bar; from thence to be continued along the Road leading from the *Wrights Houſes* by *Whitehouſe* to the *Grange* Toll Bar, and from thence along *Mayfield Loan*, to the Road to *Dalkeith*, including the Houſes on both Sides of the ſaid Roads; and from that Road in a ſtraight Line Eaſtward to that Part of the March Dyke of the *King's Park* neareſt to *Mayfield Loan*; from thence along the ſaid March Dyke, to where it joins the Territory of the Burgh of *Canongate*; and from that Point by the Foot of *Saliſbury Craigs*, along the Road called the *Duke's Walk*, to the Place where it joins the *Muſſelburgh* Road at the Watering Stone; from thence by a ſtraight Line to the Toll Bar on the Eaſter Road from *Edinburgh* to *Leith*, and continued by the ſaid Eaſter Road (including the Houſes on both Sides thereof) to *Leith*, and from thence by the Weſter Road commonly called *Leith Walk*, to the Head of *Pilrig Street*, including all the Grounds and Houſes between the ſaid Eaſter and Weſter Roads, and all the Houſes between *Leith* and *Pilrig Street* on the Weſt Side of the laſt-mentioned Road, of which any Part is ſituated within Five hundred Feet, to be meaſured from the Curb-ſtone of the Pavement or Footway on the Weſt Side of the ſame Road; then by a Line to be drawn from the Head of *Pilrig Street*, including the Grounds and Houſes on both Sides of ſaid Street to the Centre of the Bridge over the *Water of Leith* at *Canonmills*; from thence following the Courſe of the Water upwards to *Saint Bernard's Well*; and from thence by a Line to the *Kirkbraehead* Toll Bar, firſt above-mentioned: Provided always, and it is hereby declared, that the Commiſſioners herein-after named ſhall be, and they are hereby required to exempt during the Continuance of this Act all the Grounds and Houſes from *Pilrig Street* to the Foot of *Leith Walk*, from all or any of the Regulations herein-after eſtabliſhed, in regard to lighting, cleanſing, and watching, if there ſhall be produced to the Lord Provoſt of the City of *Edinburgh*, the Lord Preſident of the Court of Seſſion, and the Sheriff Depute of the County of *Edinburgh*, or any Two of them, within Three Months after the paſſing of this Act, any Agreement or Inſtrument in Writing by which it ſhall appear to and be certified by the ſaid Lord Provoſt, Lord Preſident, and Sheriff Depute, or any Two of them, that the Proprietors and Occupiers of Houſes within the Limits aforeſaid, or a Majority of them in Number and Value, have to the Satisfaction of the ſaid Lord Provoſt, Lord Preſident, and Sheriff Depute, or any Two of them, ſubjected themſelves to the Regulations of the Police

of the Town of *South Leith*, as to lighting, cleanſing, and watching; which Agreement or Inſtrument ſhall be binding on the whole of ſuch Proprietors and Occupiers; and that the Commiſſioners of Police for the ſaid Town of *South Leith* ſhall, to the Satisfaction and within the Period aforeſaid, bind and oblige themſelves that the ſaid Road ſhall be ſufficiently lighted, cleanſed, and watched; and with Power to the Commiſſioners herein-after named, at their Meeting herein-after appointed, to be held on the Firſt *Monday* of *July* annually, to exempt for a Time, or during the Continuance of this Act, any other Place or Places, Grounds and Houſes within the Limits above deſcribed, from all or any of the Regulations herein-after eſtabliſhed, in regard to lighting, cleanſing, and watching: Declaring always, that any ſuch Grounds, Houſes, Place or Places if ſo exempted from all of the ſaid Regulations, ſhall, during the Continuance of ſuch Exemption, be free from Payment of any Part of the Aſſeſſment by this Act authorized to be levied; but in the Event of any ſuch Grounds, Houſes, Place or Places being only partially exempted from the Regulations as to lighting, cleanſing, and watching, or any of them, then ſuch Grounds, Houſes, Place or Places ſo partially exempted, ſhall be liable in Payment of ſuch Part of the Aſſeſſment herein-after appointed to be levied, as ſhall be fixed and determined by the General Commiſſioners herein-after named, in Manner after mentioned.

Diviſion into Wards.

III. And be it enacted, That for the more effectual Execution of the Powers hereby granted, the ſaid City and Places within the Limits herein-before deſcribed, ſhall be divided into the following Diſtricts, or Wards; *videlicet*,

Ward Firſt, to comprehend the *Graſs Market*, from the *Weſtport* to its moſt Eaſtern Cloſe, on the South Side, with the Lanes terminating in it from the South and North, (including *George Heriot*'s Hoſpital, and the Ground adjoining), together with the *Weſt-bow*, and Buildings adjoining, as far as the Weigh-houſe.

Ward Second, to comprehend that Part of the *High Street* of the ſaid City, on both Sides, called the *Caſtlehill*, with its contiguous Lanes, including *Ramſay Garden*, with its adjoining Buildings and Territory, to the Centre of the *North-Loch*; together with that Part of the ſaid *High Street* called the *Lawn Market*, to the Weſtward of the Eaſtern Side of *Bank Street*, and of *Libberton's Wynd*; bounded on the North by the Middle of the *North-Loch*, and on the South by the Back of the Tenements on the North Side of the *Cowgate*.

Ward Third, to comprehend that Part of the *High Street*, extending from the Eaſtern Boundary of Ward Second, to the Eaſtern Side of *Craig's Cloſe* and *Borthwick's Cloſe*, bounded on the North by the Middle of the *North-Loch*, and on the South by the Back of the Tenements on the North Side of the *Cowgate*.

Ward Fourth, to comprehend the *High Street*, from the Eaſtern Boundary of Ward Third, to the Eaſtern Side of *Halkerſton's Wynd* and *Niddry Street*, bounded on the North by the Middle of the *North-Loch*, and by the Key-ſtones of the Middle Arch of the *North Bridge*, and on the South by the Back of the Buildings on the North Side of the *Cowgate*, and by the Northern Pillar of that Arch of the *South Bridge* which croſſes the *Cowgate*.

Ward

Ward Fifth, to comprehend the Remainder of the *High Street* to *Leith Wynd* and *Saint Mary's Wynd*, bounded on the North by the *Trinity College Church*, and a Line drawn from thence to the Middle of the *North Bridge*, and on the South by the back of the Houſes on the North Side of the *Cowgate*.

Ward Sixth, to comprehend the Street of *Cowgate* on both Sides, from the Eaſtern Boundary of Ward Firſt, Eaſtward as far as the *Horſe Wynd*, together with that Wynd and the Lane along the Weſtern Side of the *College* and the *Candlemaker Row*, and all the Streets, Squares, and Lanes, included within theſe Streets, and the Southern Boundary of the Ancient Royalty of the City.

Ward Seventh, to comprehend the Remainder of the Ancient Royalty from the *Horſe Wynd* on the Weſt, to the Foot of the *Cowgate* on the Eaſt, including the *College*, Part of *South Bridge Street*, *Infirmary Street*, and other Streets and Lanes adjacent.

Ward Eighth, to comprehend *Caſtle Street*, and the whole Grounds, Houſes and Places, within the Limits of this Act, Weſtward of that Street, and of the Road or Lane leading from *Queen Street* by the Weſt End of *Heriot Row*, to the Key-ſtone of the Bridge over the *Water of Leith* at *Stockbridge*, bounded on the South by *Maitland Street*, and the Road leading to the Toll Bar on the *Corſtorphine* Road, and including the Houſes on both Sides of that Street and Road.

Ward Ninth, to comprehend that Part of the Extended Royalty, from the Eaſtern Boundary of Ward Eighth, to *Hanover Street* on the Eaſt, including that Street, bounded on the North by the Gardens on the North of *Queen Street*, and on the South by the Middle of the *North Loch*, and to contain the Northern Part of the *Earthen Mound*.

Ward Tenth, to comprehend the whole Streets and Grounds from the Lane leading by the Weſt End of *Heriot Row*, from *Queen Street*, to *Stockbridge*, Eaſtward to *Pitt Street* and *Dundas Street*, including the Houſes on both Sides of theſe Streets, bounded on the South by the South Wall of the Gardens and Grounds to the North of *Queen Street*, and on the North by the *Water of Leith*.

Ward Eleventh, to comprehend the Streets and Territory from the Eaſter Boundary of Ward Ninth to *Saint Andrew's Street*, including the whole of that Street, bounded on the North by the Gardens to the North of *Queen Street*, and on the South by the Middle of the *North Loch*.

Ward Twelfth, to comprehend the Grounds and Streets between the Eaſtern Boundary of Ward Tenth and the Road leading from the Eaſt End of *York Place* to *Canonmills Bridge*, but not including *York Place*; bounded on the South partly by the South Wall of the Gardens to the North of *Queen Street*, and partly by the back of the Houſes on the North Side of *York Place*, and on the North by the *Water of Leith*.

Ward Thirteenth, to be bounded on the South by the Northern Boundary of the Fourth and Fifth Wards, and to comprehend that Part of *Prince's Street* eaſtward of *St. Andrew's Street*, with the Two Streets called *Regiſter Street* and adjoining Buildings, together with *Canal Street*, *Shakeſpeare Square*, both Sides of *Saint Ninian's Row*, or *Leith Street*, *Calton*, and the Street proceeding towards *Leith*, as far as the *Circus* on the Weſt, and the *Coach-work* of Meſſrs. *Crichton*, *Gall*, and *Thomſon* on the Eaſt, and from thence Southward to the *Calton Hill*.

Ward Fourteenth, to comprehend *Saint James's Square*, North, South and East *Saint James's Street*, *King Street*, *Clyde Street*, *Elder Street*, and the adjoining Buildings from the Eaſtern Boundary of Ward Eleventh Eaſtward to the Road from *Leith Street* towards the Village of *Broughton*, and including *York Place* and the Houſes on both Sides the eof.

Ward Fifteenth, to comprehend the whole Streets, Grounds, Houſes, and Places between the Eaſtern Boundaries of Wards Twelfth and Fourteenth, and the *Eaſtern Road* to *Leith*, including *Antigua Street*, *Gayfield Street* and *Square*, and Buildings adjacent, and both Sides of the *Weſtern Road* to *Leith*, commonly called *Leith Walk*, from the Point where Ward Thirteenth terminates to the Foot thereof, and comprehending the Houſes and Grounds from the Head of *Pilrig Street* downwards to *Leith*, till it joins the Limits over which the Police of *Leith* at preſent extends, to the Extent of Five hundred Feet meaſured from the Curb-ſtone of the Pavement or Footway on the Weſt Side of the ſaid Road, including all Houſes of which any Part is ſituated within the foreſaid Five hundred Feet.

Ward Sixteenth, to comprehend the *Canongate*, from the Eaſtern Boundary of Ward Fifth to *New Street* and *Saint John Street*, including the North and South Backs of *Canongate*, to that Diſtance Eaſtward, together with *Saint John's Hill*, *Pleaſance*, and whole Territory to the Southward, belonging to the *Canongate*.

Ward Seventeenth, to comprehend the *Canongate*, from the Eaſtern Boundary of Ward Sixteenth, to the Eaſtern Termination of the Space contained within the Limits herein-before deſcribed, including *Abbey-hill* and *Quarryholes*, the Palace of *Holyroodhouſe*, *Saint Anne's Yards*, the *Watergate*, *Horſe Wynd*, and Eaſtern Parts of the North and South Backs of the *Canongate*.

Wards Eighteenth, Nineteenth, Twentieth, Twenty-firſt, Twenty-ſecond, Twenty-third, Twenty-fourth, and Twenty-fifth, to comprehend the Eight Southern Diſtricts, as deſcribed in the before recited Acts of the Eleventh and Twenty-fifth Years of His preſent Majeſty, each Diſtrict forming a ſeparate Ward, in the Order mentioned in the ſaid Acts.

Ward Twenty-ſixth, to comprehend the Whole of *Weſter Portſburgh*, bounded on the Eaſt by Ward Firſt, on the South by the Southern Diſtricts; and to include the whole of the Grounds, Houſes, and Places to the Weſtward, not comprehended within any of the other Wards herein-before ſpecified.

Power to alter, add to, or diminiſh the Wards.

IV. Provided always, and be it enacted, That it ſhall and may be lawful to, and in the Power of the General Commiſſioners under this Act, to alter, vary, add to, diminiſh, or aſcertain the Bounds of the ſaid Wards, or any of them, in ſuch Manner as the State of the Population thereof, or other Circumſtances, ſhall to the ſaid General Commiſſioners appear from Time to Time to require.

Commiſſioners for carrying the Act into Execution. Their Powers.

V. And be it enacted, That the Lord Provoſt, Firſt Baillie, and Dean of *Guild* of the City of *Edinburgh*, His Majeſty's Sheriff Depute for the County of *Edinburgh*, and Two of his Subſtitutes, all for the Time being, and One of the reſident Commiſſioners of each Ward, qualified and named, elected or choſen in Manner herein-after directed, ſhall be and are

are hereby appointed General Commissioners for assessing, levying, and applying the Monies herein-after directed to be raised for the Purposes of this Act; for regulating the lighting, cleansing, guarding, watching, and patrolling the Streets; and for executing the other Matters specified in this Act, and committed to their Charge: Provided always, that the Superintendant and the Officers of that Department of Police connected with the watching and protecting the Inhabitants and their Property within the Limits of this Act, and the patrolling of the Str ets, shall be chosen, appointed, and paid in Manner herein-after directed.

Commissioners of Wards named.

VI. And be it enacted, That there shall be Three Commissioners for each of the said Wards, residing within their respective Wards, who shall be qualified, named, elected, and chosen, in Manner after mentioned, who shall be termed Resident Commissioners of their respective Wards, and shall have, exercise, and enjoy all the Powers which by the Law of *Scotland* belong to the Office of Constable within the Limits of this Act, shall be Head Constables within their respective Wards, and shall take all Measures necessary for promoting the general Peace, Order, and Comfort of the Inhabitants of the respective Wards; and the Persons following shall be, and are hereby appointed Resident Commissioners for the said several Districts or Wards; *videlicet*,

For Ward First, *Neil Ryrie* Brewer, *Nicol Allan* Manager of the Hercules Insurance Company, *John Gray* Baker.

For Ward Second, *James Bremner* Writer, *Alexander Smellie* Printer, *David Ogilvy* Painter.

For Ward Third, *William Ranken* Taylor, *Richard Cleghorn* Solicitor at Law, *Thomas Hamilton* Wright.

For Ward Fourth, *Robert Johnston* Merchant, *George Spankie* Merchant, *William Braidwood* Junior, Ironmonger.

For Ward Fifth, *Alexander Henderson* Seedsman, *Thomas Dallas* Spirit Dealer, *Andrew Boog* Cutler.

For Ward Sixth, *Archibald Gibson* Writer to the Signet, *William Dunlop* Merchant, *Adam Brooks* Merchant.

For Ward Seventh, Doctor *Thomas Spens* Physician, *William Phin* Draper, *Archibald Haig* Baker.

For Ward Eighth, *Walter Watson* Esquire, *Charlotte Square*, *Hay Donaldson* Writer to the Signet, *Thomas Ramsay* Esquire, *Princes Street*.

For Ward Ninth, *William Inglis* Writer to the Signet, *Samuel Anderson* Esquire, Banker, *William Macfarlane* Writer to the Signet.

For Ward Tenth, *Alexander Monypenny* Writer to the Signet, *John Turnbull* Merchant, *Walter Cook* Writer to the Signet.

For Ward Eleventh, *John Manderston* Apothecary, *William Bell* Writer to the Signet, *James Bryce* Surgeon.

For Ward Twelfth, *John Connell* Advocate, *James Jollie* Writer to the Signet, *James L'Amy* Advocate.

For Ward Thirteenth, *James Innes* Gunsmith, *Walter Dickson* Seedsman, *John Wright* Merchant.

For Ward Fourteenth, *Andrew Storie* Writer to the Signet, *Houstoun Riggs Brown* Coachmaker, *John Muir* Merchant.

For Ward Fifteenth, *John Peat* Writer, *Patrick Crichton* Coachmaker, Captain *William Ellis*, *Pilrig Street*.

For Ward Sixteenth, *Joseph Brown* Baker, *David Ewart* of the Chancery Office, *Thomas Megget* Writer to the Signet.

For

For Ward Seventeenth, *George Gordon* Wright, *John Carfrae* Coachmaker, *John Rae* Candlemaker.

For Ward Eighteenth, *William Scott Moncrieff* Accountant, *William Laing* Bookfeller, *James Liddel* Cabinet Maker.

For Ward Nineteenth, *Robert Simpſon* reſiding in *Briſto Street*, *David Clark* Merchant, *Thomas Chalmers* Smith.

For Ward Twentieth, Captain *Ninian Lowis*, Captain *John Baugh*, *Robert Syme* Writer to the Signet.

For Ward Twenty-firſt, *John Dickſon* Advocate, Reverend *George More*, *John Mackenzie* Eſquire.

For Ward Twenty-ſecond, *James Brown* Wright, *William Monteith* Baker, *John Carnegie* Merchant.

For Ward Twenty-third, *Andrew Mein* Eſquire, *Peter Martin* Eſquire, *Thomas Bell* Merchant.

For Ward Twenty-fourth, *David Moodie* Millwright, *John Charles* Candlemaker, *Robert Coventry* Banker.

For Ward Twenty-fifth, *James Marſhall* Banker, *John Hamilton* of the Cuſtoms, *John Stewart Bremner* Writer.

For Ward Twenty-ſixth, *Andrew Walker* Sadler, *Alexander Gardner* of the Exchequer, *David Whitelaw* Brewer.

One General Commiſſioner to be named by the Commiſſioners for each Ward.

VII. Provided always, and be it enacted, That the Reſident Commiſſioner firſt above named for each of the ſaid Wards, as before ſpecified, ſhall be a General Commiſſioner for the Purpoſes of this Act, until the Second *Monday* of *July* One thouſand eight hundred and thirteen; and that the Three Reſident Commiſſioners of each of the ſaid Wards ſhall annually thereafter nominate and appoint One of their own Number to be a General Commiſſioner for carrying this Act into Execution; but declaring, That no more than One Commiſſioner from each of the ſaid Wards ſhall at any Time be a General Commiſſioner for the Purpoſes of this Act; and ſuch Perſon ſo to be appointed by the Reſident Commiſſioners of the reſpective Wards (his Name being duly intimated to the Clerk of the General Commiſſioners) ſhall have, exerciſe, and enjoy all the Powers hereby conferred on the General Commiſſioners for carrying this Act into Effect: And in the Event of the Reſident Commiſſioners of the ſaid Wards, or any of them, neglecting or refuſing to appoint ſuch General Commiſſioner, or not being able to agree as to the Perſon ſo to be appointed within Ten Days after receiving Notice from the Clerk to the General Commiſſioners to make ſuch Appointment, then, and as often as any of theſe Events ſhall happen, it ſhall and may be lawful to the General Commiſſioners to nominate and appoint One of the Reſident Commiſſioners from any of the ſaid Wards ſo refuſing, neglecting, or not being able to agree, to be a General Commiſſioner for the Purpoſes of this Act.

Election of Commiſſioners.

VIII. And whereas it is neceſſary that the ſaid Reſident Commiſſioners of Wards ſhould remain in Office for ſuch Period as to enable them to acquire Experience and Knowledge of the Buſineſs hereby entruſted to them; be it therefore enacted, That the Reſident Commiſſioners above-named for the ſeveral Wards ſhall remain in Office till the Second *Monday* of *July* in the Year One thouſand eight hundred and thirteen, when the Commiſſioner whoſe Name ſtands firſt in the Liſt for each Ward ſhall, as being diſqualified from Seniority, go out of Office, and Twenty-ſix other Commiſſioners,

ſioners, qualified and elected in Manner herein-after mentioned, ſhall be choſen to ſupply their Places; and that, on the Second *Monday* of *July* in the Year One thouſand eight hundred and fourteen, and on the Second *Monday* of *July* annually thereafter, the Twenty-ſix Senior Commiſſioners of Wards ſhall be diſqualified and go out of Office by Rotation; and Twenty-ſix other Commiſſioners, qualified and elected in Manner herein-after directed, ſhall be choſen to ſupply their Places; ſo that there ſhall be an Election of Twenty-ſix Commiſſioners each Year, in Manner foreſaid, and no more, except for ſupplying Vacancies.

Commiſſioners may be re-elected.

IX. Provided always, That Perſons going out of Office in Manner foreſaid may be immediately re-elected into Office in the Option of their Conſtituents; in which caſe they ſhall come in as the youngeſt Reſident Commiſſioners of their reſpective Wards, and be enrolled as ſuch accordingly, and be eligible to the Office of General Commiſſioners in Manner herein-before provided.

Commiſſioners how to be re-elected.

X. And be it enacted, That the Twenty-ſix new Reſident Commiſſioners ſhall be elected on the Second *Monday* of *July* annually, by a Majority of Votes of the Occupiers of Dwelling Houſes, Shops, Warehouſes, and other Buildings within the reſpective Wards, valued in Manner herein-after directed at Ten Pounds Sterling or upwards of yearly Rent, out of the Number of Houſeholders within the Ward whoſe Dwelling Houſes, excluſive of thoſe Parts occupied as Warehouſes or Shops, are valued in Manner herein-after directed, according to the following Rental; *videlicet*, In Wards where there are Fifteen or more Houſeholders, each of whoſe Dwelling Houſes, excluſive of thoſe Parts occupied as Shops or Warehouſes, is valued in Manner herein-after directed, at Thirty Pounds Sterling and upwards of yearly Rent, the Commiſſioners for the ſaid Ward ſhall be choſen from the Houſeholders of the above Deſcription; and no Perſon or Perſons in ſuch Wards, whoſe yearly Rent, ſo valued, does not amount to the ſaid Sum, ſhall be eligible to the ſaid Office: In Wards where there are not Fifteen Houſeholders qualified as aforeſaid, but where there are Fifteen Houſeholders each of whoſe Dwelling Houſes, excluſive of thoſe Parts occupied as Shops or Warehouſes, is valued in Manner herein-after directed at Twenty-five Pounds Sterling and upwards of yearly Rent, the Commiſſioners for ſuch Ward ſhall be elected from the Claſs laſt above mentioned: In Wards where there are not Fifteen Houſeholders qualified as aforeſaid, but where there are Fifteen Houſeholders each of whoſe Dwelling Houſes is valued in Manner herein-after directed at Twenty Pounds Sterling and upwards of yearly Rent, the Commiſſioners for ſuch Ward ſhall be elected from the Claſs laſt mentioned: In Wards where there are not Fifteen Houſeholders qualified as aforeſaid, but where there are Fifteen Houſeholders each of whoſe Dwelling Houſes is valued in Manner herein-after directed at Fifteen Pounds Sterling and upwards of yearly Rent, the Commiſſioners for ſuch Ward ſhall be elected from the Claſs laſt mentioned: Provided always, that in Wards where there are not Fifteen Houſeholders ſo qualified as aforeſaid, the Commiſſioners thereof may be elected out of the Number of thoſe each of whoſe Dwelling Houſes is valued in Manner herein-after directed at Ten Pounds Sterling or upwards of yearly Rent; and where Dwelling Houſes and Shops or Warehouſes are contiguous, and are poſſeſſed by the ſame Perſon, the One Half of the aggregate Rent of the whole

Persons to have only One Vote, and to vote only in One Ward.

whole Possession shall be accounted House Rent, and the other Shop Rent; but no Person shall have more than One Vote upon his Total Valuation, or shall vote in more than One Ward.

Commissioners herein named and Magistrates of Canongate, &c. may act without Qualification.

XI. Provided always, and be it enacted, That the Resident Commissioners of Wards herein-before named, shall act for the Wards for which they are hereby appointed, and the Resident Magistrates of *Canongate*, *Easter* and *Wester Portsburgh*, shall be eligible as Resident Commissioners for their respective Wards, without regard to the Amount of the Rent of the Dwelling Houses which they may occupy respectively.

Manner of voting for Commissioners.

XII. And be it enacted, That the Election of the Resident Commissioners of Wards shall be made as follows; *videlicet*, The General Commissioners shall, at least Four Days previous to any Election taking place in any of the before mentioned Wards, declare from what Class in each of the said Wards the Resident Commissioners for the same are to be chosen, and cause such Declaration to be advertised in Manner after mentioned, and affixed, on the Day of Election, on the outside of the Boxes herein after directed to be provided; and against which Declaration so made no Objection shall be competent: The Votes shall be given in each Ward separately by written Notes subscribed by the Electors, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of the Persons voted for, which shall be put into Boxes provided for the Purpose on the Day appointed for each Election, which Boxes the General Commissioners shall, and they are hereby authorised and required to provide, in such Form as to them shall seem expedient, and to put up One of these Boxes in such Place within each Ward as to them shall seem proper; and of the Class from which the said Resident Commissioners are to be chosen as above provided, and of the Places where the said Boxes are put up, the said General Commissioners shall give not less than Three Days previous Notice, by Intimation, in such Manner as they may deem proper, in order that all concerned may have Access to put their Notes into the said Boxes, between the Hours of Ten of the Clock Forenoon and Four of the Clock Afternoon of the Day of Election; at which last Hour the Election shall be closed, and the Boxes removed, and afterwards opened, and in case any Dispute or Difference shall arise in relation either to the Qualifications of the Electors or in relation to the Elections, the same shall be determined by the General Commissioners, whose Determination shall be final and binding on all concerned, and who shall likewise determine in case there shall be an Equality of Votes for Resident Commissioners in any of the Wards which of the Candidates shall be preferred.

What Qualification shall entitle to vote, when more than One.

XIII. Provided always, That when any Person shall have a Qualification in One Ward upon a Dwelling House, and in another Ward upon a Shop, Warehouse, or other Building, such Person shall vote and act in respect of the Dwelling House only; and that where any Person shall have Dwelling Houses affording Qualifications in different Wards, such Person shall vote and act in respect of the House of greatest Value only.

Penalty on Persons voting who are not qualified.

XIV. And be it enacted, That in case any Person or Persons, not qualified to vote as herein-before provided, shall nevertheless vote or attempt to vote at the said Elections, every Person so offending shall forfeit and pay

a Sum not exceeding Five Pounds Sterling for each Offence *toties quoties*; which Forfeitures shall and may be recovered, levied, and applied, in Manner herein-after directed.

If Commissioners refuse to act.

XV. And be it enacted, That in case any of the said Commissioners herein named or to be elected in Manner foresaid shall refuse to act, he shall forfeit a Sum equal to Treble his Assessment for the Purposes of this Act, for the Year in which he so refuses, such Forfeiture to be levied and applied in Manner herein-after directed; or if any of the said Commissioners so named or elected shall die, resign, or cease to reside within the Wards for which they are so named or elected, their Places, which have thereby become vacant, shall be supplied from the Number of Persons qualified in Manner foresaid, and elected in Manner after mentioned.

Mode of supplying Vacancies among Commissioners.

XVI. And be it enacted, That when the Place of any of the Resident Commissioners shall become vacant, the General Commissioners shall, within Fourteen Days after such Vacancy or Vacancies may happen, or become known to them, intimate, in such Manner as they may deem proper, an Election or Elections to be made in Manner before appointed, not more than Four Days after such Intimation, in order to choose a Commissioner or Commissioners, (qualified in Manner aforesaid) to supply the said Vacancy or Vacancies: Provided always, that notwithstanding the Removal of any Resident Commissioner or Commissioners to another Ward than that to which he was named or elected, such Commissioner or Commissioners, if still resident within the Limits established by this Act, may, if the General Commissioners approve thereof, continue and have Power to act as Commissioner or Commissioners for the Ward or Wards for which he or they was or were formerly named or elected, till the then next Annual Election.

Electors refusing or neglecting to elect Commissioners, how they are to be appointed.

XVII. And be it enacted, That in case the Electors of any of the said Wards shall refuse or neglect to elect Resident Commissioners for the same either upon the said Second *Monday* of *July* One thousand eight hundred and thirteen or upon any other Day appointed by the Authority of this Act, for electing Commissioners to supply Vacancies, that then and in such Cases it shall be lawful for the General Commissioners to nominate and appoint Commissioners (qualified in manner before directed) for the said Wards, for which Elections shall not have been made; and these Persons, when so nominated and appointed, shall have and enjoy the same Powers and Privileges, and shall remain the same Time in Office as if they had been elected by the Possessors of Houses, Shops, Warehouses, and other Buildings, in their respective Wards, in manner herein first before directed.

General Commissioners to be summoned to attend Meetings.

XVIII. Provided also, and be it enacted, That the Whole General Commissioners resident within the Limits of this Act at the Time, shall be cited personally, or at their Dwelling Houses, by written or printed Summonses, to attend all Meetings of the said General Commissioners; and that the Lord Provost, and, in his Absence, the Sheriff of the County, or in the Event of both being absent, then such One of the said Commissioners who shall be chosen by the Meeting, shall preside in all Meetings of the said General Commissioners, and shall have both a Deliberative and a Casting Vote in all Matters and Questions which shall come before them: Provided always, that Seven of the said General Commissioners

sioners shall at all their Meetings be, and they are hereby declared to be a Quorum.

Quarterly Meetings of the Commissioners.

XIX. And be it enacted, That Four Quarterly Meetings of the said General Commissioners shall be held within the Council Chamber of the City of *Edinburgh*, or at such other convenient Place as they shall appoint, on the First *Monday* of the Months of *January*, *April*, *July* and *October* in each Year, at Twelve of the Clock Noon, for putting this Act and the Powers hereby committed to them in Execution, beginning those Meetings on the First *Monday* of *July* after the passing of this Act; and that the Lord Provost of the City, or, in his Absence, the Sheriff Depute of the County, or, in the Absence of both, the Clerk to the said General Commissioners, shall cause the Whole of the said General Commissioners resident for the Time, within the Limits of this Act, to be summoned to attend the said Quarterly Meetings personally, or at their Dwelling Places, by written or printed Summonses, at least Twenty-four Hours previous to the Time of Meeting.

Other Meetings to be held.

XX. And be it enacted, That besides the Four Quarterly Meetings before mentioned, such other Meetings of the said General Commissioners shall be held for the Purposes of this Act, as they shall deem necessary.

Special Meetings may be called.

XXI. And be it enacted, That the Lord Provost of the said City, or the Sheriff Depute of the County, or either of them, shall, upon Requisition being made to them, or either of them, under the Hands of any Four of the said General Commissioners, appoint Special Meetings of the said General Commissioners, to be called within Forty-eight Hours, and held within Four Days of such Requisition; and cause the whole General Commissioners to be summoned to attend such Meetings in Manner aforesaid; and it shall be in the Power of the said Lord Provost or Sheriff Depute of the County to appoint Special Meetings of the said General Commissioners, to be held at such Times and Places within the said City, as may to them or either of them seem necessary and expedient for the Purposes of this Act, the whole General Commissioners being always summoned to attend those Meetings in Manner herein-before directed.

Rules made at Special Meetings not to annul those made at Quarterly Meetings.

XXII. Provided always, and be it enacted, That no Rules or Regulations shall be adopted or carried into Execution by any such Special Meetings, which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Quarterly Meetings.

Meetings may be adjourned.

XXIII. And be it enacted, That the said General Commissioners, or Majority of them present at any of the said Meetings, may adjourn to the same or any other Place within the Limits of this Act, for executing the Powers vested in them by this Act.

Commissioners to defray their own Expences.

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

Under what Name to sue or be sued.

XXV. And be it further enacted, That the said General Commissioners may sue or be sued for any Thing done or ordered by them, in virtue of this Act, in the Name of their Clerk for the Time being.

XXVI. And

Rate of Assessment.

XXVI. And in order to raise a Fund for defraying the Expences attending the Execution of this Act, be it further enacted, That the said General Commissioners shall, and they are hereby authorized and empowered to assess all Tenants, Occupiers, and Possessors of Dwelling Houses, Shops, Warehouses, Cellars, Vaults, or other Buildings or Pertinents thereof, in any Sum not exceeding One Shilling and Five-pence in the Pound of the Yearly Rent of such Dwelling Houses, Shops, Warehouses, Cellars, Vaults, or other Buildings or Pertinents; and to ascertain such Yearly Rents, the said General Commissioners shall adopt the Rates at which Rents are estimated for the Purpose of levying the House Tax or Property Tax, or either of them, payable to His Majesty, His Heirs and Successors, for such Premises; and for such Purpose the Collectors of the said House Tax or Property Tax, or other Officers whom it may concern, are hereby authorized and required, upon receiving Payment of such reasonable Gratuity as shall be fixed by the General Commissioners, to furnish certified Copies of the Lists or Rent Rolls according to which the said Taxes, or either of them, are levied; and the said Commissioners, or the Collector to be appointed in Manner herein-after directed, shall have access to examine the said Lists or Rent Rolls in possession of the Collectors of the said Taxes, or other Officers in whose Custody the same may be; and which annual Assessment shall be calculated from *Whitsunday* to *Whitsunday* yearly, and shall be payable at the Term of *Martinmas* in each Year, and shall commence from the Term of *Whitsunday* One thousand eight hundred and twelve.

Provision for discharging Debts already incurred.

XXVII. Provided always, and be it enacted, That if it shall appear that the Commissioners appointed by the before recited Acts of the Eleventh, Twelfth, and Twenty-fifth Years of His present Majesty or any of them, shall be possessed of any Monies arising from the Rates and Assessments by the said Acts authorized to be levied, after paying and discharging the whole Debts and Obligations contracted in the Execution of the same, it shall and may be lawful to such Commissioners to retain all such Sums, to be applied, in such Manner as they shall judge expedient, for the Use and Behoof of the Districts to which they belong; but if the Commissioners appointed by any of the before recited Acts shall have incurred Debts in the Execution of the before recited Acts, or any of them, which their Funds in Possession or in Arrear shall not enable them to discharge, then it shall and may be lawful to the General Commissioners hereby appointed, to assess all and every Person resident in any such Districts, in any Sum not exceeding One Half *per Centum* of the yearly Rent of the Subjects particularly before specified, for the Purpose of paying the Debt due by such Districts respectively; such Assessment to be ascertained, and to be recovered and made effectual along with and in the same Manner as is provided with regard to the Rates and Assessments hereby authorized to be levied: Provided always, that a separate and distinct Account, as applicable to each District, shall be kept of such additional Assessment, and of the Application thereof, and that the same shall continue only till such Debt is paid and discharged, and no longer.

Rates may be levied by Distress.

XXVIII. Provided always, and be it enacted, That if any Person or Persons who shall be so rated and assessed as aforesaid, shall refuse or neglect to pay the Rates or Assessment charged upon him, her, or them, for the Space of Ten Days next after his, her, or their Rate or Rates, Assessment or

Assessments, shall be due and demanded by the Collector or Collectors entitled to receive the same as aforesaid, (such Demand being either personally made, or left in Writing at his, her, or their respective Dwelling Houses, Place or Places of Abode), then and in every such Case it shall be lawful for the said Collector or Collectors to apply to any of the Magistrates of the said City, or to the Sheriff Depute of the County, or his Substitutes, if the Person or Persons deficient in Payment shall live within the City or Liberties, and to the Sheriff Depute of the County, or his Substitutes, if such Person or Persons shall live without the Limits of the City or Liberties, for a Warrant to any of their Officers to enter the House or Houses, and to seize and take Possession of the Goods and Effects of the Person or Persons deficient as aforesaid; and which Warrant the said Magistrates or Sheriffs Depute or Substitute, is and are hereby authorized and required to grant upon a Certificate upon Oath to be signed by the Collector or Collectors of such Demand having been made, and of such Person or Persons being in Arrear to the Amount to be stated in the Certificate; and if such Rate or Assessment shall not be paid within Ten 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 Auction, at the Market Cross of *Edinburgh*, such Part of the said Goods and Effects as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, with the Costs and Charges attending such Seizure and Sale, returning the Surplus, if any be, to the Owner or Owners, the Costs or Charges to be ascertained by the Judge who shall issue the Warrant; and failing the Recovery in Manner above directed, with Power to the Collector or Collectors to sue for and otherwise recover the said Rates and Assessments according to Law.

Powers of Commissioners as to assessing and levying Monies.

XXIX. And be it enacted, That the said General Commissioners hereinbefore named and appointed shall have full Power and Authority, and they are hereby authorized and required, at their Meeting to be held on the First *Monday* of *July* annually, or at an adjourned Meeting to be held for the special Purpose, to ascertain and impose the Assessment to be levied from the Tenants, 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 it shall not be lawful to nor in the Power of the said General 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 or imposed, and the Expenditure thereof voted by the said General Commissioners; and that the Commissioners, whether General or Resident, shall be subject to, and liable in Payment of the said Assessments for the Houses, Cellars, Shops, Warehouses, and other Buildings, rented or possessed by them, any Law or Usage to the contrary notwithstanding.

Travelling Merchants, Auctioneers, &c. to pay Assessments.

XXX. And be it enacted, That all Travelling Merchants, Auctioneers, Hawkers, Pedlars, and others, who shall take up a temporary Residence within the Limits over which this Act extends for the Purpose of disposing of Merchandize, Goods, and other Effects, and who, in Prosecution of such Business, shall occupy Shops, Warehouses, or other Places for disposing of the said Goods within the Limits of this Act, shall pay the Assessments before mentioned, corresponding to the Premises occupied by them in Manner following; that is to say, if they shall occupy a Shop,

Warehouſe, or other Place, for any Period leſs than Six Months, then ſuch Shop, Warehouſe, or other Place, ſhall be liable to and chargeable with One Half of the annual Aſſeſſment correſponding to ſuch Poſſeſſion; and if they ſhall occupy the ſame for Six Months, or any longer Period, then ſuch Shop, Warehouſe, or other Place, ſhall be liable to and chargeable with the whole annual Aſſeſſment correſponding to ſuch Poſſeſſion, whether occupied for a whole Year or not.

Poſſeſſors and Tenants to pay Aſſeſſments.

XXXI. Provided always, That Proprietors and Liferenters ſhall only be liable in Payment of the ſaid Aſſeſſments for the Houſes, Cellars, Shops, Warehouſes, and other Buildings occupied and poſſeſſed by themſelves and their Servants, but not for thoſe occupied and poſſeſſed by their Tenants from whom only the ſaid Aſſeſſments for their reſpective Poſſeſſions ſhall be recovered in Manner aforeſaid.

Exemptions from Aſſeſſment.

XXXII. And be it enacted, That the ſaid Commiſſioners ſhall not aſſeſs any Houſe, Shop, Warehouſe, Cellar, Vault, or other Building, the Rent of which ſhall be under Five Pounds Sterling *per Annum*, provided that no Spirituous Liquors of any Sort are ſold therein; and that no Aſſeſſment ſhall be levied for Gardens or Grounds lying within the Limits herein-before deſcribed, or for Houſes not occupied or poſſeſſed by the Proprietors thereof, or by their Tenants: Provided alſo, that nothing herein contained ſhall be conſtrued to extend the before-mentioned Aſſeſſment to the Royal Palace of *Holyroodhouſe*, or to Houſes or Buildings in the *Caſtle* of *Edinburgh*, or to the Barrack in *Queenſberryhouſe*, *Canongate*, ſo long as it continues to be occupied as a Barrack for His Majeſty's Troops.

Queſtions as to Aſſeſſments how to be decided.

XXXIII. And be it enacted, That in caſe any Queſtion or Diſpute ſhall ariſe relative to the Houſes, Buildings, Cellars, Shops, and Warehouſes, or other Places, which are claimed to be exempted from the foreſaid Aſſeſſment, or relative to the Amount of the Aſſeſſments, or the Valuation of the Subjects hereby authorized to be aſſeſſed, the ſame ſhall be brought before the General Commiſſioners by Petition, ſtating ſhortly the Grounds of ſuch Claim, and the Determination of the ſaid General Commiſſioners thereupon ſhall be final.

Privilege of College of Juſtice waved.

XXXIV. And whereas the Purpoſes of this Act cannot be completely accompliſhed unleſs the Members of the College of Juſtice and Court of Exchequer are aſſeſſed in Common with others; be it it enacted, That the Rates and Aſſeſſments hereby granted ſhall and may be levied from all the Members of the College of Juſtice, Barons, and other Officers of the Court of Exchequer, in the ſame Manner as they are levied from the other Inhabitants; and that the Members of the College of Juſtice and Court of Exchequer ſhall be ſubjected to the ſame Mode of Proceeding as the other Inhabitants, in regard to all Matters and Things in this Act contained: Provided always, that the Privileges of the College of Juſtice and Court of Exchequer, as by Law eſtabliſhed, ſhall be, and they are hereby ſaved and reſerved in all other Reſpects, and nothing in this Act contained ſhall be held as infringing upon the Privileges of the College of Juſtice and Court of Exchequer in the Matters aforeſaid, after the Expiration of this Act.

All other Privileges waved.

XXXV. And whereas Doubts have been entertained, whether the Tradeſmen of His Majeſty, or the Tradeſmen of His Royal Highneſs the Prince Regent,

Regent, or Persons holding Offices in the Mint of *Scotland*, or Persons resident in the Buildings which were formerly occupied by the said Mint, are all or any of them subject to the Assessments leviable for certain Parts of the General Police; be it further enacted, That no Person, of whatever Description, resident within the Limits of this Act, shall be entitled to plead any Privilege of Exemption from the Assessment herein authorized to be levied, either on the foresaid or upon any other Ground or Pretext whatever, any Law or Practice to the contrary notwithstanding.

City Guard so far reduced, and Assessment for the same suspended.

XXXVI. And whereas an Act passed in the Parliament of *Scotland* in the Year One thousand six hundred and ninety, intituled *Act in favour of the Town of* Edinburgh *anent their Town Company*, be it enacted, That during the Continuance of this present Act the before recited Act of the Parliament of *Scotland*, and the Assessment thereby authorized to be levied, (except as herein-after excepted) shall be, and the same are hereby suspended, in so far that, during the Period aforesaid, the said Company shall consist of One Lieutenant, Two Serjeants, Two Corporals, Two Drummers, and Thirty Private Men, the Lord Provost of *Edinburgh* to be Captain, *ex officio*, without Pay: Provided always, that the Lord Provost, Magistrates, Council, and Community of the said City, shall be, and they are hereby authorized and required to issue the Pay, and provide suitable Arms and Clothing for the said Company, out of the ordinary Funds of the Community of the said City; declaring, that the said Town Company, commonly called *The City Guard*, shall attend upon His Majesty's Commissioner to the General Assembly of the Church, the Magistrates and Town Council, and the Supreme Courts of Justice, upon all necessary Occasions, and shall act in general for the Support of the System of Police hereby established; and when required by the Lord Provost, the Sheriffs Depute or Substitute, or Superintendant so to do, they shall march for that Purpose to any Place within the Wards before mentioned, leaving only such Guards or Centinels as are absolutely necessary within the City.

To be maintained at the Expence of the Community.

Sum to be paid to the Town for the City Guard.

XXXVII. And whereas, by the before recited Act of the Forty-fifth Year of the Reign of His present Majesty, the Pay of the City Guard was chargeable upon the Assessments by the said Act authorized to be levied, and the same being now hereby required to be issued from the ordinary Funds of the Community of the said City; be it enacted, That the General Commissioners herein appointed shall be, and they are hereby authorized and required, in Consideration of the Burden thus imposed upon the Funds of the Community, to make Payment to the Lord Provost, Magistrates, and Council of the said City, and to their Successors in Office, for Behoof of the Community thereof, or to the City Chamberlain for the Time, of the Sum of Five hundred Pounds Sterling, at the Term of *Martinmas* yearly during the Continuance of this Act, out of the Rates and Assessments herein authorized to be levied: Provided also, that it shall be competent to the said General Commissioners and they are hereby required to make Payment to the Treasurer of the Burgh of *Canongate*, for Behoof of the Burgh, of the Sum of Sixty Pounds annually in lieu and place of One Fourth Part of the Monies arising from the Sale of the Dung or Fuilzie of the Streets of *Canongate* and *Pleasance*, allocated to the said Burgh by the before recited Act of the Twelfth Year of the Reign of His present Majesty, and it shall be competent to the said General Commissioners also

Allowance may be granted to Magistrates of Easter and Wester Portsburgh.

to

to make such pecuniary Allowances to the Resident Magistrates of *Euster* and *Wester Portsburgh*; for defraying the Expence of their Offices annually, from such Funds and in such Manner as is provided by the before recited Acts or any of them.

Sum to be continued for the Guards.

XXXVIII. And whereas, by the foresaid Act of the Forty-fifth Year of the Reign of His present Majesty, it was declared, that the Magistrates and Council were Creditors upon the Fund appropriated for the City Guard in the Sum of Six thousand two hundred and ninety-six Pounds, Fourteen Shillings and Nine-pence Sterling, and that they had agreed to accept, in lieu thereof, the Sum of Six hundred and ninety-nine Pounds Twelve Shillings and Nine-pence Sterling *per Annum*, during Nine Years, the First Payment or Instalment to commence at the Term of *Whitsunday*, in the Year One thousand eight hundred and six; be it therefore enacted, That the Stent-masters of the City of *Edinburgh* shall be, and they are hereby authorised and required to assess, and the Collector of the Public Duties for the City to uplift, receive, and enforce Payment from the Persons heretofore in use to pay, and in the Way and Manner heretofore practised, the foresaid annual Sum of Six hundred and ninety-nine Pounds, Twelve Shillings and Nine-pence, during the foresaid Nine Years from and after the Term of *Whitsunday*, in the Year One thousand eight hundred and five, and no longer.

Commissioners may appoint Collectors, &c.

XXXIX. And be it further enacted, That the said General Commissioners shall have Power to appoint a Collector or Collectors, Clerk or Clerks, for levying, receiving, and paying away the Monies to be raised by virtue of this Act, and for keeping their Books or Records, and for other Purposes aforesaid; and to rent or hire an Office or Offices of Police; and provide or erect such Watch-houses as may be necessary; and also to appoint suitable Salaries to the said Collector or Collectors, Clerk or Clerk; and the said Collector or Collectors, Clerk or Clerks, shall find sufficient Security to the said General Commissioners, for their respective Intromissions with the Funds which they shall be empowered to levy and collect.

On Insolvency of Collectors, Deficiency may be assessed.

XL. And be it enacted, That in case any Collector or Collectors, Clerk or Clerks, appointed by the said General Commissioners shall become insolvent, and the Sum or Sums chargeable against such Collector or Collectors, Clerk or Clerks, shall not immediately be paid by his or their Sureties, then and in every such Case the Sum deficient shall be assessed upon all the Wards in the Manner before prescribed, and shall be payable at such Time as the said Commissioners shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

Books to be kept.

XLI. And be it enacted, That a Book or Books shall be prepared and kept by the said General Commissioners, or by such Person or Persons as they shall appoint, wherein shall be fairly entered an Account of what Monies have been levied and paid by virtue of this Act, and in what Manner the same have been applied; and that the said Books shall be regularly fitted and balanced yearly, on the First *Monday* of *June*, and a Balance Sheet for the preceding Year laid before the annual Meeting

of the General Commissioners, on the First *Monday* of *July*, the First Balance to be struck in the Year One thousand eight hundred and thirteen, from which a State of the Payments and Disbursements for the preceding Year shall be made out and printed, on or before the First *Monday* of *August* annually; and a Copy thereof shall be delivered to each of the General and Resident Commissioners, to the Master of the Merchant Company, and the Deacon of each of the Incorporations within the City, and the Convener to the incorporated Trades of *Canongate*, and shall be lodged in the Council-Chamber of the said City, and in the Sheriff-Clerk's Office, where it shall remain for Six Weeks open to the Inspection of every Person contributing to the aforesaid Assessments, without Fee or Reward.

Other Books to be kept.

XLII. And be it further enacted, That the said General Commissioners shall keep, or cause to be kept a Book or Books, in which shall be engrossed or written Minutes of all their Transactions, with the Amount of the Salaries and Emoluments paid to the Superintendant of Police, and also to the Clerks, Servants, Collectors, and other Officers; which Book or Books shall, at all reasonable Times, be open to the Inspection of every Person contributing to the foresaid Assessments, who shall and may peruse and inspect the same, without Fee or Reward.

Money may be borrowed.

XLIII. And in order to raise what Sum of Money may be necessary, before the Assessments herein authorised to be levied are annually made effectual, be it enacted, That the said General Commissioners shall and may authorise the Collector or Collectors to be appointed by them to borrow any Sum or Sums of Money, not exceeding Five Thousand Pounds Sterling, with Power to such Collector or Collectors to grant Bond or Bonds for the same; and for further Security of the Person or Persons from whom such Money may be borrowed, to assign to such Person or Persons the Assessments authorised to be made as aforesaid, until the Sum or Sums so to be borrowed, with Interest thereof, shall be repaid and discharged.

Monies and Property vested in Commissioners, and how to be applied.

XLIV. And be it enacted, That the whole Lamps, Lamp Posts, Lamp Irons, and other Property of every Description, belonging to the Commissioners under the before recited Acts, and the Monies to be raised by virtue of this Act, and all other Property to be acquired in the Execution of the same, shall be, and the same are hereby vested in the said General Commissioners; and that all such Monies shall be applied, laid out, and expended in defraying the Establishment of Superintendant of Police, Collectors, Clerks, Servants, Watchmen, Scavengers, and other Officers, to be appointed in virtue of this Act, and to the other Purposes of this Act, and to no other Purpose whatever: Provided always, that for the Purpose of rewarding the Superintendant and other Persons employed in the Execution of this Act, for extraordinary Trouble, according to their Exertions in important and difficult Cases, it shall and may be lawful to the Sheriff Depute of the County of *Edinburgh*, and he is hereby authorized and empowered, at his Discretion, to grant Orders in Writing for any Sum or Sums of Money to be applied to the Purposes aforesaid, not exceeding in the Whole the Sum of Five hundred Pounds in any One Year; which Orders the Collector or Collectors to be named by the General Commissioners shall be, and they are hereby authorized and required to pay;

pay; and the ſame, with the Receipt of the Perſon to whom the Money is paid, ſhall be held and taken to be a ſufficient Voucher to all concerned.

Compenſation to Judge of Police under former Act.

XLV. And be it enacted, That it ſhall and may be lawful to the ſaid General Commiſſioners, and they are hereby authorized and required, to make Payment, out of the Rates herein authorized to be levied, to the Judge of Police appointed by virtue of the before recited Act of the Forty-fifth Year of His preſent Majeſty, of the Sum of Three hundred Pounds annually, as a Compenſation to him for the Loſs of his ſaid Office, and that during the Continuance of this Act, if he ſhall ſo long live.

Compenſations to all Perſons legally entitled, how to be claimed.

XLVI. And be it further enacted, That if any Compenſations are claimed by any Perſon or Perſons, holding Offices permanently by virtue or under the Authority of any of the before recited Acts of the Eleventh, Twelfth, and Twenty-fifth Years of the Reign of His preſent Majeſty, ſuch Claims ſhall be made to the Lord Preſident of the Court of Seſſion, the Lord Provoſt of the ſaid City, and the Sheriff Depute of the County, who are hereby authorized and empowered finally to decide on the Legality of ſuch Claims, and fix the Amount of all ſuch Compenſations; and the Amount of ſuch Compenſations being ſo fixed, it ſhall and may be lawful to the ſaid General Commiſſioners, and they are hereby authorized and required to make Payment, out of the Rates herein authorized to be levied, of the Sums ſo aſcertained to be due to the Perſon or Perſons found entitled to the ſame, and that during the Continuance of this Act.

Surplus Monies to be applied.

XLVII. And be it enacted, That if any Monies ſhall remain after ſettling the Accounts at the End of each Year, after properly executing the Purpoſes of this Act, and making the Payments herein authorized to be made, the ſame ſhall be applied towards the ſame Purpoſes for the Year following, ſo that the Aſſeſſment herein authorized to be levied may be proportionally diminiſhed.

Superintendant to be appointed.

XLVIII. And be it enacted, That it ſhall and may be lawful to the Lord Provoſt of the City of *Edinburgh*, the Lord Preſident of the Court of Seſſion, and His Majeſty's Sheriff Depute of the County of *Edinburgh*, or any Two of them, and they are hereby empowered and required to nominate a fit Perſon to be Superintendant of Police, for executing the Matters committed to him by this Act, and for regulating the Police, and for preſerving Peace and good Order within the Limits herein-before appointed with full Power and Authority to them, or any Two of them, to remove him at their Pleaſure.

Watchmen to be appointed.

XLIX. And whereas it is expedient, That the Superintendant of Police ſo to be appointed, ſhould, as far as poſſible, be made anſwerable for the Conduct of the Watchmen, and other Officers of that Department acting under his Orders, be it enacted, That as ſoon as the General Commiſſioners hereby appointed ſhall fix the Number of Watchmen or other inferior Officers of Police, they ſhall judge neceſſary for guarding, patrolling, and watching within the Limits of this Act, and their Diſtribution among the different Wards, it ſhall and may be lawful to the ſaid Superintendant, and he is hereby authorized and empowered to appoint

appoint proper Persons for the above Duty, and to remove them at Pleasure.

Magistrates and Sheriff may punish or dismiss Watchmen.

L. And be it enacted, That nothing herein contained shall prevent the Magistrates of *Edinburgh*, or any One of them, acting under the Authority of this Act, or the Sheriff Depute of the County, acting as aforesaid, from punishing or dismissing any of the Officers appointed in Manner above mentioned, at any Time when they, or any of them, shall find it necessary or proper so to do.

Provision may be made for Watchmen disabled.

LI. And be it enacted, That it shall and may be lawful to the General Commissioners to make suitable Provision out of the Monies herein authorized to be assessed and levied for any Watchman, or other Officer of Police, who may at any Time be disabled or wounded in the Execution of his Office, or for the Family of any Watchman or other Officer of Police who may lose his Life in the Execution of his Office.

Superintendant of Police and Officers may be made Constables for the Purposes of this Act.

LII. And be it enacted, That the Lord Provost and Magistrates of the said City, and Sheriff Depute of the County, shall have Power, and they are hereby authorized to appoint the said Superintendant of Police, and all or any of the other Officers to be named by him as aforesaid, Constables for the Purpose of attending the said Magistrates and Sheriff, and executing the Warrants and Sentences to be pronounced by them in virtue of this Act, and for the other Purposes of this Act, and with all the Powers belonging to Constables by the Law of *Scotland*.

Superintendant to be Principal Billet-Master.

LIII. And be it enacted, That the Superintendant of Police, when appointed as aforesaid, shall be and he is hereby appointed principal Billet Master for the whole Bounds usually quartered on, or under the Denomination of the *Canongate* and Suburbs of *Edinburgh*, subject to such Rules and Regulations as the said General Commissioners shall from Time to Time appoint for his Government; and at all Times when any of His Majesty's Forces shall be quartered in the said Bounds, Application shall be made to the said Superintendant for Billets, and he shall thereupon, either by himself or by some fit Person to be appointed by him for that Purpose, distribute the Officers and Soldiers, in the most equal and impartial manner, on the several Wards or Bounds liable to be quartered on, in such and the like Manner as is or may be directed by any Law in force to that Effect; and the said Superintendant, as principal Billet Master aforesaid, shall nominate and appoint the Billet Masters of the different Wards or Bounds, and shall keep regular Books, which shall at all reasonable Times be open to the Inspection of the General Commissioners, or of Householders interested; as also the Billet Masters of the several Wards or Bounds shall keep regular Books for entering the Billets; and in those Wards where a Locality has been in use to be levied, as also in those Wards where the Householders may in Time coming desire to have a Locality in lieu of actual quartering, the Billet Masters shall keep regular Books to shew the Amount of the Money levied, and how the same has been applied in providing actual Quarters for Soldiers.

Duty of Superintendant, and other Officers.

LIV. And be it enacted, That the Duty of the said Superintendant of Police, Watchmen, and other Officers, shall be and they are hereby authorized and required to apprehend and bring to Justice, Persons guilty of all

Crimes, Misdemeanors, and other Offences under this Act, and in general to be aiding and assisting to the Magistrates and Dean of Guild of the City, and the Sheriff Depute of the County, in all Matters relative to regulating the Police and preserving Peace and good Order within the Limits hereinbefore described, and executing the different Purposes of this Act.

Scavengers to cleanse the Streets, &c.

LV. And be it enacted, That the Public Streets and Squares, Public Passages and other Places, and also the Foot Pavements within the Limits over which this Act extends, shall be swept and cleansed by Persons to be hired in Manner herein directed, and all requisite Measures shall be taken by the said General Commissioners, by the Erection of Public Necessaries or otherwise for preventing Nuisances; and the Expence thereof shall be defrayed from the Funds provided by this Act.

Scavengers how appointed.

LVI. And be it enacted, That it shall and may be lawful for the resident Commissioners of the respective Wards herein named and appointed, at all Times to employ such a Number of Scavengers or other Persons as shall be fixed by the General Commissioners to cleanse and sweep the Public Streets, Squares, Passages, and other Places within their respective Wards; and also the said Foot Pavements; and immediately to order to be removed and carried from thence all Soil, Dirt, Ashes, and Filth, the same to be collected into Heaps, and afterwards to be removed to such Place and Places as the said resident Commissioners shall appoint: Provided always, that in the Event of the said resident Commissioners, or any of them, not choosing or failing to exercise the Power of naming Scavengers, then it shall and may be lawful to the Superintendant of Police, and he is hereby authorized and required to employ Scavengers for the Purposes aforesaid, and he shall at all Times take a General Charge, Superintendance, and Controul of all the Scavengers so employed, whether appointed by the resident Commissioners of Wards or by himself.

Produce of Dung, how applied.

LVII. And be it enacted, That the whole Soil, Dirt, Ashes, and Filth, (saving and excepting always Dung from Stables or Cow-houses), within the Limits of this Act, shall be vested in the said General Commissioners, and it shall and may be lawful to them to sell or dispose of, as Public Property, the said Soil, Dirt, Ashes, and Filth, for Manure, to such Person or Persons as may be willing to purchase the same, and that in such Manner as the said General Commissioners shall think fit, and the Money thence arising shall make Part of the Funds for the Purposes of this Act.

Commissioners to erect Lamps, and contract for lighting.

LVIII. And be it enacted, That the said General Commissioners shall and may provide and erect such a Number of Lamps, Lamp Posts, and Lamp Irons, as may be necessary for lighting, in a suitable Manner, the whole Places, Ways, Streets, Lanes, Squares, and Passages within the Limits of this Act, and shall and may light, or enter into Contracts, One or more, for providing Oil for such Lamps, and lighting the same; and it shall and may be lawful to, and in the Power of the said General Commissioners, to order the Lamp Irons and Lamps to be fixed on the Houses and other Buildings on the Sides of the Streets, in such Manner as they shall see proper, upon indemnifying the Proprietors or Possessors for any Damage done to the said Houses or other Buildings.

Penalty for breaking Lamps wilfully.

LIX. 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 ſhall hereafter be ſet up within the Limits over which this Act extends, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons or Appurtenances thereof, it ſhall and may be lawful for any Perſon's 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 Police or other Peace Officer, in order to be ſecured and conveyed before one of the Magiſtrates of the ſaid City, or Sheriff Depute of the County or any of his Subſtitutes, and if the Party or Parties accuſed of ſuch Offence ſhall be convicted thereof, ſuch Offender or Offenders ſhall forfeit and pay any Sum not exceeding Ten Pounds Sterling for every ſuch Offence; and moreover, ſhall make Satisfaction for the Damages due; ſuch Forfeiture and Damages to be recovered and applied as herein-after directed.

Houſes and Shops to be numbered, and Streets to be named.

LX. And be it enacted, That the ſaid Commiſſioners ſhall and may order and direct the Houſes, Buildings, Shops, or Warehouſes, within the Limits of this Act, to be numbered with Figures to be placed or painted on the Doors, or on ſuch other conſpicuous Part thereof as the Proprietors thereof ſhall think proper, and may likewiſe order to be painted or otherwiſe inſcribed, on a conſpicuous Part of ſome Houſe or Building, at or near the End or Corner of each Street, Square, Row, Lane, Paſſage, or Place, the Name of ſuch Street, Square, Row, 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 recovered in Manner herein-after directed: Provided always, that when any of the ſaid Numbers ſhall be unavoidably defaced, in conſequence of the Shop, Door, Wall, or other Place, on which the ſame is marked, being new painted or altered, the Poſſeſſors or Proprietors of the ſaid Shop, Door, or Wall, ſhall, and they are hereby required to replace the ſaid original Number, in a Character eaſily legible, where it formerly was, or in ſome other conſpicuous Place on ſuch Shop, Door, or Wall, and that within Ten Days after the ſame has been ſo defaced, under the like Penalty for each Offence, to be levied and applied in Manner herein-after directed.

Foot Pavements to be made.

LXI. And whereas it would be greatly for the Convenience and Benefit of the Inhabitants reſiding within the Limits aforeſaid, that proper Foot Pavements were made in Situations requiring the ſame, be it therefore enacted, That the Owners or Proprietors of all Houſes and other Buildings, or of Gardens and Grounds on which Buildings are not erected, which are adjoining to, or fronting any Street, Square, or other public or principal Place within the Limits of this Act, ſhall, at his, her, or their Expence, cauſe the Ground before their Property reſpectively, on the Sides of the ſaid Streets, Squares, or other public or principal Places, to be well and ſufficiently paved with flat hewn or other Stones, or in ſuch other Manner and Form, as the Dean of Guild Court of the City of *Edinburgh*, or the Sheriff Depute of the County, or his Subſtitutes, according as the ſaid Street, Square, or Place ſhall be ſituated within their reſpective Juriſdictions, ſhall, by Decrees to be pronounced by

by them respectively from Time to Time, direct and appoint: Provided always, that in case such Owners or Proprietors shall refuse or neglect to cause such Pavements to be made in the Manner and Form so directed, it shall and may be lawful to the said Courts to cause such Pavements to be made at the Charge and Expence of such Owners or Proprietors respectively; and in case such Owners or Proprietors shall refuse or neglect to pay such Charges when required, it shall and may be lawful to the said Courts to decern such Charges and Expences to be paid by such Owners or Proprietors either to the Tradesman by whom the Work has been done, or to any other Person to be named by the said Courts, or either of them, with the additional Expence incurred in recovering the same.

How to be kept in Repair.

LXII. And be it enacted, That it shall be lawful for the said Dean of Guild Court, or for the Sheriff Depute of the County, or his Substitutes, after the Foot Pavements herein-before directed to be made shall have been completed for the first Time, by virtue of this Act, to decern them to be kept in proper Repair, and to give Decrees for the Charges and Expences of repairing, relaying, and maintaining the said Foot Pavements, against the several Owners or Proprietors, in the same Manner as they are herein before empowered to give Decrees for the Charges and Expences attending the first making of the Foot Pavements aforesaid.

Houses building and repairing to be fenced.

Holes made in Streets to be fenced and lighted, and Foot-Pavements to be railed in.

LXIII. And be it enacted, That it shall and may be lawful for the said Superintendant, Officers of Police, Watchmen, and others, and they are hereby required to see that where any Houses shall be building or repairing, or other Operations of the like Kind carrying on, the Foundations or Grounds adjoining shall be fenced in, that the Inhabitants may run no Risk of Danger from the same; and in case any Hole or Opening shall be made in any of the Streets, Lanes, Passages, Squares, or Public Places of the said City or adjacent Streets, for the Purposes of digging Foundations for Building, for digging Wells, Drains, laying Pipes, or any other Purposes, the Person or Persons, or Body Corporate making or causing to be made the said Holes or Openings, and the Persons employed and concerned therein, shall, at his, her, or their own Expence, cause a sufficient Rail or Fence of Ropes, or other Materials, to be put round the said Holes or Openings, and shall also cause a Lamp or Light to be affixed at or near the same, to be kept burning every Night that such Holes and Openings shall remain unfilled up from Sun-setting to Sun-rising; and in case any of the said Person or Persons, or Body Corporate aforesaid, shall refuse or neglect to fence the said Foundations or Holes, or to affix and keep burning such Lamps or Lights in Manner aforesaid, it shall and may be lawful for the said Magistrates, or any One of them, or said Sheriff Depute of the County, or his Substitutes, to decern the Person or Persons so offending to pay any Sum not exceeding Five Pounds Sterling, to be recovered and applied in Manner herein-after directed and appointed, and also to order the said Foundations or Holes to be fenced, and Lamps or Lights to be affixed and kept burning at the Expence of the Person or Persons employed or concerned therein; reserving always to any Person or Persons, who may may suffer Injury by such Operations, to prosecute for Reparation and Damages according to Law.

Regulating Foot Pavements and Streets.

LXIV. And be it enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to be carried, run, driven, or drawn, on any of the

the Foot Pavements within the Limits over which this Act extends, any Bier, Sledge, or Wheelbarrow, Wheel or Wheels, or any Coach, Waggon, Cart, or Carriage whatsoever, (except directly acroſs the ſame, on neceſſary Occaſions) or ſhall wilfully ride, lead, or drive any Horſe, Aſs, Mule, or other Cattle (except when going directly acroſs the ſaid Foot Pavements to or from Stables or Cow Houſes) 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 Barrels, Hogſheads, or Caſks, empty or full, along the ſaid Foot Pavements, for any Diſtance whatever (except acroſs them directly to or from Cellars, Shops, or Warehouſes), or ſhall roll any ſuch Barrels, Hogſheads, or Caſks, except from Shops, Cellars, Warehouſes, or other Places, 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 Thirty Yards in any Caſe, or ſhall drive any Carts, or other Carriages on the Streets of the ſaid City, or any of the Roads or Paſſages within the Limits over which this Act extends, furiouſly or improperly, or leave the ſaid Carts or Carriages ſtanding on the ſaid Streets, Roads, or Paſſages, yoked or unyoked, either during the Day or Night, to the Obſtruction of the free Paſſage of other Carriages and Paſſengers along the ſaid Streets, or ſhall ride Horſes furiouſly or improperly, or drive Horſes or Cattle, or Carriages of any Kind, in an improper Manner, upon any of the ſaid Streets, Roads, or Paſſages, or ſhall load or drive any Plank or Piece of Timber, exceeding the Length of Twenty Feet, upon or by the Means of any Machine or Carriage, having leſs than Four Wheels, or ſuffer the ſame, if upon ſuch Machine or Carriage, or not being of the Length of Twenty Feet, if upon a Common Cart or other Carriage, to project beyond the outer Part thereof, or occupy more of the Street or Road in Breadth than is occupied by ſuch Machine, Cart, or other Carriage itſelf, or to touch or drag upon any Part of the ſaid Street or Road; then it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee 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 other Warrant, to convey him, her, or them to the Cuſtody of a Police or other Peace Officer, in order to be ſecured, or conveyed before One of the Magiſtrates of the ſaid City, or the Sheriff of the County; and the Party or Parties accuſed being brought before him, ſuch Judge ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, he, ſhe, or they ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, to be levied and applied in Manner herein-after directed.

Regulating Sign Poſts.

LXV. And be it enacted, That it ſhall and may be lawful to the ſaid Magiſtrates, or any One of them, or the Sheriff Depute of the County or his Subſtitutes, to cauſe to be removed and taken down all Signs, Sign Poſts, Boards, Sheds, Dyers, Scourers, or Barbers Poles, or any other Poles projecting into or hanging over any of the Foot Pavements, Streets, Squares, Lanes, or Paſſages, or any Goods expoſed at the Doors of Shops, ſo as to encroach on the Foot Pavements; and to prohibit the Obſtruction of Paſſengers by the Offer of Goods for Sale at Shop Doors, or at any Diſtance from the ſame; and in future, all Signs or Sign Boards ſhall be placed or affixed cloſe on or flat to the Wall or Front of the Houſes,

Houſes, Shops, Warehouſes, or other Buildings whereunto they reſpectively belong; and if any Perſon or Perſons ſhall at any Time hereafter hang, place, or erect, or cauſe to be hung, placed, or erected, any Sign, Sign Poſt, or Pole, or cauſe any other Obſtruction or Annoyance whatever, or ſhall expoſe Goods at the Door of any Shop, or offer Goods as aforeſaid, contrary to the Meaning of this Act, it ſhall be lawful for the ſaid Magiſtrates, or any One of them, or the ſaid Sheriff Depute or his Subſtitutes, to order the ſame to be removed and taken away, and to decree ſuch Perſon or Perſons to pay any Sum not exceeding Twenty Shillings Sterling, to be recovered and applied in Manner herein-after directed and appointed; ſaving and reſerving to any Perſon who may ſuffer Injury from ſuch Sign Boards, Projections, or other Annoyances, to proſecute for Damages according to Law.

Flower Pots, &c. prohibited to be ſet out at Windows.

LXVI. And be it enacted, That it ſhall not be lawful for, nor in the Power of any Perſon or Perſons, to ſet or place upon the Outſide of any Window or Projections of any Buildings fronting any of the Streets, Lanes, Cloſes, or Paſſages of the ſaid City or within the Limits over which this Act extends, any Flower Pots or Boxes, either for raiſing or preſerving any Flowers, Shrubs, or other Plants or Vegetables, unleſs the Soles and Outſides of the Windows, or Projections, at which any ſuch Pots or Boxes are ſet or placed, be ſufficiently railed in and ſecured with good and ſubſtantial Rails of Iron, in order to prevent the Riſk of the ſaid Pots or Boxes falling from the ſaid Windows into the ſaid Streets, Lanes, or Paſſages; and every Perſon or Perſons ſetting out Pots or Boxes at their Windows or Projections before deſcribed, unleſs railed in Manner aforeſaid, ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling for each Offence, to be recovered and applied in Manner herein-after directed; ſaving and reſerving to any Perſon who may ſuffer Injury from the ſame, to proſecute for Damages according to Law.

Apprehenſion of Vagrants and Common Beggars.

LXVII. And be it enacted, That the ſaid Conſtables, Officers of Police, Watchmen, and others, ſhall alſo apprehend and bring before the Magiſtrates of *Edinburgh*, or any One of them, or the Sheriff Depute of the County or his Subſtitutes, all Vagrants and Common Beggars for Examination; and if it ſhall appear that the Perſons ſo apprehended do not belong to any Pariſh within the Limits over which this Act extends, they may be ordered to leave the Territory over which this Act extends; and if ſuch Perſons ſhall belong to the ſaid City, or to any of the ſaid Wards, then they may be ſent to the Charity Workhouſe of the Place to which they belong; and if any of the ſaid Perſons ſhall, after the Expiration of Forty-eight Hours, be again found at large within any of the ſaid Wards, they may be apprehended and detained; and the Judge before whom they ſhall be brought may adjudge them to be diſorderly Perſons, and as ſuch may commit them to Bridewell for any Space not exceeding Sixty Days.

Birth in the Tolbooth, &c. not to confer a Right of Settlement.

LXVIII. And, in order that the Number of Perſons claiming to be received into the ſaid Workhouſes may not be improperly increaſed; be it alſo provided, That neither Children born of Parents confined in the Tolbooth of *Edinburgh*, or in Bridewell, or in any of the ſaid Workhouſes, by Authority of this Act, nor Children born in the *Edinburgh* Lying-in-Hoſpital,

pital, ſhall, by ſuch their Birth, acquire a legal Settlement within the ſaid City, or any of the Pariſhes to which this Act extends, unleſs they have in other reſpects a legal Right to ſuch Settlement.

Keepers of Tippling-Houſes to find Security.

LXIX. And be it enacted, That it ſhall and may be lawful to the ſaid Magiſtrates of the City of *Edinburgh*, or any one of them, and to the Sheriff Depute of the County, and his Subſtitutes, 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.

Brokers to produce Goods on Demand.

LXX. 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 ſhew 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 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 ſhew 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 Ponnds, upon Conviction before the Magiſtrates of *Edinburgh*, or any One of them, or the Sheriff Depute of the County or his Subſtitutes; ſuch Forfeiture to be recovered and applied in Manner herein-after directed, without Prejudice to ſuch Perſons being alſo proceeded againſt as Receivers or Reletters of ſtolen Goods according to Law.

Penalty for harbouring Rogues.

LXXI. And be it enacted, That if any Perſon or Perſons within the Limits over which this Act extends ſhall knowingly lodge, entertain, or harbour any Idler, Rogue, or Vagabond, in any Houſe or Out-houſe belonging to him, her, or them, and ſhall not give Notice to ſome Conſtable or other Officer, acting under the Authority of this Act, in order that ſuch Perſon may be apprehended, every Perſon ſo offending, upon being lawfully convicted

victed thereof before the Magistrates of the said City, or any One of them, or the Sheriff Depute of the County or his Substitutes, shall forfeit and pay a Sum not exceeding Two Pounds for each Offence, to be recovered as herein-after directed, One Moiety whereof may be adjudged to the Informer, and the other applied to the Purposes of this Act.

Penalty for enticing Officers of Police from their Duty.

LXXII. And be it enacted, That if any Person shall entice 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, upon being convicted thereof in Manner above expressed, shall forfeit a Sum not exceeding Two Pounds for each Offence, to be recovered as herein-after directed, of which One Moiety may be adjudged to the Informer, and the other applied to the Purposes of this Act.

Powers of the Magistrates of Edinburgh and Sheriff of the County to regulate Hackney Coaches, &c.

LXXIII. And be it enacted, That the Lord Provost and Magistrates of *Edinburgh* for the Time being shall have full Power and Authority, and they are hereby empowered and authorized, to license any Number of Hackney Coaches, Landaus, Chariots, or other Carriages for Hire, as they from Time to Time shall think proper, and to exact the Sum of One Shilling for each Licence, such Licence to continue for Two Years and to prevent all others not licensed from plying for Hire, or occupying any Part of the Streets or Highways of the said City, Suburbs, or Liberties thereof; and if any Person or Persons who shall obtain such Licence shall not, within the Space of One Month after obtaining or receiving the same, keep and maintain such Coach or other Carriage for which such Licence shall be granted, for the Use and Convenience of the Public, and continue so to do during the Continuance of his or her Licence, and shall be convicted thereof before the said Magistrates, or any One of them, or before the Sheriff Depute of the County or his Substitutes, by the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence, to be levied summarily, and the Licence thereafter shall be void; but in case the Person so offending shall surrender his Licence to the said Magistrates, such Fine or Penalty shall not be levied; and the said Lord Provost and Magistrates shall be, and are hereby authorized and empowered to make such other Rules, Regulations, and Bye Laws, as they shall think fit, for licensing and regulating the said Hackney Coaches and other Carriages, and also for Sedan Chairs, Carts, Waggons, Porters, and Meters of Corn, as well within the City as in the Port of *Leith* (to which Effect this Act is hereunto extended, notwithstanding its Limitation in other Respects), and in the other Liberties adjoining, and for trying and punishing the Misbehaviour of Coachmen, Drivers, Chairmen, Carters, Porters, and Meters of Corn, and for fixing and altering their Stands, and for ascertaining what Rates and Fares, both as to Distance and Time, shall be allowed to be taken by them, and to what Distance and under what Penalties they shall be obliged to drive or ply in and round the said City, not exceeding Seven Miles for Coaches, and Two Miles for Sedan Chairs and Porters; and from Time to Time to repeal, add to, alter, or amend the said Regulations and Bye Laws: Provided always, that the Sheriff Depute of the County shall be, and he is hereby authorized and empowered to make such and similar Rules and Regulations with respect to Sedan Chairs, Carts, Waggons,

gons, Chairmen, Carters, Drivers, and Porters employed or plying within the Limits of this Act, although not within the City itſelf, or other Liberties adjoining, and from Time to Time to repeal, add to, alter, or amend the ſaid Rules and Regulations, and to impoſe reaſonable Fines and Penalties for the Breach or Non-performance of ſuch Rules and Regulations; declaring that no one Penalty impoſed, either by the ſaid Lord Provoſt and Magiſtrates, or by the ſaid Sheriff Depute of the County reſpectively, ſhall exceed One Pound Sterling; and that all ſuch Rules and Regulations made by the ſaid Lord Provoſt and Magiſtrates and Sheriff Depute of the County reſpectively, and the Fines and Penalties for the Breach or Non-performance thereof, ſhall from Time to Time, as often as they ſhall be made, altered, or varied, be put up either in Print or in Writing, on ſuch Place or Places as the ſaid Lord Provoſt, Magiſtrates, and Sheriff Depute ſhall think proper, and at all Times to remain and be in the ſaid Place or Places.

Power to Magiſtrates of Edinburgh, and Sheriff of the County, to erect Steel-Yards, and make Regulations for weighing Coals, &c.

LXXIV. And whereas the Inhabitants of the City of *Edinburgh* and Places adjacent have been very much impoſed upon in the Weight of Coals, which might be remedied by the Weight thereof being properly aſcertained; be it therefore enacted, That the Lord Provoſt and Magiſtrates within the City and Liberties, and the Sheriff Depute of the County, ſo far as concerns adjacent Places without the City and Liberties, ſhall be and they are hereby empowered and authorized to erect and maintain Steel Yards, Scales, or other weighing Engines, upon or adjacent to the different high Roads leading to the City, or at convenient Places within the ſame, for the Purpoſes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Perſons to attend the ſame, with ſuitable Allowances for their Trouble; and to order and appoint every Cart or Waggon employed for the Carriage of Coals for Sale, to be numbered and weighed, and recorded in a Book to be kept for that Purpoſe within the City, and under the Direction of the ſaid Lord Provoſt and Magiſtrates, and which Carts and Waggons are not to be altered, made heavier (further than may be occaſioned by wet Roads), or uſed until the Weight or Tare of ſuch Cart or Waggon ſhall be aſcertained as aforeſaid; and every Cart or Waggon loaded with Coals ſhall be weighed at the ſaid Steel-yards, Scales, or other weighing Engines, and the Weight of the Coals marked on a Ticket, to be delivered to the Driver; and to exact from the Driver for each Cart a Sum not exceeding Two-pence, and for each Waggon a Sum not exceeding Four-pence as neceſſary for erecting and keeping in Repair ſuch Steel-yards, Scales, or other Weighing Engines, and for Payment of Perſons neceſſary for weighing the Coals, and delivering the Tickets, and certifying the Weight thereon, the Money to be repaid to the Drivers by the Purchaſers of the Coals; and the Property of ſuch Steel-yards, Scales, and Weighing Engines, ſhall be veſted in the ſaid Lord Provoſt and Magiſtrates or Sheriff Depute reſpectively, by whom the ſame ſhall be erected, or in the Perſons authorized by them to erect the ſame.

Committee of Management.

LXXV. And for the Purpoſe of carrying the foreſaid Regulations into Effect, and appointing proper Perſons to ſuperintend and conduct the ſame, be it enacted, That the ſaid Lord Provoſt, Magiſtrates, and Council, ſhall be and they are hereby authorized and required to name a Committee of Three of their own Number, who with the Sheriff Depute of the County and his

Two

Two Substitutes shall form a Committee of Management, in relation to the same, the Sheriff to be Convener.

For preventing Abuses therein.

LXXVI. And be it enacted, That it shall be lawful to seize all and every Cart or Waggon loaded with Coals within the City or Liberties, or within the Bounds where the respective Steel-yards, Scales, or other Weighing Engines are erected, without having been weighed, and a Ticket procured, and to seize, forfeit, and sell, the whole Coals contained in such Cart or Carts, Waggon or Waggons, and to apply the Price thereof, in the same Manner with the Fines imposed by virtue of this Act, but the Horses Carts, and Waggons, to be returned to the Driver; and in case it shall be discovered that any Coals are taken or abstracted from any Cart or Waggon, between the Time at which such Cart or Waggon shall be so weighed, and the Time at which the Coals shall be delivered over to the Purchaser, it shall be lawful to seize, forfeit, and sell the whole Coals remaining in such Cart or Waggon, or abstracted therefrom, in so far as the latter can be recovered in the Way and Manner before prescribed with respect to Coals not regularly weighed, in Terms of this Act; and also to seize the Driver of such Cart or Waggon, and any Person or Persons accessary to such Abstraction, and to carry them before the Magistrates of *Edinburgh*, or any One of them, or the Sheriff Depute of the County, or his Substitutes, and they, or any of them, shall be and are hereby authorised and empowered to punish such Driver, and any Person or Persons accessary to such Abstraction, by Fine, not exceeding Forty Shillings Sterling, to be recovered in Manner hereinafter directed; and in all Cases where there is a Deficiency of Weight, either upon the first Weighing, or upon any after Weighing of the Coals, it shall be lawful to seize, forfeit, sell, and punish in Manner aforesaid; declaring, that in ascertaining the Weight of the Coals contained in an ordinary Cart, till further Regulations are made, each Cart Load shall be reckoned to weigh not less than Twelve Hundred Weight, being the Weight at which Coals are usually delivered at present; and with Power to the Lord Provost and Magistrates, and the Sheriff of the County respectively, to impose Fines for altering the Tare or Weight of the Cart or Waggon as aforesaid, not exceeding Ten Shillings; and to make such further Regulations from Time to Time as they shall judge necessary, relative to Carts and Waggons loaded with Coals as aforesaid, and the Weight of Coals to be contained therein, and to enforce Observance of the same, by Fines, not exceeding Ten Shillings Sterling each.

Regulations as to Straw and Hay.

LXXVII. And whereas the Purchasers of Straw are exposed to Frauds and Impositions from there being no regular or established Weight for the same; and Persons purchasing Hay frequently suffer by the same being embezzled or abstracted from the Carts or Waggons; be it further enacted, That the Kemple of Straw shall consist of Forty Windlens, and each Windlen, at an Average, shall weigh Six Pounds Tron; so that the Kemple, upon the whole, shall weigh Two hundred and forty Pounds, or Fifteen Stones Tron Weight, being equal to Three hundred and thirty Pounds Avoirdupois; and in case any Person shall be found selling or delivering as sold, within the Limits of this Act, Straw under the Weight aforesaid, it shall be lawful to the Magistrates of the City of *Edinburgh*, or any One of them, or to the Sheriff Depute of the County or his

his Substitutes, to fine such Person in any Sum not exceeding Five Pounds, or to seize, forfeit, and sell, such Straw, in the Way and Manner before prescribed with respect to Coals which have not been duly weighed; and also to fine Persons driving any Carts or Waggons, from which Hay may happen to be embezzled or abstracted, and all Persons accessary to such Embezzlements or Abstractions; all such Fines and Forfeitures to be recovered and applied in Manner herein-after directed.

Regulations of Magistrates and Sheriff, &c. to be enforced by the Police.

LXXVIII. And be it enacted, That it shall be Part of the Duty of the Superintendant, and of the Constables, Officers of Police, Watchmen, and other Persons acting under the Authority of this Act, to enforce the Observance of the Regulations made by this Act, and such further Regulations as shall be made in virtue hereof, with respect to Hackney Coaches, and other Carriages, and with respect to Sedan Chairs, Carts, Waggons, Coachmen, Drivers, Chairmen, Carters, Porters, and Meters of Corn, and all Regulations hereby made, or which may be made, with respect to the Erection of Steel-yards and the Weight of Coals, and also the Regulations with respect to the Weight of Straw and Hay, and all Regulations which have been or shall be made by the said Lord Provost and Magistrates, with respect to the Public Markets, and Conduct of Persons resorting to the same; and in general to aid and assist the said Magistrates and Dean of Guild of the said City, and the Sheriff Depute of the said County, and all other Magistrates within the Limits of this Act, in every Matter and Thing connected with the Premises, and in all Matters relative to regulating the Police, and preserving the Peace and good Order of the City and Places adjacent; and that it shall be competent to the Superintendant, Constables, Officers of Police, Watchmen, and other Persons acting under the Authority of this Act, to bring all Persons charged with Offences before the Magistrates of the City, or any one of them, or the Sheriff Depute of the County, or his Substitutes, to be examined by them or him; and if there shall appear to be Ground for believing that any of the said Persons have been guilty of the Offences with which they are charged, it shall be competent to proceed against them in the same summary Form and Manner as is prescribed by this Act, with respect to the other Matters herein-before contained, and in so far as may be consistent with the aforesaid Regulations.

Alteration of Day for electing Committee for managing Bridewell.

Power to shorten Time of Confinement.

LXXIX. And whereas Inconveniencies are found to arise from the Act of the Thirty-first of His present Majesty, intituled *An Act for building and maintaining a Bridewell and Correction House in and for the City and County of* Edinburgh, in so far as a Committee, with full Powers of Management, is appointed to be chosen upon the First Monday of *July* yearly; be it therefore enacted, That the Election of the said Committee, with the whole Powers conferred by the said Act, shall hereafter take place upon the First *Monday* of *November* yearly; and it is declared to be lawful and competent for the Annual Committee, or any Two Members thereof, to shorten the Period of Confinement for which Persons may be committed to Bridewell, upon being satisfied of their good Behaviour during their Confinement, and that they show Marks of Penitence and Amendment.

Unfortunate Females may be received into Bridewell.

LXXX. And whereas it is expedient that certain unfortunate Females, labouring under Disease, should have an Opportunity of being kept secluded from Intercourse with Society, and a Chance afforded them of returning

returning to more virtuous Habits; be it therefore enacted, That the Commiſſioners of Bridewell ſhall be, and they are hereby authorized, if they ſhall think proper, to fit up ſome Apartments in Bridewell, for the Reception of ſuch Females as it may be expedient to keep in a retired Manner, although not committed by Order of a Judge or Magiſtrate, but who may be received upon Application of the Party, with Conſent of the Commiſſioners or their Committee of Management: Provided always, that the whole Expences thereby incurred ſhall be defrayed by Subſcription or otherwiſe, and be no Burden on the Funds appointed for the Support of the Bridewell, or the Funds to be raiſed by virtue of this Act.

Bridewell Aſſeſſment for alimenting and clothing Priſoners committed under this Act ſuſpended.

LXXXI. And be it enacted, That from and after the Commencement of this Act, the Rules laid down by the ſaid Act of the Thirty-firſt of His preſent Majeſty, for building and maintaining a Bridewell and Correction Houſe in and for the City and County of *Edinburgh*, and for raiſing certain Aſſeſſments for defraying the Expence of clothing and alimenting Perſons committed thereto, ſhall, during the Continuance of this Act be ſuſpended and ceaſe to have Effect, in ſo far as concerns Perſons committed to Bridewell by virtue of the Powers herein contained, ſaving and reſerving the foreſaid Act of the Thirty-firſt Year of His preſent Majeſty's Reign in all other Reſpects.

General Power to eſtabliſh further Regulations and make Bye-Laws.

LXXXII. And be it enacted, That the ſaid General Commiſſioners hereby appointed for carrying this Act into Execution ſhall and they are hereby authoriſed to make ſuch further Regulations, and ſuch Orders, Rules, and Bye Laws, as may be neceſſary for the more effectually carrying this Act into Execution in regard to lighting and cleanſing, as well as to Nuiſances and Annoyances on the publick Streets, and particularly with regard to the calling of Auctions or Sales at Shop Doors or on the public Streets, ſuch Regulations, Orders, and Bye Laws being always conſiſtent with the Regulations herein made, and the Laws of *Scotland*; and alſo, from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter ſuch Regulations, Orders, Rules, and Bye Laws, or any of them, and to enforce the ſame by Penalties, not exceeding in any Caſe the Sum of Twenty Shillings Sterling, to be recovered in Manner hereby directed: Provided always, that ſuch Rules, Regulations, and Bye Laws, before being put in force, ſhall be publiſhed, Once at leaſt, in each of the Newſpapers termed *The Edinburgh Evening Courant*, *Caledonian Mercury*, and *Edinburgh Adverti ſer*, or ſuch of them as ſhall be publiſhed at the Time.

Police Courts.

LXXXIII. And be it enacted, That all Offences, Matters, and Things falling under this Act, ſhall be judged of by the Magiſtrates of *Edinburgh*, or any One of them, in ſo far as concerns Offences committed or Matters ariſing within the City of *Edinburgh* or Liberties of the ſame, or by His Majeſty's Sheriff Depute of the County of *Edinburgh*, or his Subſtitutes, as to all ſuch Offences committed within any Part of the Limits ſpecified in this Act.

Police Office.

LXXXIV. And for the Convenience of the Public be it further enacted, That there ſhall be an Office or Offices of Police, in ſuch Situation or Situations as ſhall be fixed by the ſaid Lord Provoſt and Magiſtrates and Sheriff Depute of the County, where the Superintendant, a Clerk, or ſome other confidential Officer, ſhall be in Attendance every lawful Day at ſuch Hours

as

as the ſaid Lord Provoſt, Magiſtrates, and Sheriff ſhall appoint, in order to receive Communications or Complaints, written or verbal.

Old Bailies of Edinburgh to be empowered to act.

LXXXV. And in order as much as poſſible to abridge the additional Duty that will be impoſed upon the Magiſtrates of the ſaid City, be it enacted, That the Lord Provoſt of the City of *Edinburgh*, being Sheriff Principal within the County of the ſaid City, be empowered, and he is hereby authorized and required to grant to each of the Four Old Bailies of the ſaid City for the Time, and to all and every ſuch Perſon as ſhall from Time to Time hold, exerciſe, and enjoy the Office of Councillor in the ſaid Burgh, by the Name and Character of One of the Four Old Bailies of the ſame, Commiſſions as Sheriffs Depute, to the Effect of enabling the ſaid Four Old Bailies, or any one of them, and they are hereby authorized and required to act in all and every Matter and Thing relating to the Execution of this Act, with the ſame Powers, Juriſdictions and Privileges, as the Magiſtrates of the ſaid City have and enjoy in that reſpect; and which Commiſſions, ſo to be granted, ſhall continue in force ſo long only as the Individuals holding the ſame ſhall enjoy the Office of Old Bailie by the Set and Conſtitution of the Burgh, and no longer.

Summary Form of Proceedings to be eſtabliſhed.

LXXXVI. And whereas it is highly expedient, that in Caſes ariſing under this Act, the Proceedings ſhould be attended with as little Expence or Delay as poſſible, be it enacted, That the ſaid Sheriff Depute of the County, and the Lord Provoſt and Magiſtrates of the City, with the Advice and Approbation of the Lord Preſident of the Court of Seſſion, and the Lord Juſtice Clerk for the Time being, are hereby authorized and required to adapt the Forms of the ſaid Court of Police accordingly, ſo as to diſpatch the Buſineſs under this Act in the eaſieſt and moſt expeditious Manner, without written Pleadings; provided always, that a Record ſhall be preſerved of the Charge, and of the Judgment pronounced; and ſuch ſummary Form of Proceeding, ſo to be eſtabliſhed, ſhall not take place where the Penalty concluded for ſhall exceed Ten Pounds, or where the Damages concluded for ſhall exceed Three Pounds, or where the Impriſonment, either in the Tolbooth or in Bridewell, ſhall exceed Sixty Days; and in every Caſe where ſuch ſummary Form of Proceeding may take place, Expences may be awarded over and above the Penalty or Damages.

Fines and Damages to whom to be paid.

LXXXVII. And be it enacted, That all Penalties and Fines ſhall be paid to the Collector or Collectors appointed by the General Commiſſioners, or to any Perſon authorized by him or them to receive the ſame, to be diſpoſed of as herein-after mentioned, and the Damages ſhall be paid to the Perſon or Perſons by whom the Loſs has been ſuſtained; and in caſe the Perſon charged with any Offence or Offences ſhall be acquitted, it ſhall and may be lawful to the Judge, if he ſee Cauſe, to ſubject the Private Party who has made the Complaint in the Expences incurred by the Party acquitted.

Coſts of Suit may be decreed for.

LXXXVIII. And be it enacted, That in all Caſes where the ſaid Magiſtrates or Sheriffs Depute or Subſtitute are empowered to decern 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, it ſhall be lawful or them and in their Power alſo to decern for the Coſts of Suit, over and above ſuch Expences, Sums of Money, Penalties, and Damages.

LXXXIX. And be it further enacted, That no Appeal shall lie to the Sheriff Depute of the County, from Sentences pronounced by his Substitutes, nor to the Lord Provost, as Sheriff Principal, from Sentences pronounced by the said Magistrates; or Old Magistrates, as additional Sheriffs Depute within the City and Liberties; and that no stay of Execution of the Sentences pronounced, in so far as concerns Penalties, Damages, or Expences, shall be competent to the Effect of preventing immediate Payment or Consignation in the Hands of the Clerk of Court, of the Sums awarded under any of those Heads; and the Person or Persons against whom such Sentences shall be pronounced, (or who may be found liable in such Expences), if in Custody at the Time, shall be so kept; and if not in Custody at the Time, shall immediately be taken into Custody, and so kept till the Money be paid or consigned; and if the same is not so paid or consigned within Twenty-four Hours from the Date of such Sentence, in so far as concerns Damages and Expences, and immediately in so far as concerns Fines and Penalties, he, she, or they shall be committed to the Tolbooth of *Edinburgh*, till liberated in due course of Law, in so far as concerns Damages and Expences, and till liberated in Manner after mentioned in so far as concerns Fines and Penalties; and in all Cases, a Copy of the Charge and Sentence, certified by the Clerk, shall be deemed a sufficient Warrant of Commitment; reserving nevertheless to any Person or Persons having so paid or consigned such Penalty, Damages, or Expences, if he, she, or they, shall consider himself, herself, or themselves aggrieved, to seek Redress by Suspension in common Form; and it shall and may be lawful to the Judge against whose Decree any such Suspension shall be offered, to authorise the Expence of appearing in and defending the Action to follow thereon, to be defrayed out of the Assessments herein-before authorized to be levied.

No Appeal to the Sheriff from Sentences of his Substitutes, nor to Lord Provost from Sentences of the Magistrates.

Appeal.

XC. And be it further enacted, That in the Courts to be held under Authority of this Act the Superintendant of Police shall usually attend as Procurator Fiscal of Court to bring Actions; and Judgment shall pass at his Instance for Performance of all and each of the Obligations, and for levying and recovering all and each of the Penalties, or enforcing the Punishments by this Act authorized.

Superintendant to be Fiscal.

XCI. And be it enacted, That where the Judge acting in the said Police Courts shall think the Case deserving of a higher Punishment or Fine than is authorized by this Act, he shall and may commit such Offender to the Tolbooth of *Edinburgh* for Examination, or till liberated in due Course of Law; and the Superintendant shall give Notice of such Commitment to the Procurator-Fiscal, in order that such Person may be farther proceeded against conformably to Law; and in case it shall appear that the Loss sustained by the private Party exceeds the Sum hereby authorized to be given in Name of Damages, the Judge acting in the Police Court shall and may give Judgment for Damages to the Amount hereby authorized; and shall insert in the Sentence a Reservation of such farther Claim as may be competent to be insisted in before any Judge to whose Jurisdiction the Offender is amenable; such farther Claim to be insisted in at the Expence of the private Party, and to whom it shall be competent to insist in such farther Claim whether the Sentence contains such Reservation or not.

Where a higher Degree of Punishment is merited.

Penalties how recovered.

XCII. And be it further enacted, That in caſe any pecuniary Penalty or Forfeiture decerned for by virtue of this Act ſhall not be immediately paid or conſigned in Manner above mentioned, it ſhall and may be lawful to decree the Perſon or Perſons found liable in the ſame to be impriſoned in the Tolbooth of *Edinburgh*, till liberated in Manner after mentioned.

Commutation of Penalties.

XCIII. And whereas, in the Event of any Perſon or Perſons being ſo impriſoned, it is expedient that ſuch Impriſonment, if continued for a ſuitable Length of Time, ſhould be held as commuting the pecuniary Penalty or Forfeiture ſo decerned for, be it therefore enacted, That it ſhall and may be lawful to the Judge by whom ſuch Decree may be pronounced, to ſpecify, in the Sentence awarding ſuch Penalty or Forfeiture, ſuch Length of Impriſonment as in the Circumſtances of the Caſe ſhall appear to him to be commenſurate with the Amount of the Forfeiture or Penalty ſo inflicted; Provided always, that ſuch Impriſonment ſhall in no Caſe exceed the Term of Sixty Days; and if the Sentence ſo pronounced does not ſpecify any Period of Impriſonment, it ſhall be lawful for the Perſon or Perſons, when ſo committed to Priſon, to apply for ſuch Specification; and the Judge upon being ſo applied to, is hereby required to pronounce Sentence accordingly; and it is hereby declared, that ſuch Perſon or Perſons, on the Expiration of the Term of Impriſonment ſo ſpecified, ſhall be free from the Payment of any ſuch pecuniary Penalty or Forfeiture, as well as all Charges attending the ſame: Provided always, that if ſuch Perſon or Perſons ſhall, at any Time after being ſo committed, and before the Expiration of the Term ſo ſpecified, make Payment of ſuch pecuniary Penalty or Forfeiture, with the Charges attending the ſame, he, ſhe, or they ſhall thereupon be inſtantly liberated from ſuch Confinement.

Application of Penalties.

XCIV. And be it enacted, That the whole of the pecuniary Penalties and Forfeitures enacted by this Act ſhall be applied in Payment of the Expences incurred in alimenting Priſoners detained in cuſtody in the Watch Houſes, or committed to the Tolbooth, and in clothing and alimenting the Priſoners committed to Bridewell in virtue of this Act; Provided always, that if ſuch Penalties and Forfeitures ſhall not be ſufficient for thoſe Purpoſes, whatever further Sum may be requiſite ſhall be made good from the general Fund herein-before authorized to be levied for the Purpoſes of this Act; and if ſuch Penalties and Forfeitures ſhall be more than ſufficient for theſe Purpoſes, the Surplus ſhall form Part of the General Fund, at the Diſpoſal of the General Commiſſioners, for the Purpoſes of this Act.

Limitation of Actions.

XCV. And be it enacted, That the Forfeitures and Penalties which may be impoſed in virtue of this Act, in caſe Actions for the Recovery of them be not commenced within the Space of Three Calendar Months from the Time the Facts by which they are incurred have been committed, ſhall ceaſe to be of any Effect; and the Perſon or Perſons who ſhall have ſo offended ſhall not be liable to be proſecuted for ſuch Penalties or Forfeitures.

Farther Limitation of Actions

XCVI. And be it enacted, That no Action ſhall be commenced againſt the ſaid Commiſſioners or any other Perſon or Perſons for any Thing done

 in

in the Execution of this Act in any Caſe, unleſs wilful Corruption or Oppreſſion be charged, nor in any Event ſhall ſuch Action be competent after Three Calendar Months from the Time the Fact is committed; 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 the ſaid Defender or Defenders.

Saving Clauſe.

XCVII. Saving and reſerving to the Lord Provoſt, Magiſtrates, and Town Council of the City of *Edinburgh*, as well as His Majeſty's Sheriff Depute, and the Juſtices of the Peace of the County of *Edinburgh*, the Magiſtrates of *Canongate*, and Eaſter and Weſter *Portſburgh*, the Baillie of the Abbey of *Holyroodhouſe*, and all other Magiſtrates, all and every Juriſdiction of whatever Kind or Nature, Civil as well as Criminal, which they have had, or are any ways entitled to uſe and exerciſe, in the ſame way and manner as if this Act had never been paſſed; declaring always, that in caſe any Perſon or Perſons ſhall be brought from the Limits of the Sanctuary of *Holyroodhouſe*, as charged with Offences againſt this Act, or to give Evidence in any Matter relative to ſuch Offences, ſuch Perſon or Perſons ſhall be ſafely reconducted to ſaid Sanctuary, after ſatisfying the Purpoſes for which he, ſhe, or they ſhall have been brought therefrom without being liable to be arreſted or detained for Debt.

Expences of nightly Patrole and this Act.

XCVIII. And in order to defray the Expence of a Nightly Patrol, eſtabliſhed by the Lord Provoſt and Magiſtrates, and Council of the ſaid City, at the Requeſt and with the Approbation of the Community, for the Interim Protection of their Perſons and Property, in conſequence of recent Outrages committed within the ſaid City; and alſo, in order to defray the Charges and Expences of preparing, applying for, and obtaining this Act; and further, for defraying any Deficiency that may ariſe in the Aſſeſſment herein-before authorized, for the General Purpoſes of this Act; be it enacted, That the General Commiſſioners ſhall be, and they are hereby authorized and empowered to aſſeſs all and every Perſon herein-before authorized to be aſſeſſed, in any further Sum not exceeding One Penny in the Pound Sterling of the yearly Rent of the different Subjects particularly before ſpecified, to be aſcertained in Manner before directed, and recovered and made effectual, along with and in the ſame Manner as is provided with regard to the levying the Rates and Aſſeſſment herein-before authorized to be aſſeſſed and levied.

Public Act.

XCIX. 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 whomſoever, are hereby required to be aiding and aſſiſting in putting this Act into due and lawful Execution; and 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.

C. And

Continuance of this Act.

C. And be it enacted, That this Act shall continue in force for the Space of Ten Years from the passing thereof, and from thence to the End of the then next Session of Parliament.

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