ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xxxiii.

An Act for altering and amending an Act of the Fifty-second Year of His present Majesty, for regulating the Police of the City of *Edinburgh* and the adjoining Districts, and for other Purposes relating thereto. [16th *June* 1817.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His present Majesty, intituled, *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:* And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said Majesty, intituled, *An Act for amending an Act of the Fifty-second Year of His present Majesty, for regulating the Police of the City of* Edinburgh *and the adjoining Districts, and for other Purposes relating thereto,* which was to endure for One Year, and from thence to the End of the then next Session of Parliament: And whereas the Powers granted, and Regulations at present established, for the Regulation of the Police of the City of *Edinburgh,* have been found upon Trial to be in some respects defective, and it is expedient to grant further Powers, and to establish other Regulations in regard to the same: And whereas it is expedient that the Establishment of the Town Guard of the said City should be abolished, under certain Reservations; 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

52 G. 3. 172.

56 G. 3. 74.

Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act all and every the Rules and Regulations eſtabliſhed by the ſaid firſt recited Act, and by this Act, in regard to the apprehending and bringing to Puniſhment Perſons guilty of Crimes and Delinquencies, ſhall be applicable not only to the apprehending and bringing to Puniſhment Perſons guilty of the ſeveral Crimes, Delinquencies, and Offences therein ſpecified, but ſhall extend generally to the apprehending and bringing to Puniſhment Criminals, Delinquents, and public Offenders of all Deſcriptions, either for the Purpoſe of puniſhing them under the Powers granted by the ſaid firſt recited Act, or by this Act, or of remitting them to a higher criminal Tribunal, according to the Nature of the Offences with which they may be ſeverally charged.

Criminals of all Deſcriptions may be apprehended, &c.

II. And be it enacted, That upon the Impriſonment of any Offender or Offenders in the Tolbooth or Bridewell of the City and County of *Edinburgh*, by Sentence or Sentences of the Sheriff Depute of the County of *Edinburgh*, or his Subſtitutes, or of the Baillies or old Baillies of the City of *Edinburgh*, in virtue of the Powers granted by the ſaid firſt recited Act or this Act, ſuch Offender or Offenders ſhall be ſubject to ſuch Regulations in reſpect of Labour and Maintenance, as are at preſent or ſhall in future be directed, under the Authority of an Act made in the Thirty-firſt Year of the Reign 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, unleſs the Sentence ſhall contain ſome ſpecial Order relative to the Labour or Maintenance of ſuch Offender or Offenders; and it ſhall be further competent to the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, or any One of them, as aforeſaid, at their or his Diſcretion, in lieu and Place of ſuch Puniſhment as aforeſaid, to ordain ſuch Offender or Offenders to find Caution for good Behaviour, or for keeping the Peace, for any Period not exceeding Twelve Calendar Months, and under a Penalty not exceeding Ten Pounds.

Regulations for Commitments to Bridewell, &c.

III. And be it enacted, That when any Offender or Offenders ſhall have ſuffered Impriſonment by ſuch Sentence or Sentences as aforeſaid, to the full Extent of Sixty Days, as permitted by the ſaid firſt recited Act or this Act, and ſhall be afterwards found guilty of any Offence under the ſaid firſt recited Act or this Act, and further that ſuch Offender or Offenders has or have no fixed Reſidence within the aforeſaid Limits of Police, nor any viſible Means of Subſiſtence, the Proof as to both which ſhall reſt with the ſaid Offender or Offenders, it ſhall, in ſuch Circumſtances, (but not otherwiſe,) be lawful to the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, or any One of them, as aforeſaid, to baniſh the ſaid Offender or Offenders from the ſaid Limits of Police for a Space not exceeding Six Months; under Certification, that if he, ſhe, or they ſhall return within the ſaid Limits previous to the Expiration of the ſaid Term of Baniſhment, he, ſhe, or they ſhall again be committed to the ſaid Tolbooth or Bridewell, for a Space not exceeding Sixty Days, and under the further Certification, that he, ſhe, or they ſhall be thereafter again baniſhed, after having ſuffered

Power of Baniſhment in certain Caſes.

this Impriſonment, from the ſaid Limits of Police, till the original Term of Baniſhment is fully expired, if any Part of it be not elapſed.

Magiſtrates may impoſe pecuniary Fines.

IV. And be it enacted, That it ſhall be lawful to the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, or any One of them, as aforeſaid, to impoſe pecuniary Fines upon any Offender or Offenders for the Commiſſion of Offences puniſhable under the ſaid recited Act or this Act, and that in lieu and Place of any other Puniſhment; ſuch Fines not exceeding Ten Pounds for each Offence; and it ſhall alſo be competent to award Damages to an injured Party againſt any Offender or Offenders to an Amount not exceeding Five Pounds.

Summary Forms of Proceeding in ſuch Caſes.

V. And be it enacted, That the ſame ſummary Forms of Proceeding which are authorized by the ſaid firſt recited Act, ſhall apply to all the Complaints brought before the Police-Court, whether concluding for Baniſhment, Impriſonment, Puniſhment, Fine, or Damages, as aforeſaid.

For recovering on forfeited Bonds of Caution.

VI. And be it enacted, That where any Offender or Offenders ſhall have found Caution for good Behaviour, or for keeping the Peace, as aforeſaid, and ſhall commit a new Offence or new Offences, inferring Forfeiture of the ſaid Caution, it ſhall be competent to order the Cautioner or Cautioners to be cited to make Payment of the Sum or Sums contained in the Bond or Bonds of Caution, within the Space of Twenty-four Hours; and in Default of inſtant Payment, after the Lapſe of the ſaid Space, to declare the Sum or Sums in ſuch Bond or Bonds of Caution to be forfeited, which ſhall thereupon be recoverable at the Inſtance of the Superintendant of Police, by a Precept to be iſſued by any of the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, upon *Induciæ* of Ten Days; and upon Failure of Payment, it ſhall be competent to grant Warrant for the Poinding and Sale of the Defaulter's Goods and Effects for the Sum or Sums ſo forfeited as aforeſaid, and the Expence of ſuch Poinding and Sale; and upon Certificate of the Poinding Officer, of there not being a Sufficiency of ſuch Goods and Effects, the Cautioner or Cautioners may be impriſoned by Warrant of any of the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively in the Tolbooth of *Edinburgh* for a Space not exceeding Thirty Days, and after the ſaid Impriſonment no further Procedure againſt the Cautioner or Cautioners ſhall be competent on the Bond.

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

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

Priſoners may be remanded to find Caution, &c.

VIII. And be it enacted, That where the Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, ſhall find it neceſſary to remand any

any Priſoner or Priſoners for affording Time to find Caution, in Manner before expreſſed, or for further Examination, it ſhall be lawful to detain ſuch Priſoner or Priſoners in the Police-Office, until ſuch Caution ſhall be found, or until ſuch further Examination ſhall take place; ſuch further Examination always taking place as ſoon as Circumſtances will permit, and without any unneceſſary Delay.

Superintendant in certain Caſes may accept Bail.

IX. And be it enacted, That upon the Apprehenſion of any Perſon or Perſons by the Officers of Police, under Circumſtances evidently entitling him, her, or them to be liberated upon Bail, it ſhall be lawful to the Superintendant of Police, or the ſuperior Officer of Police upon Duty at the Time, and he is hereby empowered, in the Abſence of a Magiſtrate of Police, to accept of ſuch Bail, and to liberate the Perſon or Perſons ſo apprehended under ſuch Circumſtances, upon Bail being ſo found to an Extent not exceeding Ten Pounds, it being expreſsly declared that the Refuſal on the Part of the ſaid Superintendant or other ſuperior Officer to accept of ſuch Bail, and his in conſequence detaining the Perſon ſo apprehended until recourſe can be had to a Magiſtrate in the uſual Form, ſhall not ſubject the ſaid Superintendant or other ſuperior Officer to any Claim of Damages whatſoever.

Scavengers to be appointed and diſmiſſed by Superintendant.

X. And be it enacted, That from and after the paſſing of this Act the Superintendant of Police ſhall have the ſole Power of Appointment, as well as the Power of Diſmiſſal of all Scavengers within the aforeſaid Limits of Police.

Regulation as to Election of reſident Commiſſioners.

XI. And be it enacted, That where any Perſon ſhall occupy a Shop or Warehouſe at a Rent of Fifty Pounds or upwards, in a ſeparate Ward from that in which his Place of Reſidence is ſituated, ſuch Perſon ſhall be entitled, if he ſhall ſee fit, to make choice of voting in the Election of reſident Commiſſioners in Terms of the ſaid firſt recited Act, and be himſelf in ſuch Caſe eligible to Office of reſident Commiſſioner, as Occupier of a Shop or Warehouſe within the Ward where the ſame may be ſituated, inſtead of voting or being eligible for the Ward within which his Dwelling-Houſe is ſituated, any Thing in the ſaid firſt recited Act to the contrary notwithſtanding.

Additional Official Commiſſioners.

XII. And be it enacted, That beſides the Official General Commiſſioners named in the ſaid firſt recited Act, the following Perſons ſhall alſo be Official General Commiſſioners for carrying into Execution the Purpoſes of the ſaid Act and this Act; *videlicet*, the Second, Third, and Fourth Baillies, the Treaſurer, and the Deacon Convener of the Trades of the City of *Edinburgh*, the Dean of the Faculty of Advocates, or ſuch Member of the Faculty as they may chuſe for that Purpoſe at their Annual Meeting, the Deputy Keeper of His Majeſty's Signet, the Maſter of the Company of Merchants, the Præſes of the Society of Solicitors before the Supreme Courts in *Scotland*, and the Convener of the Southern Diſtricts, all for the Time being.

Meetings of General Commiſſioners.

XIII. And be it enacted, That the Quarterly Meetings of the General Commiſſioners ſhall be held within the Office of Police at Two of the Clock Afternoon on the Days ſpecified in the Act firſt before recited, or any other convenient Place and Hour to be appointed by the ſaid Commiſſioners;

ſioners; and the ſame may be adjourned to ſuch future Day and Hour as a Majority of the ſaid Commiſſioners preſent ſhall appoint.

Proceedings of General Commiſſioners to be entered in Books; which, and their Accounts, &c. ſhall be open for Inſpection.

XIV. And be it enacted, That Entries ſhall be made in a Book or Books to be provided for that Purpoſe, of all the Acts, Orders, and Proceedings of the ſaid General Commiſſioners, and of the Names of the ſaid Commiſſioners who ſhall be preſent at their reſpective Meetings; and the Preſes of ſuch reſpective Meetings ſhall ſubſcribe his Name at the End of the Entries of the Proceedings of ſuch reſpective Meetings; and all ſuch Entries being ſo ſigned, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Caſes, Suits, and Actions, touching any Thing done in Purſuance of the ſaid firſt recited Act or this Act; and ſuch Book or Books, and the Annual Accounts of Receipt and Expenditure of the ſaid General Commiſſioners, with the whole Documents or Vouchers of Charge and Diſcharge, ſhall, at all reaſonable Times, be open to the Inſpection of all Perſons rated or aſſeſſed for the Purpoſes of the ſaid firſt recited Act or this Act.

Account of Aſſeſſment to be made up under Three Branches, of Watching, Lighting, and Cleanſing.

XV. And be it enacted, That at the Meeting of the General Commiſſioners held for the Purpoſes of aſcertaining and impoſing the Annual Aſſeſſment as directed by the ſaid firſt recited Act, the ſaid General Commiſſioners ſhall aſcertain the Sum neceſſary for defraying the Expences of the Three Branches of *Watching*, *Lighting*, and *Cleanſing* ſeparately, and ſhall fix the Rate of the Aſſeſſment to be levied for each of the ſaid Three Branches alſo ſeparately; and where there ſhall appear to be Articles of Expenditure applicable generally to all theſe Branches, the ſaid Meeting ſhall apportion the Expence of ſuch Articles on the ſaid Branches reſpectively, as to ſuch Meeting ſhall ſeem juſt; and the Commiſſioners of Police ſhall cauſe the Receipts to be granted for the Aſſeſſment, diſtinctly to ſhew how much ſhall be thus levied on account of each of the ſaid Branches; provided always, that in the Application of the Sums ſo to be levied, if any Deficiency be found to exiſt in One of the ſaid Branches, it may be ſupplied from the Exceſs ariſing on any of the others, the preciſe Extent and Cauſe of ſuch Application of the Aſſeſſment being always made duly to appear in the Annual State of Expenditure appointed to be laid before the Public Bodies in Terms of the ſaid firſt recited Act; and provided alſo that the total Aſſeſſment ſhall in no Caſe exceed the Rate ſpecified in the ſaid firſt recited Act.

Aſſeſſments, how to be impoſed, &c.

XVI. And be it enacted, That the Aſſeſſment for the Purpoſes of Police in the ſaid firſt recited Act ſpecified ſhall continue to be aſſeſſed and levied as by the ſaid Act directed, according to the real Rents of the Subjects over which it extends; but it ſhall not be lawful in future to impoſe the ſaid Annual Aſſeſſment without the Conſent of Two-thirds in Number at leaſt of the ſaid General Commiſſioners; but in the Event of a ſufficient Number of Commiſſioners not attending on the Day fixed by the ſaid firſt recited Act for impoſing the ſaid Aſſeſſment, the Meeting ſhall adjourn to another Day, to be fixed and advertiſed for the Purpoſe, at which Meeting the ſaid Aſſeſſment ſhall be aſcertained; provided that Four-fifths in Number of thoſe preſent ſhall concur in aſcertaining the ſame; and in the Event of ſuch Concurrence not being obtained, the Meeting ſhall be again adjourned, and another Day of Meeting ſhall be fixed and advertiſed, at which the ſame Rule ſhall be obſerved, and ſuch Adjourn-

ments ſhall continue to be made, and new Meetings held, until Four-fifths of the Commiſſioners preſent ſhall concur in the Aſſeſſment; and it ſhall be competent to the ſaid General Commiſſioners to aſcertain the Amount as directed by the ſaid firſt recited Act, or by an actual Survey under their Direction; and all and every the Surveyors and Aſſeſſors appointed or to be appointed to make Surveys or Aſſeſſments for the Purpoſe of collecting any of the public Taxes payable to His Majeſty or his Succeſſors, from which the real Rent of the ſame Premiſes may be aſcertained, ſhall be and are hereby authorized and required to give Inſpection of the Surveys or Aſſeſſments in their Poſſeſſion from Time to Time, upon being thereto required by or on the Part of the ſaid Commiſſioners, to any Perſon or Perſons authorized by them for that Purpoſe.

Regulating Aſſeſſment on temporary Occupations.

XVII. And be it enacted, That all Proprietors, Leſſees, and others, who ſhall let for Rent or Hire Premiſes within the Limits of the ſaid firſt recited Act, to travelling Merchants, Auctioneers, Hawkers, Pedlars, or others, for a Space leſs than One Year, ſhall themſelves, as well as the Occupiers aforeſaid, be reſponſible for the Police Aſſeſſments applicable to the ſaid temporary Occupations, agreeably to the Proviſions of the ſaid firſt recited Act and of this Act; and ſuch Aſſeſſments may be recovered from the ſaid Proprietors, Leſſees, and others, or from the ſaid Occupiers, as the ſaid General Commiſſioners ſhall judge expedient.

Houſes for public Charity, &c. exempted.

XVIII. And be it enacted, That in Addition to Exemptions from Aſſeſſment in the ſaid firſt recited Act, the ſaid General Commiſſioners ſhall not aſſeſs, nor ſhall any Aſſeſſment be levied upon any Houſes or Buildings erected, or to be erected, for the Purpoſes of public Charity; nor upon any Houſe or Premiſes occupied, or to be occupied, by the Truſtees of the Fund for the Widows of Miniſters of the Church and Profeſſors of the Univerſities of Scotland; nor upon any Places of public Worſhip; nor upon any public Buildings erected, or to be erected, for the Purpoſes of Science or Education.

Appeal to General Commiſſioners in caſe of Diſputes, &c.

XIX. And be it enacted, That in caſe any Queſtion or Diſpute ſhall ariſe relative to any Exemption claimed from the aforeſaid Aſſeſſments, or relative to the Amount thereof, or the Valuation of the Subjects hereby authorized to be aſſeſſed, the ſame ſhall be brought before the ſaid General Commiſſioners by Petition or Petitions of the Party or Parties making Complaint, ſtating ſhortly the Grounds of ſuch Queſtion or Diſpute; and the Determination of the ſaid General Commiſſioners upon ſuch Petition or Petitions ſhall be final and concluſive.

City Guard to be diſcontinued.

XX. And be it enacted, That from and after the Term of *Lammas* next, in the preſent Year One thouſand eight hundred and ſeventeen, the Town Company, commonly called the City Guard, ſhall be aboliſhed, and the Sum of Five hundred Pounds payable from the Police Aſſeſſment on account of the ſame, ſhall be no longer applicable to the Maintenance of the ſaid Town Company; but it ſhall hereafter be lawful to, and in the Power of the Lord Provoſt, Magiſtrates, and Council of the City of *Edinburgh*, according to their ancient Rights, to raiſe and maintain, out of the ordinary Funds of the Community of the ſaid City, ſuch Town Company, if they ſhall ſee fit.

XXI. And

Excise Licences to be forfeited in certain Cases.

XXI. And be it enacted, That it ſhall be in the Power of the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, to declare the Exciſe Licences of any Perſon or Perſons ſelling Ale, Beer, or Spirituous Liquors, to be forfeited, upon Complaints being eſtabliſhed againſt any ſuch Perſon or Perſons, of permitting riotous or diſorderly Conduct within the Premiſes of any ſuch Perſon or Perſons occupied by them for vending any ſuch Liquors.

For ſhortening Period of Commitment to Bridewell.

XXII. And be it enacted, That the Power to ſhorten the Period of Confinement for which Perſons may be committed to Bridewell, on Evidence of their good Behaviour during their Confinement, ſhall be alone competent to a Meeting of the Committee of Management of Bridewell, with the previous Conſent of the Magiſtrate or Magiſtrates who pronounced the Sentence or Sentences, any Thing in the ſaid firſt recited Act to the contrary contained notwithſtanding.

Superintendant may viſit Bridewell, the Gaols, &c.

XXIII. And be it enacted, That the Superintendant of Police ſhall be entitled at all Times to viſit and inſpect the Bridewell and the different Gaols of the ſaid City and County of *Edinburgh*, and any other Places where Criminals ſhall be confined, the reſpective Keepers of which are hereby enjoined to admit him when Acceſs is demanded; and the ſaid Superintendant of Police is hereby authorized and required to report from Time to Time to the Lord Provoſt and Magiſtrates of *Edinburgh*, to the Sheriff of the County, or to the Commiſſioners in relation to ſuch Gaols or Bridewells, under the Acts of Parliament relative to the ſame reſpectively, whatever may appear to him incorrect in the Conduct or Management thereof, or any Improvements that may occur to him as proper to be adopted therein.

Gas or other Lights may be uſed.

XXIV. And be it enacted, That it ſhall be lawful to the ſaid General Commiſſioners, if they ſhall ſee fit, to enter into Contracts, One or more, for lighting the whole or any Part of the Places, Ways, Streets, Lanes, Squares, and Paſſages over which their Powers extend, with the Lights known by the Name of Gas-Lights, or ſuch other Lights of an improved Kind as they may find expedient: Provided always, and not otherwiſe, that in the Contracts ſo to be entered into, the Expence of lighting with Gas, or ſuch other improved Lights, ſhall not exceed the Expence of lighting with Oil, on an Average of Five Years preceding.

Superintendant to make Intimations, &c. in caſe of the Pavement getting out of Repair.

XXV. And be it enacted, That where any Part of the Pavements, Streets, Roads, Foot-Paths, Pipes, Drains, or Common Sewers within the Limits of Police, where the Burden of repairing the ſame is not impoſed upon the Lord Provoſt and Magiſtrates of *Edinburgh*, or the Truſtees of the Middle Diſtrict of the County of *Edinburgh*, ſhall get into Diſrepair, it ſhall be lawful for the Superintendant of Police, and he is hereby required to give an Intimation in Writing to the Perſon or Perſons liable to repair the ſame, requiring him, her, or them to make ſuch Repair within a Time to be ſpecified in ſuch written Intimation; and failing of due Attention being given thereto, it ſhall be competent to the ſaid Sheriffs Depute or Subſtitute, or Baillies, or old Baillies reſpectively, or any one of them, within their reſpective Juriſdictions, if they or he ſhall ſee Cauſe, upon the Application of the ſaid Superintendant, which Application he is hereby required to make, not only to authorize ſuch Superintendant forthwith

forthwith to get ſuch Repairs made, but to find the Perſon or Perſons complained of liable in the Expences of the ſame, and in all Charges connected therewith, and to give Decree for ſuch Expences and Charges; and further to ſubject ſuch Perſon or Perſons in a Penalty for ſuch Neglect not exceeding Two Pounds; and where the Burden of making ſuch Repairs is impoſed upon the Lord Provoſt and Magiſtrates of *Edinburgh*, or the Truſtees of the Middle Diſtrict of the County of *Edinburgh*, who have both particular and ſeparate Surveyors appointed to attend to this Duty, the ſaid Superintendant of Police is hereby authorized and required from Time to Time, when any Parts of the ſaid Pavements, Streets, Roads, Footpaths, Pipes, Drains, or Common Sewers ſhall appear to him to need ſuch Repair, to make Repreſentations thereof to the ſaid Lord Provoſt and Magiſtrates, or to the ſaid Truſtees reſpectively.

Superintendant to make Complaint as to Nuiſances.

XXVI. And be it enacted, That it ſhall be lawful to the ſaid Superintendant of Police, and he is hereby authorized and required to inſiſt, for the public Intereſt, for the Removal of all Nuiſances within the Limits of Police, and for Remedy of any Act or Neglect whereby the Safety of the Lieges may be endangered, either by a Complaint in his Name, before the Court of Police, or before a higher legal Tribunal, ſhould this be conſidered neceſſary; but when ſuch Complaint ſhall be brought in the Court of Police to reſtrain in any Shape the Uſe of Property, the Perſon or Perſons complained of ſhall be, and are hereby authorized and empowered to apply for Redreſs to the Court of Seſſion in either Diviſion thereof, if ſo adviſed: Provided always, that the ſaid Superintendant ſhall not be entitled to make his Complaint to any other Court than to the Court of Police, unleſs he ſhall have the previous Sanction of a General Meeting of Commiſſioners to that Effect.

Regulations as to Gunpowder.

XXVII. And be it enacted and declared, That the Powers given to the ſaid General Commiſſioners by the ſaid firſt recited Act for making Regulations, Rules, Orders, and Bye-Laws, ſhall be extended to the making Regulations, Rules, Orders, and Bye-Laws in regard to Gunpowder, and the keeping, conveying, and ſelling the ſame, for the Safety of the Lieges within the Limits of Police; but nothing herein contained ſhall extend, or be conſtrued to extend, to Gunpowder belonging to His Majeſty, His Heirs and Succeſſors.

Coal-Carts not weighed may be ſeized, &c.

XXVIII. And be it enacted, That it ſhall be lawful for the ſaid Sheriffs Depute or Subſtitute, or Baillies or old Baillies reſpectively, or any Perſon or Perſons authorized by them or any of them, to ſeize all and every Cart, Waggon, or other Carriage found loaded with Coals for Sale within the Limits of Police, without having been weighed at one or other of the Steelyards eſtabliſhed in Terms of the ſaid firſt recited Act, and unleſs alſo the Driver of every ſuch Cart, Waggon, or other Carriage ſhall be in Poſſeſſion of a Certificate to this Effect from the Keeper of One or other of the ſaid Steelyards; and upon Conviction thereof, the whole Coals contained in ſuch Carts, Waggons, or other Carriages, ſhall be declared forfeited, and the ſame ſhall be ordered to be ſold.

Coals may be re-weighed, &c.

XXIX. And be it enacted, That it ſhall and may be lawful to the ſaid General Commiſſioners, and they are hereby authorized and empowered to

to provide, furniſh, and maintain ſuch Number of portable or moveable Machines for weighing Coals as they may conſider neceſſary, to be kept at convenient Places, in order that the Inhabitants may have Acceſs to them, for the Purpoſe of re-weighing their Coals, at their own Expence, if they ſhall be ſo inclined, and to employ proper Perſons to attend ſuch Machines, and eſtabliſh the Rates to be payable to them for ſuch re-weighing as aforeſaid; as alſo, that the ſaid Superintendant may cauſe Coals offered for Sale to be re-weighed, when he may think the ſame neceſſary, as a Check on the Conduct of Carters or others, ſuch re-weighing being always done free of Expence; but if, from ſuch re-weighing, made either at the Deſire of the private Party, or by Direction of the Superintendant, as aforeſaid, it ſhall appear that any Coals have been taken or embezzled from any Cart or other Carriage, after its paſſing the Steelyard where it was weighed, it ſhall be lawful to ſeize ſuch Cart or other Carriage with its Loading, and upon Complaint of the Offence made, and the ſame being eſtabliſhed, it ſhall be lawful to declare the Coals found in ſuch Cart or other Carriage to be forfeited, and to order the ſame to be ſold; and it ſhall be competent to puniſh the Drivers of the ſaid Carts or other Carriages, or any other Perſon or Perſons who ſhall be found to have been acceſſary to ſuch Abſtraction or Embezzlement, by a Fine not exceeding Two Pounds.

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

XXX. And be it enacted, That all Brokers or Dealers in ſecond-hand Goods, other than licenſed Pawnbrokers, reſident within the Limits of Police, ſhall be bound to regiſter their Names and Places of Reſidence at the Office of Police, where they ſhall obtain a Certificate under the Hand of any One of the ſaid Sheriffs Depute or Subſtitute, or Baillies, or old Baillies reſpectively, of ſuch Regiſtration; and all ſuch Brokers, and others failing to regiſter their Names and Places of Reſidence as aforeſaid, ſhall be liable in a Penalty not exceeding Twenty Shillings.

For Improvements of Piazzas and Receſſes.

XXXI. And whereas the Shops and Houſes fronting certain Parts of the Streets of the ſaid City and Suburbs are ſituated in Piazzas behind Pillars, or in Receſſes, whereby the ſaid Shops and Houſes are not only rendered dark and incommodious, but the ſaid Piazzas and Receſſes are often filled with Nuiſances, and may be Receptacles at Night for idle and diſorderly Perſons; be it therefore enacted, That it ſhall and may be lawful for the Sheriffs Depute or Subſtitute of the County of *Edinburgh*, and the Dean of Guild of the ſaid City, for the Time being, within their reſpective Juriſdictions, to authorize the Proprietors of Shops and Houſes ſo ſituated as aforeſaid, to bring forward the ſame to the Front of the ſaid Pillars, ſo as to include the Areas of the ſaid Piazzas and Receſſes in the ſaid Shops and Houſes; and to alter the Doors and Windows of the ſaid Shops and Houſes, in order to give Light and Entry to the ſame; but in effecting theſe Purpoſes no Encroachment ſhall in any Caſe be made upon the Streets, public Entrances, or Foot-Pavements.

Adjacent Shops, &c. not to be prejudiced.

XXXII. Provided always, and be it enacted, That the Alterations and Improvements aforeſaid ſhall be ſo made and conſtructed, as not to damage or prejudice the adjacent or neighbouring Shops and Houſes, or the Tenements or Stories erected above the Shops and Houſes ſo to be altered and improved; and that before any ſuch Alterations or Improvements are made, the Authority of the Sheriffs Depute or Subſtitute of

the ſaid County, or of the Dean of Guild Court of the ſaid City, within their reſpective Juriſdictions, ſhall be obtained for that Purpoſe; and if there ſhall be any Chance of Loſs or Damage from the Alterations or Improvements propoſed, the Proprietors of the adjacent or neighbouring Shops and Houſes, and ſuperior Tenements and Stories, ſhall be entitled, before the Alterations are begun, to demand and get ſufficient Security from the Proprietors of the Shops or Houſes which are to be altered or improved, for Indemnification againſt all Loſs or Damage which may be occaſioned by ſuch Operations.

Former Act to be continued where not altered.

XXXIII. And be it enacted, that the whole Powers, Authorities, Proviſions, Clauſes, Matters, and Things, of and in the ſaid firſt recited Act of the Fifty-ſecond Year of the Reign of His preſent Majeſty, ſhall continue in Force, in ſo far as not altered by this Act.

For recovery of Penalties.

XXXIV. And be it enacted, That all Penalties and Forfeitures by this Act granted, the Recovery whereof is not herein ſpecially provided for, ſhall and may be ſued for and recovered in ſuch Manner, and with ſuch Coſts and Expences as Penalties and Forfeitures may be ſued for and recovered under the Authority of the ſaid firſt recited Act; and that the ſame ſhall be applied in Manner directed by the ſaid Act.

Appeal.

XXXV. Provided always, That there ſhall be the like Powers of Appeal in regard to the Penalties and Forfeitures by this Act granted, as there are in regard to the Penalties and Forfeitures granted by the ſaid firſt recited Act.

Saving of the Privileges of College of Juſtice.

XXXVI. Provided always, and be it enacted, That nothing in the ſaid recited Acts of the Fifty-ſecond and Fifty-ſixth Years of the Reign of His preſent Majeſty, or in this Act contained, ſhall be, or be conſtrued or inferred to be a Waiver or Relinquiſhment of the Privileges of the College of Juſtice, further than for the Purpoſes of and during the Term granted by the ſaid recited Acts and this Act.

For defraying the Expences of the Act.

XXXVII. And be it enacted, That the Expences of preparing, applying for, and obtaining this Act, ſhall be defrayed from the Funds of the ſaid General Commiſſioners, which were by the ſaid firſt recited Act directed to be applied in Payment of the Expences of preparing, applying for, and obtaining the ſame; and in order to diſcharge ſuch Expences, the Aſſeſſment of One Penny in the Pound Sterling of the yearly Rent of all Houſes and Premiſes provided by and preſently levied under the ſaid firſt recited Act ſhall be continued to be aſſeſſed and made effectual, until the Expences of preparing, applying for, and obtaining this Act, ſhall be fully paid and ſatisfied, along with the other Expences and Contingencies to which the ſaid Aſſeſſment is declared to be ſubject.

Public Act.

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

XXXIX. And

XXXIX. And be it enacted, That this Act shall commence from and after the passing thereof, and shall continue in Force during the Term of the Endurance of the said first recited Act, and no longer. Commencement and Endurance.

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