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C A P. LVIII.

An Act to confirm a Provisional Order under the General Police and Improvement (*Scotland*) Act, 1862, relating to the City of *Edinburgh*.

[15th *July* 1867.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the General Police and Improvement (*Scotland*) Act, 1862 (25 & 26 *Vict.* Cap. 101.), duly made a Provisional Order, which is contained in the Schedule to this Act annexed; and it is provided by the recited Act that no such Order shall be of any Validity whatever until it has been confirmed by Parliament; and it is expedient that the said Order shall be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Order in Schedule confirmed.

1. The Provisional Order contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Short Title.

2. This Act may be cited for all Purposes as the "*Edinburgh* Provisional Order Confirmation Act, 1867;" and in citing any Section of the said Provisional Order it shall be sufficient to use the Words and Figures "*Edinburgh* Provisional Order," Section (specifying the Number of such Section).

SCHEDULE referred to in the foregoing Act.

EDINBURGH.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862.
(25 & 26 Vict. Cap. 101.)

WHEREAS, the Police of the Royal Burgh and City of Edinburgh is regulated by various Local Acts of Parliament, and specially by the Acts following; viz.,—(1) the Act 11 & 12 Victoria, c. 113, the Short Title of which is, "The "Edinburgh Police Act, 1848;" (2) the Act 17 & 18 Victoria, c. 118, the Short Title of which is, "The Edinburgh Police Amendment Act, 1854;" (3) the Act 19 & 20 Victoria, c. 32, the Short Title of which is, "The Edinburgh "Municipality Extension Act, 1856;" and (4) various Clauses of "The General "Police and Improvement (Scotland) Act, 1862," adopted by the Lord Provost, Magistrates, and Council of the said Royal Burgh and City in pursuance of the last-recited Act:

And whereas a Petition under the Provisions of the said General Police and Improvement (Scotland) Act has been addressed to me, as One of Her Majesty's Principal Secretaries of State, by the Lord Provost, Magistrates, and Council of the said Burgh and City, under their Corporate Seal, praying that after the Inquiry directed by the said Act a Provisional Order may be issued, altering various Provisions of the said last-mentioned Act, so as the better to meet the Requirements of the said Burgh and City, and making the same operative in the said Burgh and City; repealing certain Parts of the said recited Local Acts; and making Provision for regulating the future Application and Execution of the said Order and recited Acts, and of other Acts in force within the said Burgh and City, and for otherwise improving the sanitary Condition thereof:

And whereas it is expedient that various Provisions of the said General Police and Improvement (Scotland) Act should be altered so as the better to meet the Requirements of the said Burgh and City, and should be made operative therein:

And whereas it is farther expedient that certain Parts of the said recited Local Acts ought to be repealed, and that such Parts thereof should be specified and set forth, and that Provision should be made for regulating the future Application and Execution of the Provisions hereof, and of the said recited Acts, and of other Acts in force within the said Burgh and City, and for otherwise improving the sanitary Condition thereof:

And whereas an Inquiry has been directed and held in respect of the Matters mentioned in the said Petition:

Now, therefore, in pursuance of the Powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as One of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my Hand, direct that from and after any Act of Parliament confirming the same:—

ASSESSMENTS.

I.—*Assessments for Police Purposes.*

1. The Magistrates and Council shall annually, at a Meeting to be held on the Second Monday of August, or at a Meeting to be held for the special Purpose as soon thereafter as may be, estimate and fix the Sums of Money necessary to

Expenses to be estimated.

to be levied for the Year then current, under the several Heads of Watching, Lighting, Cleansing, Sanitary and other Purposes, including Officers Salaries, and other Expenses required for the Purposes of "The Edinburgh Police "Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The "Edinburgh Municipality Extension Act, 1856," the Act 23 & 24 Vic. Cap. 50, intituled "An Act to abolish the Annuity Tax in Edinburgh and "Montrose, and to make Provision in regard to the Stipends of the Ministers of "that City and Burgh, and also to make Provision for the Patronage of the "Church of North Leith [23d July 1860]," the Act 24 & 25 Vic. Cap. 27, intituled "An Act to declare the Limits within which increased Assessments "are authorized to be raised in the City of Edinburgh under the Provisions "of the Act 23 & 24 Vic. Cap. 50, [28th June 1861,]" and the Act of Parliament confirming this Provisional Order.

Magistrates and Council to make Police Assessment.

2. On or before the last Monday in September in each Year the Magistrates and Council (being summoned by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment) shall assess all Occupiers of Lands or Premises within the Burgh rented or valued at Five Pounds and upwards, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland, subject to the Exceptions herein-after provided, in the Sums necessary to be levied for the Purposes of the several Acts before referred to, and shall fix a Day on which the same shall be payable; and the Rate of Assessment and Day so fixed by the Magistrates and Council shall be published by Advertisement in any Newspaper circulating in the Burgh: Provided always, that such Assessment shall be imposed as from the Fifteenth Day of May in any One Year to the Fifteenth Day of May in the following Year, and shall be called the Police Assessment.

Differential Rates of Assessment on Rents under and above 10*l*.

3. Such Assessment shall not, exclusive of that Portion thereof authorized to be levied by the Act 23 & 24 Vic. Cap. 50, and the Act 24 & 25 Vic. Cap. 27, exceed in any Year a Rate equal to Tenpence in the Pound of the gross yearly Value of such Lands and Premises in so far as the same are rented or valued at Five Pounds and under Ten Pounds, and One Shilling and Threepence in the Pound of the gross yearly Value of such Lands or Premises in so far as the same are rented or valued at Ten Pounds and upwards: Provided also, that when Two or more Families or Persons live together as One Family, and when One Person occupies more than One Subject, the whole Police Assessment shall be made on the aggregate actual yearly Rent or Value of the Lands and Premises so occupied; and if any Person shall be in arrear of the Police Assessment, or any Portion thereof, on the First Day of March in any Year, One Penny upon each Pound of the Rental of the Lands or Premises in respect of which such Person is assessed, in addition to the Amount of the respective Assessments then due, shall be leviable from such Person by way of Penalty for Neglect or Failure in Payment, and the Magistrates and Council and their Collector are hereby authorized and required to levy and collect the same.

Provision as to Acts 23 & 24 Vict. c. 50. and 24 & 25 Vict. c. 27.

4. Wherever by the Act 23 & 24 Vic. Cap. 50, and the Act 24 & 25 Vic. Cap. 27, any Powers are conferred or Directions are given, having reference to the Provisions of "The Edinburgh Police Act, 1848," and "The Edinburgh "Municipality Extension Act, 1856," such Powers and Directions shall be construed as having reference to the Provisions of this Order, and the Act confirming the said Order, in the same Way and Manner as if the said Order and Act had been also specified in the said recited Acts, 23 & 24 Victoria, Cap. 50, and

and 24 & 25 Victoria, Cap. 27, along with the said "Edinburgh Police Act, 1848," and "The Edinburgh Municipality Extension Act, 1856."

Provision as to Edinburgh Water Company.

5. Whereas by their existing Acts of Parliament the Edinburgh Water Company are empowered to fix, ascertain, and levy annual Water Rates or Rents, payable in advance, at Whitsunday yearly, from,—first, all and every Person or Persons whatsoever having Water conveyed to their private Houses from the Reservoirs and Pipes belonging to the Company, provided that such Rates or Rents shall not exceed Tenpence per Pound on the real Rent of the said Houses and other Premises as they may be assessed for the Police Tax for the City of Edinburgh for the Year for and in respect of which the Water is to be supplied, or, if without the Bounds of Police, upon Four Fifths of the actual Rent or annual Value of the said Premises; and, second, by Shopkeepers and Warehouse Holders requiring an ordinary Supply of Water, having Water conveyed into their Shops or Warehouses from the Reservoirs or Pipes belonging to the Company, provided that such Rates or Rents shall not exceed One Pound Five Shillings per Centum on the real Rent of the said Shops or Warehouses, as they may be assessed for the Police Tax, which is in no Case to be calculated on a higher Rent than One hundred and twenty Pounds, and which Rates or Rents shall not be calculated on a Rent exceeding One hundred and twenty Pounds: And whereas the Police Assessment is at present leviable under the Provisions of "The Edinburgh Police Act, 1848," on Four Fifths of the actual yearly Rent or Value of the Subjects liable therefor: It is hereby provided, that nothing herein contained shall be held or construed in any Way to authorize the said Company, in virtue of any of their said Acts, to levy the said Water Rates or Rents on a larger Proportion than Four Fifths of the gross yearly Value of the Houses and other Premises, and of the Shops or Warehouses in respect of which such Water Rates or Rents may be levied within the City of Edinburgh: And it is further provided that, subject to the above Provision, nothing herein contained shall be held or construed to diminish, enlarge, or in any Way affect the Powers at present possessed by the Edinburgh Water Company in relation to the fixing, ascertaining, and levying the Water Rates or Rents exigible by them under the Provisions of any of their Acts.

Payment of Damages occasioned by Mobs.

6. Out of the Police Assessment it shall be lawful to the Magistrates and Council to defray, to such Extent as they think proper, such Claims for Damages sustained in consequence of any Riot or Tumult within the Burgh as may be established to their Satisfaction, or, if the Magistrates and Council think proper, they may at any Time impose and levy a special Assessment, to be called the "Mob Assessment," along with or in the same Way and Manner as the Police Assessment, on all Occupiers of Lands or Premises within the Burgh, according to the said Valuation Roll, for the Sums estimated by them to be necessary for the Purpose of paying such Damages; and such special Assessment being so imposed and levied, the Magistrates and Council shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

Certain Premises not to be assessed.

7. The Police Assessment and "Mob Assessment" and the "General Improvement Rate" herein-after authorized to be levied shall not be imposed in respect of any Building which is solely occupied for the Purposes of public Charity, nor any Place occupied exclusively for Public Worship, nor any Building occupied by Scientific or Literary Societies, which shall have been or may be exempted from Rates in Terms of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act to "exempt from County, Borough, Parochial, and other Local Rates Land and "Buildings occupied by Scientific or Literary Societies," nor the Royal Palace

6 & 7 Vict. c. 36.

of Holyrood, nor Houses or Buildings in the Castle of Edinburgh, nor Queensberry House, Canongate, when occupied as an Hospital or as a Barrack for Her Majesty's Troops, nor the Courts of Justice, General Register House, City Chambers, County Buildings, Prison of Edinburgh, nor the Public Markets, nor the University of Edinburgh and the Buildings connected therewith, except those Parts which are used as Dwelling Houses, nor the Free Church College and the Buildings connected therewith, except those Parts which are used as Dwelling Houses, nor the Buildings in Queen Street belonging to the United Presbyterian Church, except those Parts which are used as Dwelling Houses, nor the Museums of the Royal College of Physicians and Surgeons, as long as they respectively shall remain open gratuitously to Persons pursuing the Study or Practice of Medicine, nor the Veterinary College, nor the High School of Edinburgh, nor the Edinburgh Academy, nor any Sessional, Parochial, or Charity School, nor Dr. Bell's Schools, nor the Dwelling House or Schoolroom occupied by any Teacher, the actual annual Rent of which, if forming One Subject, or the aggregate actual annual Rent of which, if occupied separately, does not amount to Twenty Pounds.

Magistrates and Council may grant Relief from certain Assessments in case of Poverty.

8. The Magistrates and Council may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment and "Mob Assessment" or of the "General Improvement Rate," remit, in whole or in part, Payment of the said Assessments or Rate by such Person in such Manner as the Magistrates and Council shall in their Discretion think just and reasonable.

Occupiers to pay Police and Mob Assessments.

9. The Police Assessment and Mob Assessment herein authorized to be imposed may be levied from the Occupiers of Lands or Premises, but Deduction may be allowed by the Magistrates and Council of the said Assessments for any Period during which any Lands or Premises shall not be let or occupied for Three Months consecutively in any One Year, and Owners who shall let for Rent or Hire Lands or Premises for less than a Year shall themselves, as well as the Occupiers, be responsible for the said Assessments, and the same may be recovered from such Owners or from such Occupiers as the Magistrates and Council shall judge expedient; provided always, that the Occupier of any Lands or Premises let for a Period less than a Year, by whom the said Assessments shall be paid, shall be entitled to deduct from the Rent payable to the Person by whom the said Lands or Premises shall be so let the Amount of the said Assessments in excess of the Proportion thereof applicable to the Period of his Occupancy.

Arable Land, &c. how to be valued.

10. The annual Value of the following Lands or Premises shall, for the Assessments and Rates herein authorized, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Roll; viz.

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, and Buildings, which shall be assessable to the same Extent as other Lands and Premises within the Burgh:
2. All the underground Gas and Water Pipes or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Ground, or other Ground used for Agricultural Purposes:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands

Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the Magistrates and Council upon a short Induciæ, and after hearing Parties, and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right.

Assessment Roll to be made up.

11. The Magistrates and Council shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Lands or Premises in the Burgh liable to be assessed for the Assessments and Rates authorized to be levied under the Provisions hereof, and of the several Acts of Parliament following; viz.,—the Act 17th & 18th Victoria, Cap. 80, intituled "An Act to provide for the better Registration of "Births, Deaths, and Marriages in Scotland [7th August 1854];" the Act 17th & 18th Victoria, Cap. 91, intituled "An Act for the Valuation of Lands "and Heritages in Scotland [10th August 1854];" the Act 17th & 18th Victoria, Cap. 106, intituled "The Militia (Scotland) Act, 1854;" the Act 19th & 20th Victoria, Cap. 58, intituled "An Act to amend the Law for the "Registration of Persons entitled to vote in the Election of Members to serve in "Parliament for Burghs in Scotland [21st July 1856];" the Act 19th & 20th Victoria, Cap. 103, intituled "The Nuisance Removal (Scotland) Act, 1856;" the Act 23rd & 24th Victoria, Cap. 79, intituled "The Sheriff Court Houses "Act, 1860;" the Act 23rd & 24th Victoria, Cap. 105, intituled "The Prisons "(Scotland) Administration Act, 1860;" the Act 29th Victoria, Cap. 2, intituled "The Cattle Diseases Prevention Act, 1866," or any Amendments of the said Acts, or for any other Assessments or Rates leviable by the Magistrates and Council, and which they may direct, or which may be directed by any Act of Parliament, to be levied along with the Police Assessment, or with the Assessment for Prison Purposes, and according to which Roll or Book such Assessments or Rates, or any of them, are intended to be levied; and in such Roll or Book of Assessment there shall in no Case be entered any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and when such fractional Part shall not amount to Ten Shillings the Sum shall not be entered at all in such yearly Rent or Value; and when such fractional Part shall amount to or exceed Ten Shillings the Sum shall be entered as One Pound of such yearly Rent or Value, in addition to the actual Number of Pounds of such Rent or Value, and shall be assessed accordingly; and such Roll or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officers appointed by the Magistrates and Council for that Purpose; and the Magistrates and Council shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Assessments and Rates.

12. If any Person assessed under the Provisions hereof, or of any of the Acts before recited or referred to, shall refuse or neglect to pay any Assessment or Rate authorized to be levied hereby, or by any of the said Acts, or any other Assessment or Rate leviable by the Magistrates and Council, and which they may direct, or which may be directed by any Act of Parliament, to be levied along with the Police Assessment, or with the Assessment for Prison Purposes, or any Portion thereof, on or before the Expiry of Three Months after such Assessments or Rates are respectively declared payable, the Collector may make an Attestation, written or printed, or partly written and partly printed, setting forth that the said Person has failed to pay such Assessments or Rates, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a Notice delivered to or left for him on the Premises

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in respect of which such Assessments or Rates are made, or at his Dwelling House or Place of Business; and such Attestation being made it shall be lawful for the Collector to make Application to the Sheriff, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant for Recovery of the said Assessments or Rates, or the Portion thereof remaining unpaid, and also for Recovery of One Penny upon each Pound of the Rental of the Lands or Premises in respect of which such Person is assessed in addition, in Name of Penalty, if such Penalty shall have been incurred by Nonpayment of the Police Assessment, or any Portion thereof, previous to the First Day of March, as herein-before provided, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (A.) hereunto annexed; Provided always, that nothing herein contained shall prejudice the Right of the Collector at any Time after the said Assessments or Rates shall be payable, and that either before or after such Warrant shall have been obtained, to prosecute, as he is hereby empowered to prosecute for, and recover before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding, all or any Part of such Assessments or Rates in arrear, with the Addition, if such Prosecution or Proceeding for the Police Assessment, or any Portion thereof, shall not have been instituted previous to the First of March, of One Penny upon each Pound of the Rental of the Lands or Premises in respect of which the Person so in arrear is assessed in Name of Penalty: As also provided, that the levying and recovering, under and in virtue of the Provisions hereof, of any Assessments or Rates along with the Police Assessment, or with the Assessment for Prison Purposes, shall not prejudice any Right of Preference attaching to such Assessments or Rates in virtue of any Act or Acts of Parliament applicable thereto, but that such Right of Preference shall remain and receive Effect as if the said Assessments or Rates had been levied and recovered in Terms of the Act or Acts of Parliament applicable thereto respectively: And the Collector shall be bound to preserve the Warrants of all Seizures or Sales made under and in virtue hereof, and shall enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessments or Rates due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to the Sheriff of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Sheriff shall be final.

Misnomers, &c. not to affect Proceedings for Recovery of Assessments.

13. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments or Rates, or any other Assessment, Rate, Charge, or Expenses under the Provisions hereof, shall prejudice the Recovery thereof, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Magistrates and Council, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain any Action or Proceeding, against the Magistrates and Council, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, Charge, or Expense under the Provisions hereof, or

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of any of the Acts before recited or referred to, or to any Assessments or Rates leviable by the Magistrates and Council, and which they may direct, or which may be directed by any Act of Parliament, to be levied along with the Police Assessment, or with the Assessment for Prison Purposes, by reason of any Misnomer, Mistake, or Informality, if the Goods or other Effects seized or sold under such Warrant were bonâ fide the Property or in the lawful Possession of the Person actually liable in Payment thereof.

Assessments to be recoverable beyond Burgh.

14. In case any Person liable in Payment of the Assessments or Rates authorized to be levied under and in virtue of the Provisions hereof, or of any of the Acts before recited or referred to, or any other Assessments or Rates leviable by the Magistrates and Council, and which they may direct, or which may be directed by any Act of Parliament, to be levied along with the Police Assessment or with the Assessment for Prison Purposes, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Magistrates and Council, and their Collectors or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments or Rates in manner before mentioned into execution within or beyond the Burgh, in the same Manner as if such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

II.—*Assessments for Sewers, and General and Private Improvements.*

(1.) *Sewers.*

Where new Sewers are made Magistrates and Council may impose a Special Sewer Rate.

15. Whenever the Magistrates and Council have formed any Sewer within the Burgh under the Provisions of "The Edinburgh Police Act, 1848," "The "Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality "Extension Act, 1856," or have sanctioned the Formation otherwise of any Sewer for the Benefit of any particular District in the Burgh, or shall resolve to make or ventilate any new Sewer under the Provisions hereof, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same, or who would have been liable to contribute to the Rates for making the same had such Sewer been formed under the Provisions hereof, with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under the Provisions hereof, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Magistrates and Council may impose a General Sewer Rate distinct from other Rates.

16. The Magistrates and Council shall, if necessary, impose a Sewer Rate, to be called for the Purposes hereof the "General Sewer Rate," distinct from any other Rate which they are herein authorized to make, to be applied in maintaining, ventilating, and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the Provisions hereof, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Magistrates and Council may assess.

17. The Magistrates and Council may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Lands or Premises within the Burgh, or within separate and distinct Districts, and that in reference to the Valuation of such Lands or Premises as fixed by the Valuation Roll; and in every Case in which the Magistrates and Council shall see fit to make the said Assessments, or

either of them, on separate and distinct Districts, they shall cause every such District to be described and defined as herein-after provided.

Separate Accounts to be kept in relation to Rates to be levied on separate Districts.

18. The Magistrates and Council, in making the said Assessments for separate and distinct Districts, shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Magistrates and Council shall consider fair and equitable.

Where Premises were sufficiently drained before making new Sewer, Owner to have a Reduction in his Rates.

19. Where, in the Judgment of the Magistrates and Council, any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

(2.) *General Improvements.*

General Improvement Rate.

20. To enable the Magistrates and Council to make Provision for effecting Improvements in the Burgh, it shall be lawful for them to charge, in equal Proportions, all Owners and Occupiers of Lands or Premises within the Burgh, with reference to the said Valuation Roll, with a Special Assessment equal to but not exceeding One Penny in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under the Provisions hereof, and which Special Assessment shall, for the Purposes hereof, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises in equal Proportions, or in whole from the Occupiers thereof, but in the latter Case the Occupier shall be entitled on Payment thereof to deduct from his Rent the Proportion payable by the Owner: Provided always, that when the aggregate actual yearly Rent or Value of the Lands and Premises in respect of which any Occupier is entered in the said Valuation Roll is under Five Pounds, the Magistrates and Council may remit the whole or any Part of the "General Improvement Rate," so far as chargeable against such Occupier; and such Assessment shall be imposed and levied in the same Manner as, and along with, the Assessment for Prison Purposes, and shall be recoverable both from Owners and Occupiers in such and the like Manner as the Police Assessment is authorized to be recovered from the Occupiers.

(3.) *Private Improvements.*

Assessment for private Improvements.

21. Where by the Provisions hereof, or of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The Edinburgh Municipality "Extension Act, 1856," or any other Local or General Act in force within the Burgh from Time to Time, the Owner or Occupier, as the Case may be, of any Premises is directed or fails to do any Work, Matter, or Thing in relation to the same,

same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Magistrates and Council, or, where Expenses are incurred by the Magistrates and Council for or in respect of any Premises in order to carry out the Provisions hereof or any of the said Acts, the Magistrates and Council shall charge the Owner or Occupier of the Premises with the said Expenses, or Special Rates therefor, over and above any other Assessments or Rates to which such Owner or Occupier may be liable under the Provisions hereof, or of any of the said Acts, and such Expenses or Special Rates shall, for the Purposes hereof and of the said Acts, be called the "Private Improvement Assessment."

Certain Rates and Assessment to be Burdens on the Premises.

22. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with Interest thereon at the Rate of Five per Centum per Annum from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands or Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against bonâ fide singular Successors or heritable Creditors: Provided always, that nothing herein contained shall affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

Collector of Rates to grant Certificate.

23. The Collector shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand, in the Form of Schedule (E.) annexed, to "The General Police and Improvement (Scotland) Act, 1862," showing, with reference to any Premises, what Arrears of such Rates or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Premises as appearing in his Books, and also whether any and what Instalment of such Rates or Assessments are still chargeable in respect of such Premises: Provided always, that for each Certificate in respect of Premises separately entered or charged in the Assessment Books he shall be entitled to a Fee of One Shilling from the Person requiring the same; for which Fee, or for such Portion thereof as the Magistrates and Council may direct, the Collector shall be bound to account to the Magistrates and Council.

Rates and Assessments how to be imposed, and how Appeals to be entered and disposed of.

24. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Magistrates and Council may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Magistrates and Council shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Magistrates and Council; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Magistrates and Council as aforesaid, shall be sent by the Collector through the Post Office, or otherwise served upon such Party, at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Magistrates and Council sustaining or dismissing such Appeals in whole or in part shall be final, but the Magistrates and Council may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessments.

25. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Magistrates and Council shall cause to be made up a Roll or Book of Assessment, or separate Rolls or Books of Assessments, applicable thereto; and the same, or a Copy thereof, docqueted and signed by the Clerk and

and by the Lord Provost and Treasurer of the City, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments; and if the said Rates or Assessments shall not be paid when the same fall due, the Collector shall take legal Proceedings for Recovery of the same, together with Interest thereon, at the Rate of Five per Centum per Annum, from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is herein-before provided for Recovery of the Police Assessment; or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of Scotland.

Application of surplus Assessment.

26. If any Surplus of any Rate or Assessment under the Provisions hereof shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall, except as herein-after provided for, be applied towards the same Purpose in the Year following; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Magistrates and Council shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency either by taking the same into account in fixing the Rate of Assessment for the like Purpose in the following Year or Years, or by a separate Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

Ordinary Police Purposes.

I.—*Lighting.*

Owners to provide Lamps for Common Stairs, &c.

27. The Owner or Owners of Common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any Common Stair or Passage or private Court, shall, when required by the Magistrates and Council, within Seven Days next after Service of an Order for that Purpose, make Provisions for lighting such Common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps, to the Satisfaction of the Magistrates and Council; and in default of Compliance with any such Order such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make Default.

Penalty for not keeping Common Stairs, &c. lighted.

28. If the Lamp or Lamps which may be erected in any such Common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Magistrates and Council by the Occupier of any Building or Part of a Building to which Access is obtained by such Common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract, or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

II.—*Cleansing Streets.*

Dust Boxes may be erected.

29. The Magistrates and Council, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust, Fulzie, and Ashes may be deposited until removed and carried away, to be provided and placed in such Streets or Courts as they shall think proper, and may, if they think proper so to do, require the Occupiers of Premises within such Streets or Courts to cause all their Dust, Fulzie, and Ashes to be deposited daily

daily in the said Dust Boxes or other Conveniences, and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes, Fulzie, or Dust in some of such Dust Boxes or other Conveniences, shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Penalty for conveying offensive Matter at improper Hours.

30. The Magistrates and Council may from Time to Time fix the Hours within which only it shall be lawful to remove offensive Matter from any Premises; and when the Magistrates and Council have fixed such Hours, and given public Notice thereof in such Manner as they may deem proper, every Person who removes along any such Street any offensive Matter at any Time except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Magistrates and Council or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender, or in the Case of the actual Offender not being found within the Burgh, the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Nuisances may be removed on Certificate of Medical Officer of Health.

31. Clause One hundred and ninety-two of "The Edinburgh Police Act, 1848," is hereby amended to this Extent, that a Certificate signed by the Medical Officer of Health for the Time, or by a duly qualified Medical Practitioner appointed by the Magistrates and Council for that Purpose, shall be in every respect equivalent to a Certificate signed by Two legally qualified Medical Practitioners.

III.—*Paving and maintaining Streets.*

Penalty on Persons altering Pavements without the Consent of the Magistrates and Council.

32. Every Person who (except for the Purpose of ordinary Repairs) wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street or Court without the Consent of the Magistrates and Council in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum not exceeding Five Shillings for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street or Court exceeding One Square Foot so displaced, taken up, or altered; and any Persons having Authority to take up the Pavement, Flags, or other Materials of any Street or Court shall be bound to restore the same in a substantial Manner, and to the Satisfaction of the Magistrates and Council; failing which, the Magistrates and Council shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

IV.—*Improving Streets and removing Obstructions.*

Houses may be set forward for improving Line of Street.

33. The Magistrates and Council may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated: Provided always, that One Month's previous Notice of their Intention so to do shall be given by public Advertisement in any One or more Newspapers circulating in the Burgh.

Power to purchase Houses, &c. for addi-

34. The Magistrates and Council may, at a Meeting to be held for the Purpose, resolve to acquire Lands or Premises within the Burgh for the Purpose of

tional Improvements.

widening, enlarging, or otherwise improving any of the Streets, Courts, or Closes, and they may re-sell any Parts of such Lands or Premises which shall not be required for such Purposes; and they may also drain, repair, pave, or otherwise improve Streets, Courts, and Places where there may be Doubt as to the Liability of Owners to execute such Works; and when Wooden or other Erections extend into or project over Streets, Courts, or Places so as to interfere with Ventilation, or to interrupt Light, or to be otherwise objectionable on sanitary Grounds, the Magistrates and Council may cause such Erections or Projections to be removed, making Compensation to the Owner as after provided for such Damage as he may sustain by such Removal; but such Compensation shall only be made when the Owner had a legal Right to make or maintain such Erection or Projection; and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Magistrates and Council, built too close to each other, or have become waste and ruinous, or are liable to other Objections on sanitary Grounds, it shall also be lawful to the Magistrates and Council to resolve to acquire and to acquire Lands or Premises for the Purpose of reserving them as vacant Spaces, or of opening up Thoroughfares, or of improving the Buildings, or of otherwise disposing of them so as to improve the sanitary Condition of such Localities; and the Expense of such Acquisitions and Improvements shall be a Charge against the General Improvement Rate hereinbefore authorized to be levied: Provided always, that the Magistrates and Council may, if they shall think fit, resolve that the same shall be charged, and they are hereby empowered to charge the same, against the Police Assessment.

Magistrates and Council may acquire Premises for sanitary Purposes.

Houses projecting beyond Line of Street, when taken down, to be set back.

35. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Magistrates and Council may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Magistrates and Council may direct, for the Improvement of such Street: Provided always, that the Magistrates and Council shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, which Compensation may be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (Scotland) Act, 1845," is directed to be settled, and shall form a Charge against the General Improvement Rate: Provided always, that the Magistrates and Council may resolve that the same shall be charged, and they are hereby empowered to charge the same, against the Police Assessment.

V.—*Laying out new Streets.*

Notice of Intention to lay out new Streets to be given to Magistrates and Council.

36. Every Person who intends to make or lay out any new Streets shall give Notice thereof to the Magistrates and Council, in order that the Level and Width of such Street may be objected to by the Magistrates and Council if unsuitable as far as respects Drainage or on other sanitary Grounds: Provided always, that where any such Street is, at the Time of the passing of the Act confirming this Order, the Subject of any Contract for the Formation thereof then existing, the same shall not be held or taken to be a new Street within the Meaning hereof.

Level and Width to be fixed by Magistrates and Council.

37. The Level and Width of every such new Street shall be considered and determined on by the Magistrates and Council within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Magistrates and Council; and the Decision of the Sheriff, if such

such Appeal be taken, or such Deliverance by the Magistrates and Council if not appealed to the Sheriff, shall be final; and the Level and Width so fixed shall be kept thereafter by every Person erecting any House or other Building in such Street.

If Magistrates and Council fail to fix the Level and Width, the Party may proceed without.

38. If the Magistrates and Council do not fix such Level and Width within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out such Street at any Level and Width which will allow of Compliance with the other Provisions of this Act, as if such Level and Width had been fixed by the Magistrates and Council; and in such Case every Change of the Level and Width which the Magistrates and Council afterwards deem requisite, and the Works consequent thereon, shall be made by the Magistrates and Council, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Level and Width.

39. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Magistrates and Council as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level and Width of such Street deemed requisite by the Magistrates and Council; and every Person who in building any House or other Building in such Street does not keep the Level and Width fixed by the Magistrates and Council shall be liable to defray all the Expenses consequent upon any Alteration on any such House or Buildings, or any Change of the Level and Width of that Part of such Street on which such House or Building abuts, which the Magistrates and Council deem requisite.

Situation of Gas and Water Pipes to be altered at the Expense of the Magistrates and Council.

40. If the Magistrates and Council deem it necessary to raise, lower, or otherwise alter the Situation of any Water Pipe or Gas Pipe or other Waterworks or Gasworks laid in any such Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, lowered, or otherwise altered in Position in such Manner as the Magistrates and Council may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, lowering, or altering, and Compensation for every Damage done thereby, shall be paid by the Magistrates and Council out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alterations, the Magistrates and Council may cause the same to be done.

41. If the Person to whom any such Pipes or Works belong do not proceed forthwith after the Receipt of such Notice to cause the same to be raised, lowered, or altered in such Manner as the Magistrates and Council require, the Magistrates and Council may themselves cause such Pipes or Works to be raised, lowered, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

Width of new Streets or Courts.

42. It shall not be lawful to form, lay out, or build any Street or Court unless the same shall be of a clear Width of Fifteen Feet, measuring from the Buildings or intended Buildings therein.

Height of Houses in Streets or Courts.

43. It shall not be lawful to build any House in any Street or Court which shall be of greater Height than One and One Half Times the Width of such Street or Court; and in no Case shall any such House be of greater Height than Sixty Feet, which Height shall be taken from the Level of the Street Floor in front to the Eave of the Roof.

44. Every

Penalty for forming Streets and Courts contrary to Act.

44. Every Person who shall, from and after the passing of the Act confirming this Provisional Order, form or lay out, or permit or suffer to be formed or laid out, any new Street or Court, or any Part thereof respectively, within the Burgh, or who shall build or add to the Height of any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions hereof, unless the same shall have been formally sanctioned by the Magistrates and Council on a Consideration of the special Circumstances of the Case, which Sanction they are hereby empowered to give, shall forfeit and pay a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Five Pounds per Day for every Day after the first during which he shall permit or suffer such new Street or Court, or Part thereof, or such House or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions hereof relating to the Width and Construction of Streets or Courts shall not extend or apply to any existing Street or Court which shall be proved to the Satisfaction of the Magistrates and Council to be agreed to have been formed previous to the passing of the Act confirming this Provisional Order.

Exemption of Roads under Trustees.

45. The Provisions hereof in regard to paving and maintaining Streets, excepting Foot Pavements as above provided, shall not apply to any Roads or Streets which are or may come under the Management of Turnpike or other Road Trustees; and nothing herein contained shall in any respect repeal, alter, or affect the Powers or Obligations of such Trustees, or the Provisions of any Act of Parliament under which they act.

VI.—*Public Sewers.*

Sewers, &c. vested in Magistrates and Council.

46. All Sewers and Drains within the Burgh, whether existing at the Time when the Act confirming this Provisional Order is passed, or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament,) shall vest in and belong to and be entirely under the Management and Control of the Magistrates and Council.

Power to purchase, &c. certain Sewers.

47. The Magistrates and Council may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Magistrates and Council, or contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Magistrates and Council; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Purposes to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Magistrates and Council purchasing the same, any Law to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

48. Nothing

Private Sewers or Watercourses, &c. not to be used without Consent.

48. Nothing herein contained shall be construed to authorize the Magistrates and Council, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed.

49. The Magistrates and Council may from Time to Time divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit as far as may be of all the Lands or Premises to be comprised in any such Drainage District, and shall cause the Burgh Engineer to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Magistrates and Council to construct Sewers where none exist, making Compensation to Owners of Property.

50. The Magistrates and Council shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made, under Streets or Courts or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of any Portion of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or Ditch made use of as a Common Sewer, or any Burn or Ditch into which Sewage flows, or any Portion thereof, or may cause Pipes to be laid along the Course of such Burn or Ditch, or any Portion thereof, and shall also cause to be made all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any Streets or Courts, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any enclosed or other Lands, the Magistrates and Council may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection and Sale for agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that if in making any such Main and other Sewers, or in repairing, constructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Magistrates and Council shall be bound to make Compensation therefor, which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (Scotland) Act, 1845," is directed to be settled.

Magistrates and Council may alter

51. The Magistrates and Council may from Time to Time, as they see fit, repair, enlarge, alter, arch, or cover over, and otherwise improve all or any of the

Sewers from Time to Time.

Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Magistrates and Council, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Magistrates and Council not to destroy existing Sewers, &c. without providing others.

Penalty for Neglect.

52. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Magistrates and Council, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Magistrates and Council shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Magistrates and Council refuse, or do not within Seven Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State such Drain or Sewer the Use whereof has been affected by the Acts of the Magistrates and Council, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Magistrates and Council to cause Estimates to be prepared before Execution of Works.

53. Before entering into any Contract for executing any such Work as aforesaid, the Magistrates and Council shall procure from the Burgh Engineer an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and the Burgh Engineer shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

54. Every Person, not being employed or authorized for that Purpose by the Magistrates and Council, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Magistrates and Council, shall be liable to a Penalty not exceeding Five Pounds; and the Magistrates and Council may cause such Drain to be re-made as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Lands or Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers which the Magistrates and Council are hereby authorized and required to exact for all Lands or Premises which were not assessed for the Expense of making such Sewers, or which shall have been built, enlarged, or altered after the Assessment for making the same was imposed or levied, and the Magistrates and Council shall fix and determine the Sum to be paid as they shall consider just.

Vaults and Cellars under Streets not to be made without the Consent of the Magistrates and Council.

55. No Building shall be erected over any Sewer belonging to the Magistrates and Council, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, without the Consent of the Magistrates and Council first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Magistrates and Council; and if any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Magistrates and Council may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Persons erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c. to be covered with Traps.

56. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Magistrates and Council, or other Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Distillers to construct Reservoirs to deposit Refuse.

57. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works so far as offensive or dangerous to the Health of those living in the Vicinity thereof, or to use the best practicable Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, or Sewer.

Sewers may be used by Owners and Occupiers of Land or Premises beyond Limit of Burghs.

58. Any Person, being the Owner or Occupier of any Lands or Premises beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under the Provisions hereof, may, with the Consent of the Magistrates and Council first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Burgh Engineer, cause to branch into and to communicate with any of the Sewers belonging to the Magistrates and Council any Sewer or Drain in respect of the said Lands or Premises which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Magistrates and Council approve of: Provided always, that nothing herein contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Magistrates and Council.

Ventilation of Sewers.

59. The Magistrates and Council shall have Power and are hereby authorized to arrange with the Owner or Occupier of any Manufactory, Gaswork, Brewery, or other Premises having Furnaces and Chimney Shafts so situated as to be available for the Ventilation of the adjacent Sewers and Drains; and the said Magistrates and Council are hereby authorized and empowered to acquire Lands or Premises, and to construct all Shafts, Ventilating Shafts, Furnaces, and other Works, which may be found necessary from Time to Time for the efficient Ventilation of the existing Sewers and Drains, or of such Sewers or Drains as are hereby authorized to be constructed; and in the Execution of this Provision the Magistrates and Council shall have and exercise every Power which is hereby conferred upon them with reference to the Construction of Sewers and Drains; and all Costs and Expenses which may be incurred by the Magistrates and Council in carrying this Provision into effect shall form a Charge against the "General Sewer Rate," or against any "Special Sewer Rate," which in their Opinion may be properly liable therefor; provided always, that the Magistrates and Council may, if they shall think fit, resolve that the same shall be charged, and they are hereby empowered to charge the same against the Police Assessment.

Power to borrow Money for the Construction of Sewers.

60. It shall be lawful for the Magistrates and Council to borrow, for the Purpose of making, enlarging, reconstructing, ventilating, and maintaining Sewers which have been formed under the Provisions of "The Edinburgh Police "Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The "Municipality Extension Act, 1856," or the Formation of which otherwise has been sanctioned by the Magistrates and Council for the Benefit of any particular District, or which may be formed under the Provisions hereof, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money and at such Times as the Magistrates and Council shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed; and the Provisions hereof with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, reconstructing,

reconstructing, ventilating, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, mutatis mutandis, be in the Form as near as may be set forth herein for Bonds to be granted for Money borrowed under the general Powers hereof, and shall constitute a Lien over the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Magistrates and Council and their Officers out of the first and readiest of the Special and General Sewer Rates.

Application of borrowed Money for constructing Sewers.

61. The Money so borrowed shall be applied wholly in defraying the Expense of making, enlarging, reconstructing, ventilating, and maintaining Sewers as aforesaid, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for, nor be assigned in security of, the Payment of any Sums borrowed by the Magistrates and Council for any other Purpose than the making, Enlargement, Reconstruction, Ventilation, or Maintenance of Sewers.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

62. Provided always, That it shall not be lawful to the Magistrates and Council to authorize the Construction of any Sewer the Sewage from which will be discharged into any River or Stream from which Water is taken for domestic Purposes, so as to injure or affect such Supply; and as regards the making, altering, or maintaining Sewers, and the discharging thereof into any River or Stream, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

VII.—*Drainage of Houses.*

Magistrates and Council empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

63. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer to the Satisfaction of the Magistrates and Council, and if there shall be such Means of Draining within One hundred Yards of any Part of such House or Building, the Magistrates and Council shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

64. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Magistrates and Council, either then existing or marked out by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Magistrates and Council shall cause a Branch Drain leading thereunto from the intended Site of such House to be made of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be no such Means of Drainage within One hundred Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Magistrates and Council direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Magistrates and Council, so as effectually to prevent any Leakage or Effluvium therefrom until such Sewer as aforesaid is made by the Magistrates and Council, when they shall make a Drain to communicate with such new made Sewer, and shall demolish and fill up any such Cesspool.

65. Whenever

65. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is herein-before provided in the Case of Houses to be built after the passing of the Act confirming this Provisional Order; and whenever any House is taken down to or below the Ceiling of the Floor commonly called the Ground or Street Floor for the Purpose of being built up again, such Building shall be deemed a rebuilding within the Meaning hereof.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

66. Before beginning to build any new House or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Magistrates and Council Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by Reference to some Level ascertained under the Direction of the Magistrates and Council.

Notice of Buildings and Rebuildings to be given to the Magistrates and Council.

67. Within Fourteen Days after receiving such Notice the Magistrates and Council may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said Fourteen Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Magistrates and Council, if not appealed to the Sheriff, shall be final.

Magistrates and Council may signify Disapproval within Fourteen Days.

68. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Magistrates and Council, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions hereof, the Magistrates and Council may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Magistrates and Council in respect thereof shall be repaid to them by the Persons failing to comply with the Provision aforesaid.

Magistrates and Council may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

69. If the Magistrates and Council fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that no such building or rebuilding be otherwise in accordance with the Provisions hereof.

If Magistrates and Council fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

70. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools or Reservoirs within the Burgh, shall be under the Survey and Control of the Magistrates and Council, and shall be altered, repaired, cleansed, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner of any Premises to which any such Drain or Cesspool or Reservoir belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, cleanse, and to put the same into good Order in the Manner required by the Magistrates and Council, the Magistrates and Council may, at the Expense of such Owner, cause such Drain or Cesspool or Reservoir to be altered, repaired, cleansed, covered, and put in good Order. And it is hereby provided, that the Occupiers of all Premises within the Burgh shall be bound at least once every Two Years to cause all Cesspools or Reservoirs belonging to or used by them, or connected with such Premises, to be cleansed; and the Occupier defraying such Expense shall

Drains and Cesspools to be kept in good Order by Owners.

If Owners neglect, Magistrates and Council may cause the same to be done, and charge the Owners with the Expense.

shall be entitled to retain the same from the next Term's Rent payable to the Owner; as also provided, that when any Cesspool or Reservoir is used by the Occupiers of Two or more Houses belonging to different Owners, the Cost of such cleansing shall be defrayed by the Occupiers of such Houses in the Proportions of the Rental thereof as entered in the Valuation Roll; and wherever any such Cesspool or Reservoir shall not be so cleansed, the Owner of each House connected therewith or using the same shall be liable to a Penalty of Forty Shillings, and to a further Penalty of Twenty Shillings for every Day that such Cesspool or Reservoir remains uncleansed after Notice requiring him to do so shall have been given by the Burgh Engineer, Inspector of Cleansing, or other Officer appointed by the Magistrates and Council.

As to the Inspection of Drains and Cesspools.

71. The Burgh Engineer, Inspector of Cleaning, or other Officer appointed by the Magistrates Council may inspect any Drain or Cesspool or Reservoir within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool or Reservoir is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool or Reservoir be found to be clean and in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool or Reservoir shall in that Case be defrayed by the Magistrates and Council.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Magistrates and Council.

72. If such Drain or Cesspool or Reservoir be, on Inspection, found to have been constructed, after the passing of the Act confirming this Provisional Order, contrary to the Directions and Regulations of the Magistrates and Council, or contrary to the Provisions hereof, or if any Person without the Consent of the Magistrates and Council construct, rebuild, or unstop any Drain or Cesspool or Reservoir which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Magistrates and Council may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

Parties aggrieved may appeal to the Sheriff.

73. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

VIII.— *Soil Pipes and Waterclosets.*

Water and Waterclosets.

74. Within One Month after Notice given by the Magistrates and Council in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink after mentioned, and shall fit up in some Window, Recess, or other well-lighted or ventilated Place a Sink, with a sufficient Soil Pipe to carry off the whole foul Water into the nearest Drain or Sewer; and after like Notice every Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, and in a Position to be approved of by the Burgh Engineer, a sufficient Watercloset; and the said Sinks, Soil Pipes, and Waterclosets shall be properly applied, trapped, and ventilated, and these and the Water Pipes fitted up in a complete Manner, and

so as to prevent any Leakage or Effluvium therefrom; and all Sinks, Soil Pipes, Waterclosets, and Water Pipes already existing, or which may be fitted up under the Provisions hereof, shall be kept in complete Repair, to the Satisfaction of the Magistrates and Council, for the Use of the Occupants of such House or Part of a House: Provided always, that if in the Opinion of the Magistrates and Council it is not advisable to introduce Waterclosets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent to such Tenement, but in every Case in a Position approved of by the Burgh Engineer, a sufficient Number of Waterclosets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Magistrates and Council where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, or from any other Cause, such Works shall be considered by them to be impracticable or inexpedient.

Certain Waterclosets to be constructed in Factories, &c.

75. If at any Time it shall appear to the Magistrates and Council, upon the Report of the Burgh Engineer, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both or either of the Sexes, and above Ten in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Magistrates and Council may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct, in a Position approved of by the Burgh Engineer, a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Ventilation of Waterclosets.

76. Wherever in any House at present existing Waterclosets are constructed so as to ventilate into Common Stairs, the Owners of such House shall, whenever the Medical Officer of Health shall certify the same to be offensive or injurious to Health, be bound to adopt all practicable Means to ventilate such Waterclosets by Shaft or other Means communicating directly and only with the open Air, or in such other Manner as the Magistrates and Council may direct; and in all Houses to be hereafter erected within the Burgh for the Use of Two or more Families the Waterclosets shall be constructed so as to ventilate by Shaft or otherwise into the open Air; and all Persons failing so to ventilate such Waterclosets shall be liable in a Penalty of Forty Shillings for every Day during which the Default is continued.

Owners of Flats of Houses to have a Supply Pipe from Water Pipe.

77. It shall be lawful for the Owners of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the Common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Storey or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates, or any One of them, so obtained, and of any Water Company who may supply such Water:

Provided

Provided always, that before such Sanction is granted by the Magistrates, or any One of them, Notice of the Application therefor shall be given to the Proprietors of Property proposed to be interfered with in any way, and an Opportunity afforded them of being heard for their Interest.

Soil Pipes may be carried through the different Houses.

78. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Storey shall permit such Soil Pipes, if necessary, to be carried through and under the same; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner herein-before provided with respect to Supply Pipes from Water Pipes.

Owners of Flats of Houses may erect Waste Pipes to communicate with Drains.

79. In all Streets, Courts, and other Places within the Burgh where Common Sewers are or may be constructed, it shall be lawful for any Owner of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recommendation of the Burgh Engineer, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul Water Pipe or Soil Pipe in or upon the Common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Magistrates and Council shall be obtained before connecting such Drain with any Common Sewer; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring the Street, Court, or other Place so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer as the Magistrates and Council may fix, shall be defrayed by the Owners of the Floors or Flats making use thereof in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise.

General Police Regulations.

I.—*Precautions during Repairs and old and ruinous Tenements.*

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at them.

80. The Magistrates and Council shall, during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident by shoring-up and protecting the adjoining Houses, and may stop any Street or Court, and prevent the same being used as a Common Passage or Thoroughfare, while such Works are carried on, as to them shall seem proper; and the Magistrates and Council shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night so as to prevent Accidents; and every Person who uses any Street or Court while so stopped as a Common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Magistrates and Council, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

81. Every

Hoards to be set up during Repairs.

81. Every Person intending to build or take down or repair any Building within the Burgh, or to cause the same to be so done, or to execute any Operation by or in consequence of which any Street, Court, or Footway may be obstructed or rendered inconvenient, shall obtain Authority from the Magistrates and Council to put up, and such Authority being obtained shall put up, subject to such Conditions as may be prescribed by the Magistrates and Council, Hoards or Fences to the Satisfaction of the Burgh Engineer, in order to separate the Building where such Works are being carried on from such Street or Court, with a convenient Platform and Handrail (should such Handrail be considered necessary), if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition to the Satisfaction of the Magistrates and Council during such Time as the Burgh Engineer shall fix and the public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently lighted during the Night; and every such Person who puts up such Hoard or Fence without previously obtaining the Authority of the Magistrates and Council so to do, or who fails to put up such Fence or Hoard or Platform with such Handrail as aforesaid, or fails to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Magistrates and Council, within a Time specified for that Purpose, shall for every such Offenee be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

82. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any Street or Court, whether the same be done by Order of the Magistrates and Council or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall, at his own Expense, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

83. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain longer than may be fixed by the Burgh Engineer, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence.

Dangerous Places to be repaired or enclosed.

84. If any Building or Hole or any other Place near any Street or Court be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Street or Court, the Magistrates and Council shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to be taken down or secured by Owners, &c.

85. If any Building or Wall or other Erection, of whatever Form or Material, or anything affixed thereon, within the Burgh, be deemed by the Burgh Engineer to be in a ruinous State, and dangerous to Passengers or to the Occupiers thereof, or of the neighbouring Buildings, the Burgh Engineer shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings or other Erection until the same are put into a safe Condition, and shall, if he judge the same to be necessary, cause a proper Hoard or Fence, or Props, to be put up for the Protection of Passengers, and shall also cause, if he shall judge necessary, the neighbouring Buildings to be properly shored up, and shall cause Notice in Writing to be given to the Owner of such Building, Wall, or other Erection or Thing, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Erection or Thing, or as the Case shall require; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Erection or Thing within the Space of Three Days after such Notice has been so given or put up as aforesaid, and complete such Repairs, or taking down, or securing, as speedily as the Nature of the Case will admit, the Dean of Guild of the Burgh, or the Sheriff, according as such Building, Wall, or other Erection or Thing shall be situated in their then respective Jurisdictions, shall, on the Complaint of the Burgh Engineer, or of the Procurator Fiscal of their respective Courts, and after Inquiry, order the Owner of such Building, Wall, or other Erection or Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of the Burgh Engineer, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the said Dean of Guild or Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Magistrates and Council shall with all convenient Speed cause all or so much of such Building, Wall, or other Erection or Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of enforcing such Removal and of putting up every such Fence, or of shoring up such Buildings, or of taking down, repairing, rebuilding, or securing such Building, Wall, or other Erection or Thing, shall be paid by the Owner thereof.

If Owner, &c. neglect to repair, Magistrates and Council may cause the same to be done, charging Owner, &c. with the Expenses.

The Expenses to be levied on the Owner.

86. If the Owner of such Building or Wall, or other Erection or Thing, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Dean of Guild or Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by the Clerk, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Magistrates and Council may proceed against such Owner for the Recovery of the said Expenses in Terms of the General Provisions hereof for Recovery of Expenses, or otherwise as accords of Law.

If Owner cannot be found, Magistrates and Council may take the House or Ground, making Compensation.

87. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Magistrates and Council, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, Wall, or other Erection or Thing, or on the Land whereon such Building or Wall stood (provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days), may deal with such Building or Land as waste and ruinous, and bring the same to Sale in manner herein-after provided, or, in the Option

Option of the Magistrates and Council, they may take such Building or Land, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Magistrates and Council shall be entitled to receive out of the Price obtained for such Building or Land, if sold, or to deduct out of such Compensation, the Amount of the Expenses aforesaid, and if they shall take such Building or Land and make Compensation therefore as aforesaid, they may thereupon sell or otherwise dispose of the said Building or Land for the Purposes hereof.

Magistrates and Council may sell the Materials, restoring to the Owner Overplus arising from the Sale.

88. If any such House, Building, Wall, or other Erection or Thing as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Magistrates and Council may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Magistrates and Council shall restore any Surplus arising from such Sale to the Owner of such House, Building, Wall, or other Erection or Thing on Demand; nevertheless the Magistrates and Council, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Ruinous Buildings to be pulled down, and Areas or Cellars to be cleaned and fenced or secured.

89. It shall be lawful for the Burgh Engineer to give a written or printed Intimation to all or One or more of the Owners of any ruinous Building, or of any Area or Space occupied by the Walls or Rubbish of Buildings, or by other Rubbish, or of any Cellar occupied by Rubbish, or otherwise in a filthy State, or of any open Area or Space which ought to be fenced, requiring such Owners within Six Days after such Intimation to cause the same to be pulled down, cleared out, or fenced and secured to the Satisfaction of the Burgh Engineer, so as to prevent the same being or becoming the Cause of Nuisance or Danger to the Inhabitants; and in case said Owners shall fail to comply with the Terms of such Intimation within the Time specified, it shall be lawful for the Judge of Police to subject such Owners in a Penalty not exceeding Forty Shillings, and in a farther Penalty not exceeding Ten Shillings for each Week during which they shall fail to comply with such Intimation; and it shall be lawful for the said Judge, farther, to order such ruinous Building or Area, or Cellar, or open Area or Space, to be pulled down, cleared out, built up, or fenced and secured to the Satisfaction of the Burgh Engineer, and to find the said Owners liable in the Expense of the same, and in all Charges connected therewith, which Charges and Expenses may be sued for and recovered in manner herein provided: Provided always, that where One or more of such Owners shall, either in Terms of said Intimation, or in consequence of the Order of the said Judge, disburse the Expense of the Work required, he or they shall have recourse upon the other Owners liable, in Proportions according to their respective Interests; and where such ruinous Building or Area, or Cellar, or open Area or Space, is unclaimed, or the Owner thereof cannot be found, it shall be lawful for the Burgh Engineer to pull down, clear out, build up, or fence and secure the same, and to charge the Expense thereof against the Police Assessment; provided always, that any Expense so incurred, and paid out of the Police Assessment, shall be chargeable against and form a Burden upon the Buildings, Area, Cellar, or open Space in respect of which such Expense shall be incurred and paid, and shall be recoverable out of such Property, or from any Owner who may claim Right thereto, and it shall be competent to the Magistrates

Magistrates and Council at any Time thereafter to deal with such Building, Area, Cellar, or open Space as waste and ruinous, and to bring the same to Sale in manner herein-after provided with reference to ruinous Buildings.

Ruinous Buildings belonging to Two or more Owners may be sold.

90. If any Houses, Buildings, and other Tenements or Areas have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Dean of Guild of the Burgh, or the Sheriff, according as such Houses, Buildings, and other Tenements or Areas shall be situated within their respective Jurisdictions, upon the Application by Petition of the Procurator Fiscal of their respective Courts, or of the Magistrates and Council, or the Burgh Engineer, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the said Dean of Guild or Sheriff in the usual Manner and Form followed in their respective Courts, and to order such Tenements or Areas to be valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement or Area, and the corresponding Proportion of the apprized Value, which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from or to sell and convey to the others their respective Portions of or Interests in such Tenements or Areas agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the said Dean of Guild or Sheriff, not exceeding Six Weeks.

How Sale to be carried through.

91. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Dean of Guild or Sheriff respectively to cause such Tenements or Areas to be exposed to Sale by Public Auction at a Price not being less than the apprized Value, and in case of no Offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers or otherwise, as the said Dean of Guild or Sheriff respectively shall appoint, and the Purchaser thereof shall be taken bound within Ten Days after the Sale, or within such Time as may be fixed by the said Dean of Guild or Sheriff respectively, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher subject to the Orders of the said Dean of Guild or Sheriff respectively, otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Dean of Guild or Sheriff respectively.

Completion of Purchaser's Title.

92. Upon such Deposit being so made, the said Dean of Guild or Sheriff respectively shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements or Areas so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which any of the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein without being subject to Challenge by any Party whomsoever.

93. In

93. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Dean of Guild or Sheriff respectively to cause the Tenements or Areas to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Dean of Guild or Sheriff respectively shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid. If Purchaser do not fulfil Conditions of Sale, may be re-sold.

94. Upon the Completion of any such Sale, the Dean of Guild or Sheriff respectively, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements or Areas so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the Dean of Guild or Sheriff respectively may pronounce. Application of Price.

95. If any Houses, Buildings, or other Tenements or Areas within the Burgh have become waste and ruinous, or have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Magistrates and Council may, by a Notice addressed to the Owner if his Address shall be known, or if not known by a Notice affixed to a conspicuous Part of such Houses, Buildings, or other Tenements or Areas, require the same to be rebuilt, or otherwise put into a State of Repair to their Satisfaction, within Three Months from the Date of such Notice; and in the event of such Requisition not being complied with, the Magistrates and Council may apply to the Dean of Guild of the Burgh, or the Sheriff, according as such Houses, Buildings, or other Tenements or Areas shall be situated within their respective Jurisdictions, for Warrant to sell such Houses, Buildings, or other Tenements or Areas, and it shall be lawful to the Dean of Guild or Sheriff to order the same to be valued, and exposed for Sale by Public Auction, and to sell the same: Provided always, that such Sale shall be made and carried out, or Re-sale effected, the Price deposited and applied, and the Purchaser's Title completed, in the Way and Manner herein-before directed with reference to waste and ruinous Buildings or Tenements or Areas within Burgh held by Two or more joint Owners. Ruinous Tenements may be sold.

II.—*Nuisances and Obstructions in the Streets.*

96. The Magistrates may from Time to Time make Orders for sanctioning public Processions when they think fit, and for prescribing the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, public or private, in all Times of public Processions, Rejoicings, or Illuminations, and for regulating such Processions, and the Bands of Music accompanying the same, and in any Case when such Streets are thronged or liable to be obstructed, and may also make Orders for keeping Order and preventing any Obstruction of such Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against the Provisions hereof, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings. Power to prevent Obstructions in the Streets during public Processions, &c.

97. If any Cattle be at any Time found at large in the Burgh without any Person having the Charge thereof, any Constable or Officer of Police may seize and impound such Cattle, and the Owner thereof shall be liable to a Penalty not Power to impound stray Cattle.

exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses.

98. If the said Expenses be not paid within Three Days after such impounding, the Person appointed by the Magistrates and Council for that Purpose may proceed to sell such Cattle, or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh; and the Money arising from such Sale, after deducting the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Magistrates and Council, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

99. Every Person who in or near any Street or Court commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Forty Shillings for each Offence:

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who allows any Bull or other dangerous Animal to be in any Street or Court without being secured by means of a Rope attached to a Ring though the Nose of such Animal, or otherwise:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Cart or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Cart or Carriage, and in such a Position as readily to see immediately before and on either Side thereof; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Cart or Carriage, or any Animal drawing the same, or who is at such a Distance from such Cart or Carriage, or in such a Position therein, as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Cart or Carriage to the Left or Near Side, or who in passing any other Cart or Carriage does not keep

. keep his Cart or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing any such Street, wilfully prevents any Person or Carriage from passing him, or any Cart or Carriage under his Care:

Every Person who at One Time drives more than Two Carts; and every Person driving Two Carts who has not the Halter of the Horse in the last Cart securely fastened to the Back of the First Cart, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who drives furiously any Cattle:

Every Person who causes any Cart, Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Draught or Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Magistrates or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Cart or Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Cart or Carriage without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart, Carriage, Sledge, Truck, or Barrow, upon any Footway, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who carries about on any Cart or Carriage or on Horseback any Picture, Placard, Notice, or other Advertisement, whether written, printed, or painted upon, or posted or attached to, any Part of such Cart, Carriage, or on any Board or otherwise:

Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed:

Every Person who hangs or places any Linen or Clothes or other such Article on any Rail or Fence of any Premises:

Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or without the Consent of the Owner or Occupier to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing:

Every

Every Person who conveys in any open Cart or otherwise the Carcases, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View with clean Cloths, or such other Coverings as the Magistrates and Council may from Time to Time prescribe; or exposes such slaughtered Carcases, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop; or uses Machines to mince or hash such Animal Food to the Annoyance of any of the Inhabitants in the Neighbourhood:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across, upon, or over any Part of any Street or Court, or hangs or places any Clothes thereon, or on the Outside of any Window fronting any Street or Court:

Every Person who commits any Nuisance:

Every Person who discharges any Firearm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who wilfully and wantonly disturbs any Inhabitant by pulling or ringing any Door Bell or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who persists in going upon the Ice at Duddingston, Dunsappie, St. Margaret's, or other Lochs or Ponds at any Time when Placards are exhibited, or other Signals are shown, intimating that it is in a dangerous State; and every Person who goes inside of the Ropes or Danger Signals placed at any Part of the said Lochs or Ponds:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey:

Every Person who discharges any Smoke or Steam from any Premises (otherwise than from the Top thereof), or suffers or permits the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon any Street or Court:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street or Court to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, Slops, or dirty Water, on any Street, back Area, Court, or Place within the Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any Street or Court: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street or Court in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever shall be placed or allowed to remain in any Street or Court, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid; and if such Expense shall not be paid within Seven Days, the Judge may give Directions to sell or dispose of the same, and apply the Proceeds to the same Purposes as the Police Assessment.

100. Every Person who in or near any Street or Court commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Five Pounds for each Offence, or, in the Discretion of the Judge of Police before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Sixty Days; (that is to say,)

Every Person who rides or drives furiously, recklessly, or carelessly any Horse, Carriage, Cart, or other Vehicle:

Every Common Prostitute or Nightwalker who loiters or importunes Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, Photograph, or other Representation:

Every Person who sings any profane or obscene Song, or uses any obscene, profane, or indecent Language.

Owners of Carts, &c. to have Names painted thereon.

101 The Owner of every Cart or Carriage used for the Conveyance of Goods, or plying for Hire, shall have his Christian Name, Surname, and Place of Abode painted in a straight Line or Lines horizontally upon some conspicuous Part on the Off or Right Side of such Cart, or Carriage, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carts or Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Time such Cart or Carriage shall be found in any Street or Court.

Persons under 14 Years of Age not to drive Carts, &c.

102. The Owner of any Cart or Carriage who shall cause or permit such Cart or Carriage to be driven in any Street or Court by any Person who is not of the full Age of Fourteen Years, and every Person who in any Street or Court shall put a Cart or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of Fourteen Years, shall be liable to a Penalty not exceeding Forty Shillings.

Power to regulate Shows, &c.

103. It shall be lawful for the Magistrates to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and the Use of Apartments in Common Tenements or of any Booth for Dancing, on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open, or be concerned in opening, any public Show, Exhibition, Representation, or any Booth for Dancing without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

III.—*Prevention of Fraud.*

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

104. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Magistrates and Council to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for a Magistrate or Judge of Police to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw and other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed.

Power to try Weight of Butter, &c. made up in Parcels, and to seize and confiscate if found deficient.

105. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent, Lieutenants, or Inspectors of Police at any Time, or for any Police Constable on the Warrant of a Magistrate or Judge of Police, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale, or sold or exposed or kept for Sale in any Shop, Store, or other Premises, or any Market Place within the Burgh, and for that Purpose to enter any such Shop, Store, or other Premises within the Burgh; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before a Magistrate or Judge of Police, and in the event of Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before a Magistrate or Judge of Police, or to the Police Office, for Examination; and it shall be lawful for the Magistrate or Judge of Police, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or *deficient* and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

Penalty on committing Frauds in Weight of Bread.

106. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty

Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

Magistrates to have Powers conferred upon Justices by 22 G. 2. c. 27. and 17 G. 3. c. 56.

107. And for the further Prevention of Fraud the Magistrates shall have and may exercise the Powers and Jurisdictions conferred upon any Justice or Justices of the Peace by the Act of the Twenty-second George the Second, Chapter Twenty-seven, intituled "An Act for the more effectual preventing of "Frauds and Abuses committed by Persons employed in the Manufacture "of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, "Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful "Combinations of Journeymen Dyers and Journeymen Hotpressers, and of "Persons employed in the said several Manufactures, and for the better Pay-"ment of their Wages;" and by the Act of the Seventeenth George the Third, Chapter Fifty-six, intituled "An Act for amending and rendering more effectual "the several Laws now in being for the more effectual preventing of Frauds "and Abuses by Persons employed in the Manufacture of Hats, and in the "Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, "and Silk Manufactures, and also for making Provisions to prevent Frauds by "Journeymen Dyers;" and the Provisions of the said Acts shall apply to Proceedings before the Magistrates, and to Acts done by them in relation thereto, in the same Manner as to Proceedings before and Acts done by any Justice or Justices of the Peace; and upon an Oath or solemn Affirmation or Declaration being made before the Magistrates or any Justice or Justices of the Peace that there is Cause to suspect that any Material purchased or received by any Broker from any Person or Persons were purloined or embezzled, the Magistrates or any Justice or Justices of the Peace may grant Warrant for bringing the Person or Persons from whom the Broker purchased or received such Materials before him or them; and if such Persons or Person shall not give a satisfactory Account of how he, she, or they came by such Materials, such Person or Persons shall be deemed guilty of a Misdemeanor or Offence, and shall be punishable accordingly, in Terms of the said Two last-recited Acts, in the same Manner as if such Materials had been found in the Possession of such Person or Persons; and it shall be competent to the Magistrates, or to any Two Justices of the Peace, to sentence such Person or Persons to pay any Fine not exceeding the Amounts authorized by said Acts, or alternatively to commit such Person or Persons to Prison for any Period not exceeding the Periods authorized by the said Acts; and it shall not be necessary before committing such Person or Persons to Prison to levy such Fines by Distress and Sale, or to use any legal Diligence for Recovery thereof.

Penalty for Want of Cleanliness in Meat and Provision Shops.

108. Every Occupier of any Premises used for the Sale of Butcher Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food, who does not keep the same clean and in good Condition to the Satisfaction of the Superintendent of Police, Inspector of Lighting and Cleaning, or other Person appointed by the Magistrates and Council for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

IV.—*Carriages, Omnibuses, &c.*

Regulations as to Omnibuses or Carriages plying within Burgh.

109. The Magistrates shall be empowered, and they are hereby authorized, to prevent within the Limits of their Jurisdiction the plying or running of Omnibuses or other Carriages for the Conveyance of Passengers which shall be in a State of Dis-repair or Insecurity, or not adapted in all other respects for the Conveyance

Conveyance of Passengers with Safety and Comfort, or drawn by Horses not sufficiently strong or in good Condition, or not sufficiently trained or broken in, and that by imposing Penalties not exceeding for each Offence Five Pounds on the Owners or Contractors or Drivers of such Omnibuses or other Carriages which shall be found by the Magistrate or Judge of Police before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, or not drawn as aforesaid; and the Magistrates are further empowered to make Byelaws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and may vary and alter the same from Time to Time, and may enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages in like Manner and under a like Penalty.

V.—*Brokers and Pawnbrokers.*

Pawnbrokers not to act as Brokers, and Brokers not to take Articles in Pledge.

110. If any Pawnbroker shall act as a Broker, except in the Sale of Articles bonâ fide forfeited in accordance with the Provisions of the Pawnbrokers Act, or if any Broker shall receive or take any Goods or Articles in Pledge, such Pawnbroker or Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

111. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each Saturday Night and Nine o'Clock in the Morning of the following Monday, or between Ten o'Clock in any other Night and Eight o'Clock on the following Morning; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbrokers not to keep Smelting Pots.

112. Every Pawnbroker or Broker who shall keep or suffer to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and such Smelting Pot or Implement shall be forfeited.

VI.—*Articles found.*

Goods or Money found to be reported at Police Office, and Penalty if appropriated by Party finding.

113. All Goods, Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same; and if any Person who shall find such Goods, Money, or Articles as aforesaid shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding Five Pounds; and if any Person who shall find such Goods, Money, or other Articles shall take possession thereof and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding Ten Pounds, besides restoring the same to the Owner thereof: Provided always, that if within Six Months, or in the Case of perishable Articles within One Month, no Owner shall claim the same, it shall be lawful for the Judge to grant Warrant for the Sale or Disposal of such Goods, Money, or other Articles, the Proceeds of which, after deducting Expenses, and any Reward to the Finder which the Judge may allow, shall be paid to the Magistrates

Magistrates and Council, and be applied to the same Purposes as the Police Assessment, and shall be by them paid to the Owner if he shall afterwards appear and claim the same.

VII.—*Suppression of Vagrants.*

Vagrants, Beggars, &c. to be apprehended, and, upon Conviction, imprisoned.

114. It shall be lawful for any Constable to apprehend all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, or causing Children to sing in Streets or public Thoroughfares, or placing themselves or otherwise acting so as to induce or for the Purpose of inducing the giving of Alms, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence and no lawful Means of gaining their Livelihood, and all Persons who after having been convicted of Vagrancy, or of Housebreaking or Theft, are found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, or who, although not previously so convicted, are found in possession of any such Implement, or of any lethal Weapon, or in any Building or Part of a Building or other enclosed Space for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, are found in any Street or other Place or with Intent to commit any Offence, or in possession of any Article without being able to give a satisfactory Account of their Possession thereof; and such Persons upon Conviction shall be liable to be imprisoned for any Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days; and if any Money or Article be found upon their Persons such Money or Article may be forfeited, and applied to the same Purposes as the Police Assessment.

VIII.—*Places of public Resort and disorderly Houses.*

Penalty for harbouring disorderly Persons.

115. Every Person who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises occupied or kept by him, or shall knowingly harbour Prostitutes, or permit or suffer Men or Women of notoriously bad Fame, or dissolute Boys or Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of any of the Inhabitants in the Neighbourhood, any Prostitute or idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding Ten Pounds: Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Judge of Police, on the Application of Three Householders, or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed, occupied, or kept by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds with Expenses, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

116. Any Constable shall have Power by virtue of his Office at any Time to enter any Building or Part of a Building or other Place of the following Description on hearing any disorderly Noise therein, or having Reason to believe or suspect that Persons accused or reasonably suspected of having committed any Offence, or that any Articles known or suspected to have been stolen or fraudulently obtained, are to be found therein; viz.,

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any public Show or Exhibition:

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or such other Place:

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, or suspected to be sold, whether licensed or not:

Any common Brothel or House for the Reception of Prostitutes, or any House usually frequented by Thieves or loose and disorderly Persons:

Any Building or Part of a Building which is kept or used for a Purpose in respect of which a Licence is required by the Provisions of this Act:

And if the Keeper of any such Building or Part of a Building or other Place, or any Servant or other Person having the Charge thereof, shall not admit such Constable when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

117. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Judge of Police before whom he is convicted, to Imprisonment with or without Hard Labour for a Time not exceeding One Month without any Penalty being imposed; and the Judge may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Power to Superintendent, &c. to enter Gaming Houses and seize Implements of Gaming.

Penalties.

118. It shall be lawful for any Constable having good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House to enter such House, Room, or Place and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Proof of Gaming for Money not necessary in support of Prosecution.

119. It shall not be necessary in support of any Prosecution under the Provisions hereof for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

IX.—*Clocks.*

Power to Magistrates and Council to provide public Clocks.

120. The Magistrates and Council may from Time to Time, as they shall see fit, provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner or Occupier, upon or against any private Building, the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night,

Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient, and all Expenses so incurred by them shall be charged against the Police Assessment.

X.—*Fires.*

121. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for wilfully setting Chimneys on Fire.

XI.—*Ventilation and Cleansing.*

122. Before beginning to build any Building intended to be used as a School, or a Place of public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever within the Burgh, the Person intending to build the same shall give Thirty Days Notice in Writing to the Magistrates and Council, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction with respect to the Means of supplying fresh Air to or proper Access to and Exits from such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction with respect to the Means for supplying fresh Air, and proper Accesses and Exits as aforesaid, has been approved of by the Magistrates and Council; and in default of sending such Notice, or if any such Building be erected without such Approval, the Magistrates and Council may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered at the Expense of the Owner, and any Expense incurred by the Magistrates and Council in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Magistrates and Council; and with regard to such existing Buildings as are at the passing of the Act confirming this Provisional Order or may thereafter be used for any of the said Purposes, the Magistrates and Council may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation, or for the providing of proper Means of Access and Exit, as to them shall seem fit.

Regulating Construction of Buildings intended as Places for Public Meetings.

No Person to begin to build until Plan has been approved of by Magistrates and Council.

123. Provided always, if the Magistrates and Council fail to signify in Writing their Approval or Disapproval of the Manner of Construction of any new Building with respect to the Means of supplying fresh Air, and of providing proper Accesses and Exits, shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions hereof.

If Magistrates and Council fail to signify their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

124. Provided also, if the Owner or other Person so intending to build or the Owner of any existing Building be dissatisfied with the Determination of the Magistrates and Council as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Magistrates and Council, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Magistrates and Council with respect to Works to be constructed by or subject to the Approval of the Magistrates and Council.

Persons may appeal against Determination of Commissioners.

125. The

Common Stairs to be ventilated and Houses let for short Periods to be cleansed.

125. The Owners of all Common Stairs and Common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Burgh Engineer or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Burgh Engineer or Inspector of Cleansing, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, to the Satisfaction of the Inspector of Cleansing, at least once in the Year, or oftener if required by the Inspector of Cleansing, and any such Owner failing to do so after receiving Forty-eight Hours Notice from the Inspector of Cleansing shall be liable to a Penalty not exceeding Forty Shillings.

Dwelling Houses, &c. may be inspected and cleansed at Expense of Owners.

126. It shall and may be lawful, at all reasonable Times, for the Medical Officer, Burgh Engineer, or Inspector of Cleansing to enter all Dwelling Houses and other Premises and their Pertinents where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cause the same to be cleansed and purified and such Filth to be removed therefrom at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of such Medical Officer, Burgh Engineer, or Inspector as aforesaid, it shall not be lawful for such Medical Officer, Burgh Engineer, or Inspector to enter without a Warrant from a Magistrate or Judge of Police authorizing him so to do.

Offensive Substances.

127. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Medical Officer or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week at the Sight of such Medical Officer or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Medical Officer or Inspector, or any Constable or other Person acting under them, for such Purpose; and any Person failing therein or refusing Access as aforesaid shall, on Conviction before any Judge of Police on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any Judge of Police, on the Testimony of the Medical Officer of Health, or other Medical Practitioner, or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for such Judge to order such Rags, Bones, or other Substances to be removed within such Time as he may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

Powers and Remedies.

I.—*Byelaws to be made.*

Byelaws.

128. The Magistrates and Council may from Time to Time make such Byelaws as they think fit for the several Purposes for which they are hereby, or by "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The Edinburgh Municipality Extension Act, 1856," or by any other Act, Local or General, in operation within the Burgh, empowered to make Byelaws, and

and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant with the Law of Scotland, or the Provisions hereof, or of the several Acts before recited or referred to, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Magistrates and the Clerk, and, if affecting other Persons than the Officers or Servants of the Magistrates and Council, be confirmed and published as herein provided.

Byelaws may be enforced by Imposition of Penalties.

129. The Magistrates and Council, by the Byelaws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws; and in the Case of a continuing Violation of such Byelaws, the Sum of Five Shillings for every Day during which such Violation shall be continued: Provided always, that such Byelaws be so framed as to allow the Magistrate or Judge of Police before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

130. No Byelaw made by the Magistrates and Council under the Authority hereof, or of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The Edinburgh Municipality Extension Act, 1856," or any other Act, Local or General, in operation within the Burgh, except such as relate solely to the said Magistrates and Council, or to their Officers or Servants, appointed in pursuance of the said recited Acts, shall come into operation until the same be confirmed by the Sheriff and authenticated by his Signature; and it shall be incumbent on the Sheriff, on the Request of the Magistrates and Council, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet; and in the event of its being at any Time deemed expedient by the Magistrates and Council to alter, amend, or repeal any such Byelaw, it shall be incumbent on the Sheriff as aforesaid to inquire into and allow or disallow the same as he shall think meet.

Notice of Confirmation to be given.

131. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Magistrates and Council Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection without Leave of the Sheriff.

A Copy of proposed Byelaws to be open to Inspection.

132. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaws shall be kept at the Office of the Clerk, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Magistrates and Council shall furnish every Person who applies for the same with a Copy thereof, written or printed, or of any Part thereof, on Payment of Sixpence for every One hundred Words so furnished.

Publication of Byelaws.

133. Such Byelaws, when confirmed, shall be printed; and the Clerk shall deliver a printed Copy thereof to every Person applying for the same at a Charge not exceeding One Penny; and a Copy thereof shall be painted or printed or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the Police Office or City Chambers, and also on some conspicuous Part of the Works or Locality to which the same relate, for a Period of not less than Three Months after the Date of such Confirmation; and any such Clerk who does not allow the same to be inspected at all reasonable

Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Byelaws to be binding on all Parties.

134. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Byelaws.

135. The Production of a written or printed Copy of the Byelaws as confirmed by the Sheriff, certified by the Clerk, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as herein required.

Penalty on pulling down Boards.

136. Any Person who destroys, pulls down, injures, or defaces any Board put up in Terms hereof on which any Byelaw of the Magistrates and Council is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

II.—*Borrowing of Money.*

Power to Magistrates and Council to borrow Money for the Purposes of this Act.

137. It shall be lawful for the Magistrates and Council to borrow and take up for any of the Purposes hereof, or of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," other than the Construction, Alteration, Ventilation, or Maintenance of Sewers as herein-before provided, or for Repayment of any Monies borrowed for such Purposes which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Magistrates and Council shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the said Purposes (in excess of the Sum of 20,000*l.* Sterling as herein-after specially provided), it shall be lawful for the Magistrates and Council, and they are hereby authorized and required, at their First Annual Meeting for Assessment after such borrowing, if the respective Rates of Assessment then leviable do not amount to the respective maximum Rates hereby authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments hereby authorized in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund of not less than Five per Centum per Annum upon the Sum or Sums so borrowed respectively, and also the annual Interest of such borrowed Sum or Sums, which Fund of not less than Five per Centum per Annum the Magistrates and Council shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on heritable Security, as a Sinking Fund, applicable and to be applied by the Magistrates and Council from Time to Time to the Repayment of the Monies borrowed until the respective Debts shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rates of Assessment (when a maximum Rate is fixed), as the Case may be allowed hereby; and provided also, that no Sum of Money shall be borrowed in excess of the said Sum of 20,000*l.* until an Estimate

of

of the Amount required shall have been laid before the Magistrates and Council, or until the Expiration of Six Weeks after public Notice shall have been given by the Magistrates and Council of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in all the daily Newspapers published within the Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Magistrates and Council Six Weeks after such public Notice, and shall require an absolute Majority of the whole of the Magistrates and Council, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided: Provided always, that in order to raise such Money as may be necessary to carry on the Purposes hereof, and of the several Acts before recited, until the several Assessments authorized hereby and by the said Acts are levied and collected, the Magistrates and Council may borrow on the Security of the said Assessments, in such Way and Manner as they may consider most expedient, a Sum or Sums of Money not exceeding in whole the Sum of 20,000*l.*, and may authorize the Treasurer or Collector to grant Bills or Bonds or obtain Cash Credits for the same, or make Overdrafts on their Accounts with their Banker or Bankers to that Extent, and, if necessary, to grant to the Party from whom such Money may be borrowed Assignations to the said Assessments, until the Sum or Sums so to be borrowed and Interest thereon shall be repaid and discharged.

Magistrates and Council not to be personally liable.

138. No Magistrate or Councillor or Officer acting under the Magistrates and Council shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

139. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Lord Provost and Treasurer of the City, and by the Clerk, and shall be in the Form and Tenor following, or in such other Form as may be agreed on; videlicet,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year of the Reign of Her Majesty Queen Victoria, intituled [*specify this Act*], the Lord 'Provost, Magistrates, and Council of the City of Edinburgh, in consideration 'of the Sum of [*insert the Sum in Words*] instantly advanced and paid to them 'for the Purposes of the said Act [*or* Acts] by *C. D.* of *E.*, do hereby bind and 'oblige themselves, and their Successors in Office, out of the first and readiest 'of the Monies to be raised under the annual Assessments by the said Act 'authorized to be imposed and levied, and designated the Assessment 'or Rate (*as the Case may be*), to pay at the Term of [*insert Term of Payment*] 'to the said *C. D.*, his Executors or Assignees, the said Sum of [*state the Sum*], 'and also the Interest thereof at the Rate of [*insert the Rate of Interest*] per 'Centum per Annum from the Date hereof; at the Terms of Whitsunday and 'Martinmas in each Year, till the said Sum is paid; and for the further Security 'of the said *C. D.*, the said Lord Provost, Magistrates, and Council hereby 'assign to him, his Executors or Assignees, such Proportion of the said Monies 'to be raised under the said annual Assessment as shall be equivalent to the 'said Sum now paid to them, and the Interest thereon as aforesaid from the 'Date hereof to the Term of Payment; and the said Lord Provost, Magistrates, 'and Council consent to the Registration hereof in the Books of Council and 'Session, or others competent, for Preservation, and that all competent Diligence

'may

'may pass and be directed hereon, in Form as effeirs, and thereto constitute
' their Procurators. In witness whereof
' [*insert Testing Clause in common Form*].

A.B., Lord Provost.
B.C., Treasurer.
C.D., Clerk.'

' *K.L.*, Witness.
' *M.N.*, Witness.

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Magistrates and Council and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

140. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following, videlicet,

'I *C.D.*, within designed, do transfer this Bond, with all Right, Title, or
' Interest which I have under the same, to *E.F.*, his [*or* her, *or* their, *as the*
' *Case may be*,] Executors and Assignees. In witness whereof [*insert Testing*
' *Clause in common Form*].

C.D.

' *K.L.*, Witness.
' *M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

141. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Minute Book of the Magistrates and Council, and a Certificate of such Registration shall be indorsed on such Bond and signed by the Clerk; and such Assignations shall be notified to the Clerk of the Magistrates and Council, who shall enter in the said Minute Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same, as such Interest shall be certified by the Treasurer of Police; and a Certificate of such Entry shall be indorsed on the said Bond and signed by the Clerk; and the said Bond being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation; and the whole Expense attending the said principal Bonds and Assignation, including the recording and entering thereof, with the relative Certificate, shall form Part of the Expense for which such Assessments shall be leviable.

Power to borrow on Cash Credit Account.

142. It shall be lawful for the Magistrates and Council, instead of borrowing as herein-before provided, but without Prejudice to their Right to do so, to borrow or accept or take from any Bank or Banking Company in a Cash Credit Account, to be opened and kept according to the Usage of Bankers in Scotland with such Bank or Banking Company, in Name of the said Magistrates and Council, any Sum or Sums of Money which they may be authorized to borrow under the Provisions hereof, and to make and grant Bonds and Assignations of the said Assessments in Security, and for Repayment of the Sums advanced from Time to Time upon such Cash Credit Account and Interest thereof: Provided always, that the Sums so borrowed shall be paid off and extinguished as herein provided.

On Failure to pay after Demand made, Creditors may enter into possession.

143. If, after Demand made on Six Months Notice in Writing to the Magistrates and Council, they shall fail to pay the Sum due under any Bond and Assignation and Transfer thereof, it shall be competent to the Creditors by whom such Demand was made to apply by Petition to either Division of the Court of Session, or in Time of Vacation to the Lord Ordinary officiating on the Bills, who, upon Proof of such Demand and Failure, shall adjudge and sequestrate, for behoof of the whole Creditors, the Assessment or Assessments assigned and

and conveyed as aforesaid, and appoint a Judicial Factor, with Power to him to levy, collect, receive, and take the Revenues so assigned and conveyed, and to apply the said Assessment or Assessments for behoof of the whole Creditors until the Sums due to the said Creditors, and all Interest exigible thereon, and all necessary Expenses, shall be fully paid off and discharged.

Public Loan Commissioners may lend Money.

144. It shall be lawful for the Commissioners acting in the Execution of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same, to make Advances to the Magistrates and Council upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts, or under the Provisions hereof, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments within a Period not exceeding Thirty Years, as shall in each Case be agreed upon.

III.—*Purchase and Acquisition of Lands.*

Part of 8 & 9 Vict. c. 19. incorporated.

145. "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with and form Part of this Act with respect to the Provisions thereof as to acquiring Lands by Agreement.

Rights of Heritable Property how to be taken.

146. The Provisions of Section 51 of "The Edinburgh Municipality Extension Act, 1856," with reference to Conveyances of Heritable Property to be acquired for the Purpose of the several Police Acts therein referred to, shall also apply to the Rights of all Heritable Property to be acquired under the Provisions or for the Purposes hereof.

IV.—*Execution of Works by Magistrates and Council.*

Magistrates and Council empowered to enter upon Premises for Purposes of this Act.

147. The Magistrates and Council shall for the Purposes hereof, and of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," have Power, by themselves or their Officers, to enter at all reasonable Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under the Provisions hereof, or of the several Acts before referred to, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Magistrates and Council or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Forty-eight Hours Notice for that Purpose given to the Occupier.

Penalty on Persons obstructing Magistrates and Council or Constables in their Duty.

148. Every Person who shall at any Time resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty, or the Performance of any Work, by virtue of the Provisions hereof or of the several Acts before referred to, or of any Warrant of the Magistrates, or any of them, or of any Byelaw, Regulation, or Order of the Magistrates and Council, or shall aid or incite any Persons so to do, or shall not, when required by a Constable, afford him every reasonable Aid and Assistance in preventing the Escape of any Person whom he has taken into Custody, and is conveying to the Police Office or to Prison, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to

rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, or Imprisonment for not more than Sixty Days, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Magistrates and Council to give Notice of new Levels or Sewers.

149. Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Magistrates and Council shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Magistrates and Council to hear Objections.

150. The Magistrates and Council, or a Committee of their Number appointed for the Purpose, shall meet at the Time and Place mentioned in the said Notice to consider, in the Presence of the Burgh Engineer, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Magistrates and Council or Committee at such Meeting; and thereupon the Magistrates and Council or Committee may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit.

Persons aggrieved by Orders of Magistrates and Council may appeal to the Sheriff.

151. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Magistrates and Council relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Magistrates and Council that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with a sufficient Cautioner to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff in his Discretion thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Magistrates and Council, and

152. And in respect to Appeal as to all other Matters and Things which the Magistrates and Council are by the Provisions hereof empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls

falls by the Provisions hereof to be provided for by way of Private Improvement Assessment, the Magistrates and Council shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses to the Individuals having Interest, as the Magistrates and Council shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Magistrates and Council in respect of such Matters or Things in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Magistrates and Council may proceed with the same, and levy the Assessments in reference thereto hereby authorized: Provided always, that all such Appeals provided for in this and the immediately preceding Clause, and all other Appeals to the Sheriff allowed hereby, not otherwise provided for, shall be disposed of summarily, and the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any Manner of Way.

Appeal to the Sheriff.

Appeals to be disposed of summarily, and Decision of the Sheriff final.

V.—*Execution of Works by Owners.*

153. Where under the Provisions hereof, or of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," or "The Edinburgh Municipality Extension Act, 1856," any Notice is required or falls to be given to the Owner or Occupier of any Premises in reference to the Purposes hereof, or of the several Acts before referred to, such Notice, addressed to the Owner or Occupier of such Premises, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Magistrates and Council, it shall be the Duty of the Magistrates and Council, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

As to Service of Notice on Owners and Occupiers.

154. Whenever under the Provisions hereof, or of the several Acts before referred to, any Work of any kind falls to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Magistrates and Council may cause such Work to be executed, and the Expense incurred by the Magistrates and Council in respect thereof shall be repaid to them by such Owner or Occupier, with Interest thereon at the Rate of Five per Centum per Annum from the Time when such Expense was paid by the Magistrates and Council.

In default of Owner or Occupiers, Magistrates and Council may execute Works, and recover Expenses.

155. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Provisions hereof, or of the several Acts before referred to, falls to be executed by him, the Occupier of such Premises may,

Occupier, in default of Owner, may execute Works, and

deduct Expenses from his Rent.

may, with the Approval of the Magistrates and Council, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

How Expenses are to be recovered from Owner.

156. If the Owner of any Premises made liable by the Provisions hereof, or of the several Acts before referred to, for any Rate, Assessment, or Charge for the Repayment to the Magistrates and Council of any Expenses incurred by them do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Magistrates and Council, the Magistrates and Council may, without Prejudice to the Power herein-before contained, recover such Rate, Assessment, Charge, or Expenses, with Interest thereon at the Rate of Five per Centum per Annum from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of Scotland.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

157. The Magistrates and Council may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier in the same Manner as the Police Assessment may be recovered from him under the Provisions hereof; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses, and Interest.

Occupier not to be liable for more than the Amount of Rent due.

158. Provided always, that no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged in virtue of the Provisions hereof, or of the several Acts before referred to, on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses, and Interest, are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued, and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Magistrates and Council, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Allocation of Expenses among several Owners or Occupiers, how to be made.

159. Wherever by the Provisions hereof, or of the several Acts before referred to, the Owners or Occupiers of any Lands or Premises within the Burgh are required to execute Works or to defray Expenses in proportion to the Rents or annual Value of the Lands and Premises belonging to or occupied by them respectively or otherwise, and a Dispute shall arise among the Parties, or any of them, relative to their Proportion of the Cost of such Works, or of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner, and such Decision shall be final.

Magistrates and Council may allow

160. Where any such Rate, Assessment, Charge, or Expenses payable to the Magistrates and Council by any Owner of any such Premises amount to more than

than Half the Amount of the net annual Value of such Building or Lands, the Magistrates and Council may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Magistrates and Council have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Time for Repayment by Owners of Improvement Expenses.

161. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions hereof, or of the several Acts before referred to, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate or Judge of Police may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions hereof, and of the several Acts before referred to; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner, during the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Work.

Proceedings in case of Tenants opposing the Execution of this Act.

162. Nothing herein contained shall extend to or make void any Agreement in Writing entered into before the passing of the Act confirming this Provisional Order for erecting or altering any Building, but the same shall be performed with such Alterations as may be rendered necessary by the Provisions hereof, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement, and the Cost of such Work as executed according to the Provisions hereof, shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Burgh Engineer, and for his Trouble in making such Decision each of the said Parties shall pay to the said Burgh Engineer such Sum not exceeding One Pound, and to be disposed of for such Purposes hereof, as the Magistrates and Council shall direct.

Respecting existing Contracts for building.

163. Nothing herein contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by the Provisions hereof, in the same Manner as if the Act confirming this Provisional Order had been passed and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

Respecting Contracts for Leases.

VI.—*Jurisdiction and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

164. The Judges of Police or any One or more of them shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, and of all Offences, Matters, and Things falling under the Provisions of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," in so far as such Provisions are not repealed or altered, or of any Byelaw made in virtue of the Provisions hereof, or of the several Acts immediately above referred to, and of any other Crime or Offence which is punishable by Public General Statute or Common Law, and is within the Jurisdiction of the Magistrates of any Royal Burgh, and shall have all such and the like Jurisdiction as any Magistrate of a Royal Burgh has by the Law of Scotland within the Royal Burgh for which he acts as a Magistrate: Provided always, that nothing herein contained shall be held to alter or in any Degree to affect the Provisions of the 244th Section of "The Edinburgh Police Act, 1848."

Magistrates of Police may appoint Procurator Fiscal.

165. It shall be lawful for the Magistrates and Council to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person to be Procurator Fiscal of, and conduct Prosecutions and other Proceedings in, the Police Court in all Cases cognisable by the Judges of Police, and such Procurator Fiscal shall have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of Scotland: Provided always, that the Superintendent of Police, although not appointed Procurator Fiscal, the Burgh Engineer, and the Inspector of Lighting and Cleansing shall respectively also be entitled to act as Procurator Fiscal in the Police Court in all Cases arising out of any Breach of the Provisions hereof or of the several Acts above referred to, or of any Byelaws made in virtue hereof or of the said Acts, in so far as such Provisions relate to any Matters or Things placed under their Charge respectively.

Interim Fiscal.

166. In the temporary Absence of the Procurator Fiscal appointed or acting as herein authorized, occasioned by Indisposition or other Cause, it shall be lawful for any Lieutenant of Police, with the written Authority of the said Procurator Fiscal, to perform ad interim the Duties of such Procurator Fiscal in the Name of such Procurator Fiscal, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

167. All Actions, Prosecutions, and Proceedings for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Provisions hereof, or of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," in so far as the Provisions of the said Acts are not repealed or altered, or of any Byelaws made in virtue hereof or of the said Acts, the Mode of recovering which is not otherwise provided for, shall be conducted before the Judges of Police, in the Police Court, at the Instance of the Procurator Fiscal appointed or acting as herein authorized; and (with the Exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description) such Complaint in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money, or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time)

to

to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds: and it shall be competent to the Judges of Police, where no special Penalty is attached to the Crime or Offence charged, to sentence the Person convicted of such Crime or Offence to Imprisonment for any Period not exceeding Sixty Days, or to adjudge Penalties not exceeding Ten Pounds; and the whole Procedure before such Judges of Police or any of them shall be conducted summarily vivâ voce, and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

Forms of Procedure to be framed.

168. The Judges of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure for the said Police Court calculated to despatch the Business thereof in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same.

Certain Crimes not competent to be taken cognizance of in the Police Court.

169. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime or Offence within the Burgh, or during his Trial before the Judge of Police, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (videlicet,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Judge, falls to be tried in another Jurisdiction, or if the Crime or Offence charged shall in the Opinion of the Judge merit a higher or greater Punishment than he can lawfully award, it shall not be competent for the Procurator Fiscal to insist in a Prosecution against such Person before the Judge of Police, but the Judge shall commit the Person accused to Prison for Examination, and the Procurator Fiscal shall forthwith give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence shall be charged to have been committed, or if charged to have been committed on the High Seas, or out of the United Kingdom, to the Lord Advocate of Scotland, in order that such Person may be proceeded against conformably to Law; Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Judge of Police

Police is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Officers or Owners of Property, &c. may take Offenders and suspected Persons into Custody.

170. Any Person found committing any Crime or Offence cognizable by the Judges of Police may, without a Warrant, be apprehended by the Owner of the Property on or with respect to which the Crime or Offence shall be committed, or by his Servant or any Person authorized by him, and be detained until he can be delivered into the Custody of a Police Constable; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained or fraudulently carried away may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or unlawfully or fraudulently obtained or carried away, and may seize, impound, and convey to the Police Office anything known or reasonably suspected to have been stolen or unlawfully or fraudulently obtained; and it shall be lawful for any Pawnbroker, or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, and he is hereby required, to detain the Person offering the same, and for any Officer or Constable to take such Person into Custody, and such Person, whether apprehended by any Constable or given into the Custody of any Constable, may, on Examination by the Judge of Police, be remanded to the Police Office, or committed to Prison for a Period not exceeding Three lawful Days, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Judge of Police shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained he may commit the Person charged to Prison to be dealt with according to Law: Provided always, that the Superintendent or Lieutenant on Duty at the Police Office shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his determining whether the Party shall be immediately discharged or liberated on Bail in manner herein provided; and further, provided that any Constable, Pawnbroker, Broker, or Dealer, or any other Person, who shall detain any Person under this Provision, shall be freed from Responsibility, unless Malice be averred and proved.

Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

171. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for the Judge of Police, upon the Application of the Procurator Fiscal, to order the Sale of any such Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner on Demand.

Limitation of Police Prosecutions.

172. All Actions, Prosecutions, or Proceedings before the Judges of Police for Recovery of Fines, Penalties, Forfeitures, or Expenses shall be commenced within Three Months from the Time the Facts on which such Actions, Prosecutions,

tions, or Proceedings were brought shall have been discovered and known, and not thereafter.

Superintendent in certain Cases may accept of Bail or Deposit.

173. Upon the Apprehension of any Person charged with any Crime or Offence which may be tried by the Judges of Police, it shall be lawful for the Superintendent of Police, or the Lieutenant of Police upon Duty at the Time, to accept of Bail or Deposit that such Person shall appear for Trial before the Judge of Police at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent or Lieutenant of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or Lieutenant of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent or Lieutenant of Police to any Claim for Damages, wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrates.

174. Every Person taken into Custody, and who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Judge of Police not later than in the course of the first lawful Day after he shall be taken into Custody, such Day not being a Sacramental Fast Day, or a Day set apart for a General Fast; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Judge of Police, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay.

Authority to Officers to cite Parties and Witnesses.

175. Any Person charged with any Crime or Offence which may be tried by the Judge of Police, and any Witness required to give Evidence in relation to the same, if within the Burgh, may, without any Warrant, be cited by any Constable; and it shall be deemed a legal Citation of such accused Person or Witness, or of any accused Person or Witness beyond the Burgh for citing whom Warrant has been granted as herein-after provided, if the Citation (which, as given to the accused Person, shall state the Nature of the Charge) be delivered personally, or left at his Dwelling House, or, if such Person or Witness has no known Dwelling House, at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps, or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or in which he is employed, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith.

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

176. When any Person charged with having committed any Crime or Offence which may be tried by the Judges of Police, or when any Witness is beyond the Burgh, the Judge of Police shall grant Warrant for apprehending or citing the Offender, and for citing and, failing Appearance after due Citation, for apprehending the Witness; and any such Warrant shall be sufficient within Scotland for citing any Offender or Witness, and for conveying such Offender or Witness as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if such Warrant is backed or endorsed by the Sheriff: Provided always, that the said Warrant shall be executed by a Constable.

Offenders failing to appear may be apprehended.

177. When any Person charged with any Crime or Offence which may be tried by the Judge of Police who has been duly cited, or who has been liberated on Bail or Deposit, fails to appear at the Time and Place appointed, or when any such Person having appeared fails to attend personally at any after Diet of Court, the Judge of Police may grant Warrant to take such Person into and detain him in Custody till the next Diet of Court, or to commit him to Prison until he finds Bail to an Amount not exceeding Twenty Pounds to appear at the next and all after Diets of Court; and when any Person suspending, advocating, appealing against, or bringing under Review any Order or Sentence of the Judge of Police has found Caution for his after Appearance as herein-after provided, the Judge of Police may, if such Sentence or Order be sustained, and such Person fails to appear, grant Warrant to apprehend and commit such Person to Prison until the Order or Sentence has been carried into full Execution.

Examination of Witnesses.

178. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in Attendance, it shall be lawful for the Judge of Police, at the Request of the accused Person, and if the Judge of Police in the Circumstances shall deem it proper, to take the Evidence of the Witnesses or the Accused before the Proof for the Prosecution has been led or concluded, but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty for Witnesses not appearing.

179. If any Person who has been duly cited as a Witness to appear before the Judge of Police fails to appear at the Time and Place for that Purpose appointed, the Judge of Police may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to an Amount not exceeding Twenty Pounds to appear and give Evidence, and may also in open Court and in a summary Manner sentence such Person to a Penalty not exceeding Five Pounds, and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Judge of Police may, instead of the said Penalty, sentence such Person to be imprisoned for a Period not exceeding Thirty Days: Provided, that Proof on Oath be made that he had been legally cited at least Twenty-four Hours before the Diet of Court.

Penalty for Witnesses refusing to give Evidence.

180. If any Person summoned as a Witness to give Evidence before the Judge of Police, and appearing shall refuse to be sworn or examined upon Oath, or, in case of a Quaker or other Person privileged by Law to be examined upon solemn Affirmation, after being sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Judge of Police may grant Warrant to commit to Prison such Person for any Period not exceeding Sixty Days.

Witnesses prevaricating may be punished summarily.

181. If any Person when under Examination on Oath or solemn Affirmation before the Judge of Police shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Judge of Police, in open Court and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person when under Examination on Oath or solemn Declaration as aforesaid shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly

duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Judge of Police to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

In default of paying Fines Parties to be imprisoned.

182. In any Action or Proceeding before the Judge of Police for the Recovery of Fine, Penalty, Forfeiture, or Expenses, the Person so found liable shall be sentenced to Imprisonment until the same is paid, but for Sums not exceeding Forty Shillings the Period of Imprisonment shall not exceed Thirty Days, and in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

Power to order Offenders to find Caution in lieu of Imprisonment or Fine,

183. It shall be lawful for the Judge of Police, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found, but in no Case shall the Period of Imprisonment exceed Sixty Days.

or to find Caution in addition to Imprisonment or Fine.

184. It shall be lawful for the Judge of Police, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof, and to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found, but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Ninety Days.

Warrant of Commitment.

185. In all Cases where Sentence of Imprisonment is imposed by the Judge of Police, a short Extract of the Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be detained in the Police Office or Police Cells for a reasonable Time to allow of such Extract being made, such Time not exceeding in any Case Twelve Hours.

Constables may be dismissed by the Magistrate.

186. It shall be lawful for the Judge of Police, without the Necessity of any Complaint, to direct the Superintendent of Police or Inspector of Lighting and Cleaning to dismiss any Sergeant, Criminal Officer, Constable, Lamplighter, Scavenger, or other inferior Officer whose Conduct in any Proceedings that shall form the Subject of Investigation before the Judge of Police shall, in the Opinion of such Judge, render such Officer unfit to be any longer retained in the Police Establishment, and such Officer shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

187. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever concerning any Prosecution instituted before the Judge of Police shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Judge of Police shall be final and conclusive, and not subject to Suspension or Advocation or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of such Judge, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully or of Incompetency, including Defect of Jurisdiction; and such Suspension

sion or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Suspension or Stay of Execution, &c. to prevent Payment of Penalties.

188. Such Suspension, Advocation, Appeal, Review or Stay of Execution shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Judge of Police requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Clerk of Court, nor of any Order or Sentence of the Judge of Police ordaining Caution, or awarding Imprisonment, unless on Caution to the Satisfaction of the Judge of Police to an Amount not exceeding Fifty Pounds, or if the Caution be ordered by the Judges of the High Court of Justiciary, or any One of them, to the Amount so ordered, that, in the event of the Order or Sentence being sustained, the Person suspending, advocating, appealing, or bringing under Review as aforesaid shall appear before the Judge of Police on the first lawful Day thereafter, and the Order or Sentence of the Judge shall, in so far as the same has not been carried out, be then and there carried into full Execution; and in all Cases where any Order or Sentence of the Judge of Police is brought under Review, or where any Action is brought against the Procurator Fiscal appointed or acting as herein authorized, or against any Officer or Constable, in consequence of anything done in the Execution of their respective Duties, or of the Order or Sentence of the Judge, it shall be lawful for the Judge to authorize the Expenses incurred in the Proceedings in such Suspension, Advocation, Appeal, or Action to be defrayed out of the Police Assessment hereby authorized: Provided always, that at the First Meeting of the Magistrates and Council after the raising of such Suspension, Advocation, Appeal, or Action as aforesaid, the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence or Order shall have been pronounced and brought under Review, or such Action raised, and the Magistrates and Council shall thereupon direct such Sentence so brought under Review or such Action to be defended or not, as to them shall seem proper; and if they shall direct such Sentence or Action not to be defended, then no Expenses incurred in defending the same subsequent to such General Meeting shall be defrayed out of the said Assessment.

Fines to be paid to the Clerk.

189. All Forfeitures, Penalties, Fines, and Expenses imposed by the Judges of Police, and recovered, shall be paid to the Clerk of Court, unless otherwise awarded, and shall be accounted for by him once every Month, or at such other Time or Times as the Magistrates and Council may direct, to the Collector; and the Procurator Fiscal is hereby directed on the First Monday in every Month to intimate to the Collector the Amount of the Forfeitures, Penalties, Fines, and Expenses imposed in the previous Month.

Application of Penalties.

190. The whole Forfeitures, Penalties, Fines, and Expenses imposed by the Judge of Police, and paid to the Clerk of Court, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, Fines, and Expenses shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment; and if such Forfeitures, Penalties, Fines, and Expenses shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment.

For Recovery of forfeited Bail Bonds and Bonds of Caution.

191. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour, or for keeping the Peace as aforesaid, shall commit a new Offence inferring Forfeiture of such Caution, or when

when any Person suspending, advocating, or appealing, or otherwise bringing under Review any Sentence pronounced against him, shall have found Caution for his after Appearance as herein-before provided, and shall fail so to appear, it shall be lawful for the Judges of Police to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within Six Days after the Date of such Summons, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Judge of Police to declare such Deposit to be forfeited, and if it be Money it shall be forthwith ordered by the Judge of Police to be paid to the Clerk; and if it be not Money such Article so deposited shall be ordered by the Judge of Police to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and all Sums paid to the Clerk as aforesaid shall be accounted for by him along with the Forfeitures, Penalties, Fines, and Expenses to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, Fines, and Expenses are directed to be applied.

Cautioners in Bonds.

192. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

193. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature upon any Ground or in any Manner of Way whatever.

Jurisdiction of Sheriffs and Courts of Guild to be preserved.

194. No Jurisdiction hereby conferred shall be held to exclude the Jurisdiction of the Sheriff or Court of Guild where the Case shall in the first instance have been brought before or taken up by the Sheriff or Court of Guild.

VII.—*Promotion of the Public Health.*

Magistrates and Council to be Local Authority.

195. The Magistrates and Council shall be the Local Authority within the Burgh for the Purposes of "The Nuisances Removal (Scotland) Act, 1856," anything in the said Act or any Regulation or Order to the contrary notwithstanding.

Power of Entry to include Superintendent of Police, Medical Officer, and others.

196. The Power of Entry given by the Ninth Clause of the said last-mentioned Act to the Local Authority or Inspector shall include the Superintendent of Police and the Medical Officer of the City, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

Decree to prevent overcrowding of common Tenements, and Watercloset Accommodation may be ordered.

197. The Eleventh Clause of the said last-mentioned Act is hereby amended to this Extent, that the Decree therein mentioned shall also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided,

divided, or let to or for the Use of separate Families, and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said Act shall include "any overcrowding of an in- "habited House, Building, common Tenement, or Part thereof insufficient in "Size for the Number of Persons inhabiting the same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts thereof.

Sheriff may supersede Consideration of Complaint to permit regular Drainage Works to be carried out under Police Acts.

198. The Forty-third Section of the said last-mentioned Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed, under the said Forty-third Section of the said Act, against the Magistrates and Council, if he shall deem such just, to enable the Magistrates and Council to carry out a regular System of Drainage, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

Sheriff may grant Warrant for Recovery of Penalties and Expenses, and for Imprisonment if not paid.

199. The Forty-fourth Section of the said last-mentioned Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment for a Period, in the Discretion of the Sheriff, not exceeding Sixty Days.

Offensive Trades to be subject to Regulations.

200. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture shall not be newly established in any Building or Place within the Burgh, or within Two hundred Yards thereof, without the Consent of the Magistrates and Council; and any Person contravening this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Magistrates and Council may from Time to Time make such Byelaws with respect to any such Businesses so newly established within the Burgh as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Power to remove Persons labouring under infectious Disease.

201. With a view to prevent the spreading of infectious or contagious Disease, be it enacted, that whenever the Medical Officer of Health shall be satisfied that any Person labouring under such Disease should be removed to the Royal Infirmary or other Hospital, he shall cause such Person to be removed in such Way and Manner as he may prescribe; and whatever Expense may be so incurred shall form a proper Charge against the Police Funds, reserving to the Magistrates and Council their Claim against any Parties liable therefor.

Premises within Burgh not to be used as Infirmary or Hospital without Licence.

202. No Houses or other Premises within the Burgh shall be used or occupied as an Infirmary or Hospital for the Treatment of Persons affected with Fever or other Disease until a Licence shall have been obtained therefor from the Magistrates; and no such Licence shall be granted until the same shall have been certified to be suitable for such a Purpose by the Medical Officer of Health, or some other duly qualified Medical Practitioner appointed by the Magistrates to inspect and report on the same.

Removal of *Corpses* to Funeratory.

203. Whenever any Person shall die in such Circumstances as that the Corpse, if kept, would remain in an occupied Room or Apartment, or so as to be offen-

sive

sive or prejudicial to the Health of Persons in the same or any adjoining Tenement, the Medical Officer of Health may cause the Corpse to be removed to a Funeratory to be provided by the Magistrates and Council for the Purpose; and the Expense of providing such Funeratory, and of removing and, if necessary, of interring such Corpse, shall form a Charge against the Police Funds, reserving to the Magistrates and Council, in the Case of such Interment being made by them, their Claim against any Parties liable therefor.

The Nuisances Removal Act.

204. Whatever by the said last-mentioned Act is authorized to be done by the Medical Officer of the Parish may be done by the Medical Officer of Health, or other duly qualified Medical Practitioner appointed by the Magistrates and Council, whose Actings in the Execution of the Provisions of the said Act shall in all respects receive the same Effect as if done or performed by the Medical Officer of the Parish.

Miscellaneous Provisions.

Security to be taken from Collector.

205. The Magistrates and Council shall and they are hereby required to take such Security from the Treasurer or Collector to be appointed by them for the due Execution of his Office, and for his faithful accounting for all Monies received by him in virtue of his Office, as to the Magistrates and Council shall seem meet; and such Security shall be taken from the Treasurer or Collector before he shall enter upon the Execution of his Office.

On Insolvency of Collector, Deficiency may be assessed.

206. In case any Treasurer or Collector appointed by the Magistrates and Council shall become insolvent, and the Sum or Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against and form a Burden upon the next or subsequent annual Assessments, and shall be taken into account in fixing the Rate of such Assessment or Assessments.

Certain Provisions of Local Acts repealed.

207. So much of "The Edinburgh Police Act, 1848," as is included in the Sections thereof numbered respectively 38 to 41 both inclusive, 43 to 56 both inclusive, 59 to 62 both inclusive, 64, 66, 67, and so much of 81 as refers to the Superintendent of Police and the Inspector of Lighting and Cleansing, and also Sections 82 to 91 both inclusive, 94 to 102 both inclusive, 106 to 112 both inclusive, 125, 126, 145, 149, 152, 155, 159, 166, 167, 172, 173, 175, 181, 196, 203 to 209, both inclusive, 215, 222, 223, 227, 229, 254, and also Schedules C., D., and E. appended to the said Act, are hereby repealed; and so much of "The Edinburgh Police Amendment Act, 1854," as is included in the Sections thereof numbered respectively 43, 49, 50, 58, and 59, are also hereby repealed: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council to recover all Arrears of Police and other Assessments imposed for the Year from Whitsunday 1866 to Whitsunday 1867 and preceding Years in the Way and Manner prescribed by "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," or by the several Acts under which such Assessments were respectively imposed.

Saving Provision of Local Acts.

208. Nothing herein contained shall be held to repeal or affect the Provisions of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The Edinburgh Municipality Extension Act, 1856," the Act 23 & 24 Vict. Cap. 50., and the Act 24 & 25 Vict. Cap. 27., except in so far only as herein expressly provided, or as shall be necessary to give effect to the Provisions hereof; and the Provisions and Enactments herein contained shall extend and be construed, deemed, and taken to extend to and form Part of the above-recited Acts in the same Manner, and as fully, and to all Intents and Purposes,

Purposes, as if the said Provisions and Enactments were set forth in and incorporated with the said recited Acts.

Interpretation Clause.

209. Except as herein otherwise expressly provided, the Words and Expressions herein used shall have and bear the Meanings severally assigned to them in "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856:"

The Words "the Burgh" shall mean and include the District within the Boundaries to which "The Edinburgh Police Act, 1848," as altered or extended by "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856," apply:

The Words "the Magistrates and Council," and "the Commissioners," shall mean the Magistrates and Council of the City of Edinburgh; and wherever the Words "the Commissioners" are used they shall be read as if the Words the "Magistrates and Council" had been used instead thereof:

The Words "the Judge of Police," or "the Judge," shall mean the Judge sitting and officiating in the Police Court under the Provisions hereof and of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856:"

The Words "Medical Officer of Health," or "Medical Officer," shall mean the Surgeon or Medical Practitioner appointed by the Magistrates and Council under the Provisions of "The Edinburgh Police Act, 1848," and of "The Edinburgh Municipality Extension Act, 1856," or any other Local or General Act in force within the Burgh:

The Words "the Burgh Engineer" herein used shall mean "the Superintendent of Streets and Buildings," and also the "Surveyor" appointed by or acting under the Commissioners of Police, or Magistrates and Council, under the Provisions of "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," and "The Edinburgh Municipality Extension Act, 1856;" and the adopted Clauses of the said "General Police and Improvement (Scotland) Act, 1862;" and the said Officer shall, for the Purposes of the said Acts, be termed the "Burgh Engineer:"

The Word "Constable" shall mean and include the Superintendent of Police, and all Lieutenants, Sergeants, Constables, and other Officers of Police appointed in virtue of Section 74 of "The Edinburgh Police Act, 1848:"

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations:

The Word "Owner" shall include Joint Owner, Fiar, Liferenter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioner of such Persons, or any of them, or any other Person who shall intromit with or draw the Rents:

The Word "Occupier" shall include Tenant and Sub-tenant, and the actual Possessor of any Lands or Premises, but shall not include a Lodger or Person in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Person by whom such furnished House is so let:

The Word "Lands," and the Word "Premises," shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and the fixed or attached Machinery therein, Yards, Places, and other Heritages specified or included in the Act of the Seventeenth and Eighteenth Victoria, Chapter Ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland:"

The

The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for Private Improvement Expenses under the Provisions hereof, or of any Local or General Act in force within the Burgh:

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of the Burgh:

The Word "Broker" or "Brokers" shall extend to and include any Person or Persons dealing in Second-hand Goods or Articles, or in Woollen Yarn or Waste, or in other unwrought Woollen Materials, or in old Metals, Bones, or Rags.

SCHEDULE (A.)

Attestation by Collector, Application to Sheriff, and Warrant, to be written at the End of each Volume of the Roll or Book of Assessment.

(1.) *Attestation by Collector.*

I *A.B.* Collector of Police Assessments and also Collector of the Assessments for [Prisons, Registration of Births, Deaths, and Marriages, Registration of Voters, Militia Purposes, Valuation of Lands and Heritages, &c., *as the Case may be*,] for the Burgh of Edinburgh, do hereby certify, That this is the [First, Second, *or* Third, *as the Case may be*] Volume of the Books of Assessments according to which the Police Assessment and other Assessments [and Rates, *as the Case may be*] above specified are leviable from the Persons and others therein named for the Year from to that the said Assessments [and Rates, *as the Case may be*] became due and payable as follows, viz. [*here specify the Dates on which the several Assessments and Rates respectively become payable*], that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments [and Rates, *as the Case may be*] or a Portion thereof, notwithstanding of the same having been demanded from them by Notices from me delivered to or left for them on the Premises assessed, or at the Dwelling Houses or Places of Business of such Persons; and that the Persons and others named in this Volume who have so failed to pay the said Assessments [and Rates, *as the Case may be*], or a Portion thereof, are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B., Collector.

Edinburgh, [*Date.*]

(2.) *Application to Sheriff.*

To the Honourable the Sheriff of the County of Mid-Lothian *or* his Substitute.

The Petition of *A.B.*, Collector of Police Assessments, and also Collector of the Assessments for [Prisons, Registration of Births, Deaths, and Marriages, Registration of Voters, Militia Purposes, Valuation of Lands and Heritages, &c. *as the Case may be*,] for the Burgh of Edinburgh;

Humbly sheweth,

That by the Acts of Parliament [*here refer to them*] certain Police Assessments and other Assessments [and Rates] are authorized to be levied in the Burgh of Edinburgh.

That in Terms of said Act [*or* Acts] Assessment Books for levying the said Assessments [and Rates] for the Year from to were

were made up and delivered to the Petitioner, in order to his levying and collecting the Sums set opposite the Names of the Persons and others respectively therein entered, of which Assessment Books this is the Volume.

That the said Assessments [and Rates] became due and payable as follow [*here specify the Dates on which the several Assessments and Rates become payable*].

That by the Attestation of the Petitioner hereunto prefixed it appears that certain of the Persons so assessed have failed to pay the said Assessments [and Rates], or a Portion thereof, notwithstanding of the same having been demanded from them by Notices from the Petitioner delivered to or left for them on the Premises assessed, or at their Dwelling Houses or Places of Business, and that the Persons named in this Volume who have so failed to pay are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged in whole or in part at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or a Portion thereof, on or before the First Day of March, have incurred in addition a Penalty of One Penny upon each Pound of the Rental of the Premises in respect of which they are assessed in Terms of the said Act [*here refer to it*].

That in these Circumstances it becomes necessary to apply to your Lordship for Warrant to the following Effect:—

May it therefore please your Lordship to grant summary Warrant against the Persons who have failed in Payment as aforesaid for Recovery of the said Assessments [and Rates] so remaining unpaid in whole or in part, and Penalty aforesaid, and to authorize Messengers-at-Arms or Officers of Court to enter the House, Place of Business, or other Premises of the Persons who have failed in Payment as aforesaid, and upon Presentment, if asked only, of the said Warrant or a Copy thereof certified by the Sheriff Clerk of the County of Mid-Lothian, along with the Receipts of the Collector for the several Assessments [and Rates] wholly or partly in arrear by such Persons respectively, and failing Payment being immediately made of the Assessments [and Rates] in arrear and Penalty aforesaid, together with the Expense of obtaining said Warrant, and the Fees and Charges of the Messenger or Officer, to seize, take possession of, and, if such Messenger or Officer shall think proper, to remove so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying out of the Proceeds of the Sale thereof the said Assessments [and Rates] remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in obtaining and carrying into execution the Warrant which may be granted hereon against said Persons respectively, and for these Purposes to authorize the said Messenger or Officer to open shut and lockfast Places; and further, to authorize the said Messenger or Officer, if the said Assessments [and Rates] and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made as aforesaid, to sell the said Goods and Effects so seized by Public Roup, either on the Premises in which the same were so seized, or at the Market Cross of the said Burgh, or in such other Place as your Lordship may appoint, returning the Surplus of the Price, if any be, and also any of such Goods and Effects as it may be found unnecessary to sell, after Payment of the said Assessments [and Rates] and Penalty, together with the Costs and Charges incurred in obtaining and carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects.

(Signed) *A.B.*, Collector.

Edinburgh Provisional Order Confirmation.

(3.) *Warrant.*

Edinburgh, (*Date.*) The Sheriff [*or* Sheriff Substitute, *as the Case may be,*] having considered the foregoing Application and Attestation, grants Warrant as craved.

(Signed) *C.D.*

Whitehall, 6th June 1867. (L.S.) (Signed) GATHORNE HARDY.

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