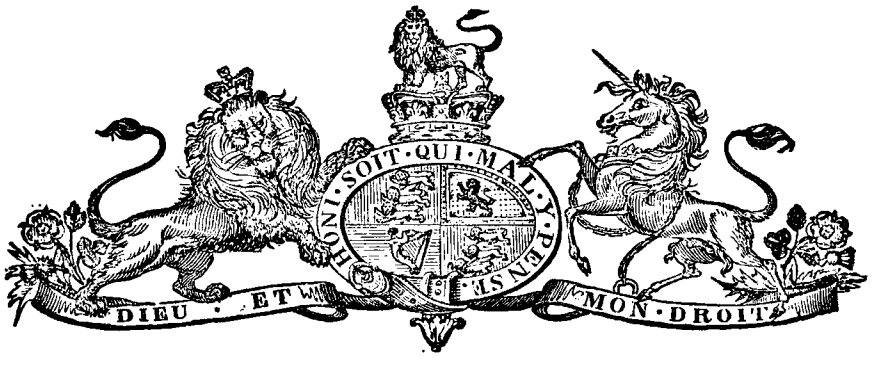


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. CI.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof. [7th *August* 1862.]

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in* Scotland: And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in* Scotland *to avail themselves of its Provisions for sanitary and other Improvements, without at the*

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force: And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: Be it 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:

Repeal of Acts.

1. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be and the same are hereby repealed, except only as regards any Burgh in which the Provisions of the said Acts or any Part thereof have, on or before the First Day of *August* One thousand eight hundred and sixty-two, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (*Scotland*) Act, 1862."

Interpretation of Terms.

3. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, and also those Burghs enumerated in Schedule (F.) of the said Act:

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven:

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, and Burgh of Regality and Barony, and contiguous Burghs of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act:

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third *William* the Fourth, Chapter Sixty-five:

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors were provided by either of the said Acts, Third and Fourth

Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of Seven hundred Inhabitants or upwards; and for the Purposes of this Act Two or more contiguous Towns, Villages, Places or Localities not being Burghs to which Magistrates and Councillors were provided as aforesaid, may be held to be a populous Place:

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

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards, in all Burghs, except in populous Places containing less than One thousand Inhabitants, and in populous Places containing less than that Number of Inhabitants, it shall mean a Male Occupier of Lands or Premises of the yearly Value of Six Pounds or upwards:

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a 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 "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and, except as regards the fixing and extending the Boundaries of Burghs and populous Places, shall include Sheriff Substitute, and also Steward and Steward Substitute:

The Expression "the Commissioners" shall mean the Commissioners or Trustees for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; and "Trustees of Police" shall include Trustees of any Town exercising the Functions of Police Commissioners under any Local Act:

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost:

The Word "Magistrates" shall mean a Magistrate or Judge having Police Jurisdiction under this Act or under any Local or General Act in force:

The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act:

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 Word "Street" shall mean a public Street, and shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the Burgh used either by Carts or Foot Passengers, not being a "private Street," and not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank:

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh, (not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank,) used by Carts, and either accessible to the Public from a public Street, or forming a common Access to Lands and Premises separately occupied, and which has not been before the Adoption of this Act well and sufficiently paved and flagged by the Owners of Premises fronting or abutting on said Street, and which has not been maintained as a public Street:

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 Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for private Improvement Expenses under this Act:

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 any Burgh:

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine:

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head with respect to the "Promotion of the Public Health":

The Word "Carriage," shall include any Coach, Omnibus, Chariot Fly, Car, Cabriolet, Gig, Brougham, Waggon, Timber Carriage, Dray, Truck, Hand-cart, Wheel-barrow, Hand-barrow, Lorry, or other Vehicle, used for the Conveyance of Goods or plying for Hire:

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.

PART I.

ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

Boundaries of Royal Burghs which send or contribute to send Members to Parliament.

4. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, or otherwise fixed by Law, unless it shall be resolved in adopting this Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries.

Boundaries of Parliamentary Burghs.

5. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

Boundaries of other Burghs, how to be fixed.

6. The Boundaries of all other Royal Burghs, Burghs erected or incorporated by Act of Parliament, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided; and on the Application of any Seven or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against as herein-after provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal within Fourteen Days from the Date thereof from the said Deliverance of the Sheriff to One of Her Majesty's Principal Secretaries of State by a written Appeal setting forth the Grounds on which he disputes the Sheriff's

PART I. *Adoption of the Act.* Sect. 1.

Deliverance, and it shall be lawful for any of Her Majesty's Principal Secretaries of State upon such Appeal to direct Inquiry into the Circumstances of the Case, and to issue such Order thereupon as he may deem requisite to determine the Boundaries of such Burgh, and such Order shall be final, and when recorded along with the Appeal on which it proceeds in the Sheriff Court Books of such County shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of populous Places how to be fixed.

7. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any Seven or more Householders in such populous Place; and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any,) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded along with the Application on which it proceeds in the Sheriff Court Books of the County shall fix and determine the Boundaries of such populous Place for the Purposes of this Act: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State, in manner as is above provided in regard to the Boundaries of other Burghs, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year, Boundaries to be held to be unascertained.

8. If at the Expiration of One Year from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place, in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

Power to rectify Errors committed by Sheriffs in defining Boundaries.

9. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to

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to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

Commissioners of Burghs, other than Royal and Parliamentary Burghs, may apply to Sheriff for Revision of Boundaries.

10. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, it shall be lawful for the Sheriff and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and extend the Boundaries of such Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by any Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State in manner herein-above provided, whose Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of Royal Burghs may be extended.

11. Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as herein-after provided for, is within or is in any Part within the Parliamentary Boundaries of such Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to the Parliamentary Boundaries of such Burgh or to any Part thereof; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

12. The

Householders beyond existing Boundaries of such Royal Burghs may oppose Extension.

12. The Sheriff shall, after the Presentation of the said Petition order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any Seven or more Householders who are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

Sheriff's Deliverance to be final.

13. If the Sheriff shall grant the Prayer of the Petition, he shall issue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Application for Extension of Boundaries may be renewed.

14. If the Magistrates and Council of such Royal Burgh shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings, resolve to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of Two Years from and after the Date of the Rejection of the last Petition.

PART I.

SECTION II.—*Adoption of Act by Magistrates and Councils or Commissioners or Trustees of Police.*

Parties who may adopt this Act.

15. This Act may be adopted either in whole or in part; (that is to say,) in Parts, Sections, or Clauses,—

(1.) In Royal or Parliamentary Burghs, where there is no Board of Commissioners or Trustees of Police, under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

(2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners or Trustees as aforesaid, by a Resolution

lution of the said Commissioners or Trustees at a Meeting held for the Purpose:

(3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the said Act Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, or which have Commissioners or Trustees of Police, under the Provisions of any Local Act of Parliament, by a special Order, as herein-after defined, of the Commissioners or Trustees of Police acting in and for such Burghs respectively:

But no such Resolution passed by any Magistrates and Council, or Commissioners or Trustees of Police, shall be valid, unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in the Manner in which Notices of Meetings of such Magistrates and Council or Commissioners or Trustees of Police respectively are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Limits within which the Act shall apply when so adopted.

16. Where this Act is adopted in whole or in part, as above provided for, this Act, so far as adopted, shall apply as follows; viz.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh, and to any additional Territory over which they as Commissioners of Police possess Jurisdiction, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries:

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh:

If adopted by the Commissioners or Trustees of Police of or in any Burgh, to the whole Territory over which such Commissioners or Trustees possess Jurisdiction, as the same is established by any General or Local Act, or otherwise fixed by Law, which Commissioners or Trustees shall not levy Assessments nor in any way exercise Jurisdiction beyond the Limits of such Territory, and in such Case the Word "Burgh" in this Act shall apply only to such Territory, anything in this Act to the contrary notwithstanding.

Proceedings with reference to Adoption of Act may be renewed.

17. If the said Magistrates and Council or Commissioners or Trustees of Police shall have resolved not to adopt the Provisions of this Act, or having adopted it, in whole or in part, shall have limited its Operation to the Area within the Parliamentary Boundaries, the

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Magistrates and Council or the Commissioners or Trustees may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same, or determine to extend its Operation to the whole Area within the Parliamentary Boundaries thereof; and if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such Part thereof as may not have been formerly adopted.

Where this Act adopted, other Acts repealed.

18. If the said Magistrates and Council or Commissioners or Trustees of Police adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt this Act in part, such Resolution shall specify the Parts, Sections, or Clauses so adopted; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to, or as in any way modifies, affects, or controls, the Parts, Sections, or Clauses so adopted, to which Extent this Act shall be held to be as effective as if the whole had been adopted according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted.

Where Act partially adopted, the Commissioners may adopt the Portion not previously adopted.

19. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such Burgh at any Time to adopt such Part of this Act as may not have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the said Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Proceedings to be reported to Sheriff.

20. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution

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Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Contracts, &c. under former Acts to be saved.

21. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and Obligations incurred, and all Assessments imposed or to be imposed under and by virtue of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor, or any special Interest provided for, under such recited Acts or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

Property vested in Commissioners under this Act.

22. Notwithstanding anything in this Act in the contrary implied or expressed, and whether this Clause be adopted by any Burgh or not, it is hereby enacted, That in all Cases where the Management of the Police Affairs of any Burgh is transferred from any existing Commissioners of Police, or other Persons, to the Magistrates and Council of such Burgh, or to Commissioners elected under this Act, the whole Lands, Heritages, Assessments, Claims, Demands, and Effects of every Kind belonging to or vested in the Commissioners of Police, or other Persons, from whom such Management is so transferred, or in any Person on their Behalf, and all Powers, Rights, and Privileges conferred on or vested in such Commissioners of Police, or other Persons, by any Act of Parliament, in so far as not inconsistent with the Provisions of this Act, shall be and are hereby transferred to and vested in the Magistrates and Council or Commissioners to whom such Management is so transferred, who shall be liable for the whole Debts and Obligations of the Commissioners of Police, or other Persons from whom such Management is transferred; and in all Cases where this Act shall be adopted in whole or in part, such Adoption shall not free or relieve the Magistrates

PART I. *Adoption of the Act.* Sect. 2.

Magistrates and Council or Commissioners of Police of any Burgh from any Obligations incumbent on them at the Date of such Adoption; and all such Obligations, together with the Powers of Assessment and other Faculties therewith connected, shall remain in full Force as if this Act had not been adopted.

PART I.

SECTION III.—*Adoption of Act by Householders.*

Burghs may convene a Meeting of Householders to consider of the Adoption of this Act.

23. It shall be lawful for any Seven or more Householders in any Burgh to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh: Provided always, that previously to such Requisition being entertained by such Magistrate or Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

Boundaries of Burgh to be ascertained previously.

Return of the Population and Lists of Householders to be made out.

24. Such Magistrate or Sheriff shall, upon receiving such Requisition for convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in *Scotland* within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Mode of calling First Meeting.

25. On Receipt of such Requisition, such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint

appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

PART I. *Adoption of the Act.* Sect. 3.

Meetings to be intimated by posting Handbills, &c.

26. Such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Qualification of Voters.

27. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Lands or Premises of the yearly Value required for the Qualification of a Householder as before defined, or of greater Value, so as to afford more than One such Qualification, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each such Qualification afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

28. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

Preses to declare the Determina-

29. Such Magistrate or Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as

 shall

tion of the Meeting.

shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any Seven Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

30. When such Poll shall be demanded as aforesaid, such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Date of such Demand in Writing, exclusive of *Sundays*, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

31. No Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

Poll Books to be provided.

32. Such Magistrate or Sheriff shall, either in Person or by a legal Substitute or Substitutes, who he is hereby authorized to appoint when necessary, preside at the Poll, and shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes: Provided always, that such Substitute or Substitutes shall possess the Qualifications required for the Assessor and Substitute under the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six.

State of Poll to be ascertained and declared.

33. As soon after the Close of the Poll as may be, the Persons who shall have presided thereat shall seal up and transmit the Poll Books to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day; and such Declaration shall be final, unless any Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, to be held on a Day not later than the Third Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by such Magistrate or Sheriff shall be final, and the Person demanding such Scrutiny shall be liable in the Expense thereof.

34. Any

Majority necessary to adopt this Act, in whole or in part.

34. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

Provision if Act adopted in whole or in part only.

35. If such Resolution shall be to adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if such Resolution shall be to adopt this Act only in part, the Parts, Sections, or Clauses so adopted shall be specified in the Minutes of such Meeting; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to the Parts, Sections, or Clauses so adopted, according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Further Proceedings on Act being adopted.

36. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and the Householders thereof present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Proceedings to be reported to the Sheriff.

37. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within Forty-eight Hours after the Close of the Proceedings and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

38. Where

If Act not adopted, Proposal may be reconsidered after One Year.

38. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, as often as they shall think proper, thereafter, but not sooner than One Year from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

Expenses attending the calling First Meeting, &c. how to be borne.

39. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

PART I.

SECTION IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, Burghs erected or incorporated by Act of Parliament, and Burghs of Regality and Barony.*

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

40. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after-mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commis-

Commissioners and Magistrates of Police respectively under this Act which are by this Act conferred on Commissioners and Magistrates of Police respectively.

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In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

41. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein provided.

Commissioners in certain Burghs Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

42. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having Commissioners or Trustees of Police under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, such Commissioners or Trustees shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; and the said Magistrates as Magistrates of Police, and the said Commissioners or Trustees of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magis-

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trates of Police respectively: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council of any Royal or Parliamentary Burgh at any Time to make Application to unite the Municipal and Police Government of such Royal or Parliamentary Burgh in manner herein-after provided.

Power to grant certain Exemptions.

43. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council, or Commissioners, as the Case may be, at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses in the suburban Part or Parts of the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council, or Commissioners; and it shall be lawful for the Magistrates and Council, or Commissioners, by a like Resolution, from Time to Time to extend the Period of such Exemptions: Provided always, that such Exemption shall only be made upon the Application or with the Consent of the Owners or Occupiers of the Lands and Premises situated within such Part or Parts of the Burgh so to be exempted, the Rent or Value of which shall amount to Two Thirds of the Rents or Value of the whole Lands and Premises therein, but not otherwise; and it shall be lawful for any Person who thinks himself aggrieved thereby to appeal to the Sheriff in manner after provided.

PART I.

Commissioners.

SECTION V.—*Elected Commissioners in other Burghs.*

Number of Commissioners.

44. In Burghs where Commissioners shall be elected as herein provided for the Purposes of executing this Act, they shall not exceed Twelve in Number; but the Number may be less than Twelve and not less than Six, as may be determined on in manner herein-before provided.

If Burgh divided into Wards.

45. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be Three Commissioners for each Ward.

46. As

Meeting for Election of Commissioners to be convened.

46. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, and for which Commissioners fall to be elected under this Act, the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise, the Sheriff, shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting such Magistrate or Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, such Magistrate or Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

Election of Commissioners.

47. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Burgh, or if such Burgh shall have been divided into Wards, then by any Householders within the Ward for which the Election is to take place; and the Preses of the Meeting shall ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any Seven Householders present at such Meeting, such Magistrate or Sheriff shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and shall provide Poll Books in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Books; and such Magistrate or Sheriff shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

First Meeting of Commissioners.

48. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First *Monday* after the First and each annual Election, hold their First General Meeting in the Town Hall

or

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or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

49. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

One Third of Commissioners to be elected annually.

50. One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is herein-before directed to be given of such First Election of Commissioners.

First and Second annual Elections.

51. The Third of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall

shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the Third of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall go out of Office; provided also, that the Senior Magistrate of Police shall always remain in Office for Three Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners failing to accept.

52. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First Monday after the First and each annual Election of Commissioners he shall be held to have declined the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Commissioners may be re-elected.

53. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving Three Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police, how to be supplied.

54. Where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to

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take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the Meeting, to be chosen by the Meeting, to be chosen by the Meeting, shall have a double or casting Vote, in case of Equality: Provided always, that Magistrates of Police shall at all Times be capable of being re-elected.

Interim Vacancies how to be supplied.

55. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

If Electors refuse to elect, Commissioners previously in Office may.

56. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

Commissioners not to hold Places of Profit under this Act.

57. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

PART I.

SECTION VI.—*Meetings of Commissioners.*

Commissioners to be summoned to attend Meetings.

58. All the Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by

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by their Clerk at least Twenty-four Hours before the Time of Meeting; and the Chief or Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

59. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second *Monday* of the Months of *January*, *April*, *July*, and *October* in each Year, at Twelve of the Clock Noon, or at such other Hour as the Commissioners may fix.

Statutory Meetings of Commissioners.

60. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition or stating the Purpose thereof.

Special Meetings may be called, on Requisition.

61. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Special Meetings not to annul Rules made at Statutory Meetings.

62. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Meetings may be adjourned.

63. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

Power to appoint Committees.

PART I.

SECTION VII.—*Powers and Duties of Commissioners.*

64. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and

Powers and Duties of Commissioners.

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and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, Inspectors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs or Passages or private Courts, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of Forty Shillings, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

Commissioners may contract for Execution of Works.

65. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

66. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

67. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees, and, being signed by the Preses of each respective Meeting, or any Copy

Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

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Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

68. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence under this Act committed within the Limits of the Burgh, as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

69. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

70. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

71. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

72. In

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

72. In case any Treasurer or Collector shall become insolvent, and the 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 annual Assessment.

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

73. It shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

Actions by or against Commissioners, how to be brought, and not to abate.

74. Except as herein-after specially provided, all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk for the Time being as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk shall cease or abate by the Death, Resignation, or Removal of any such Clerk, or by any Change in the Persons holding Office as Commissioners, but the Clerk to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

75. Accounts

Books of Accounts to be kept by Commissioners.

75. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners may appoint; and all such Books of Accounts may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed.

76. The Commissioners shall yearly, and previous to their statutory Meeting in the Month of *July* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the Fifteenth Day of *May* immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause an Abstract thereof to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Auditor to be appointed by the Commissioners.

77. The Commissioners shall annually appoint a professional Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Commissioners shall from Time to Time appoint an Auditor to supply such Vacancy.

Auditor's Report.

78. The Commissioners shall deliver to such Auditor, within One Month after the said Fifteenth Day of *May* annually, all the Accounts,

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Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

PART I.

SECTION VIII.—*Orders in Council.*

Power to apply to Privy Council in certain Cases.

79. Whenever it appears desirable to the Magistrates and Council or Commissioners of Police of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Commissioners of Police separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the Powers and Jurisdictions of Police, Paving, Lighting, Watching, and others, granted to the Commissioners of Police by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burgh:

Or whenever it appears desirable to the Magistrates and Councils, or the Commissioners of Police of contiguous Burghs, that Provision should be made for executing any great Conduits or Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs:

(1.) The Magistrates and Council, or the Commissioners of any Burgh, or the Magistrates and Councils, or Commissioners, of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

(2.) Upon

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(2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry:

(3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to call for such Information from the Magistrates and Councils or Commissioners of Police as he may consider necessary, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry:

(4.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Prayer thereof, or with such Modifications or Alterations as may appear to him to be requisite.

Provision where Mortality exceeds certain Proportions.

80. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than Five Years, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an Average exceeded the Proportion of Twenty to a Thousand in a Population of One thousand, Twenty-three to a Thousand in a Population of Five thousand, Twenty-five to a Thousand in a Population of Twenty thousand, or Twenty-nine to a Thousand in a Population of Three hundred thousand and upwards, of the Population of such Burgh or populous Place, the Lords of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also as to the natural Drainage Areas, and the existing Municipal, Parochial, or other Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Lords of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned.

81. Before

Procedure thereanent.

81. Before proceeding upon such Inquiry, the said Sheriff shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Lords of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Lords of Her Majesty's Privy Council may direct.

Orders in Council to be confirmed by Parliament.

82. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Lords of Her Majesty's Privy Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

Costs how to be borne.

83. All Costs, Charges, and Expenses incurred by the said Lords of Her Majesty's Privy Council or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

ASSESSMENTS.

SECTION I.—*Assessments for Police Purposes.*

Commissioners to make Police Assessment.

84. Once in each Year the Commissioners (being summoned in manner herein-before directed 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, 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 Police Purposes of this Act, in so far as the same may have been adopted, and for the Purposes to which the Police Assessment authorized by any Act in force in such Burgh at the Time of such Adoption might have been applied, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Hand-bills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: 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 not in any Year exceed a Rate equal to Two Shillings and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where the Enactments of this Act with respect to Water have been adopted, or a Rate equal to One Shilling and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment: Provided further, when in any Burgh, under the Provisions of any Police Act, a higher Rate of Assessment is now and has been in use to be levied upon Lands and Tenements above a certain fixed Rent than upon lower rented Lands and Tenements, it shall be in the Power of the Commissioners, in laying on the Assessment under this Act, to continue the same relative Rates of Assessment, if they think proper.

Payment of Damages occasioned by Mobs.

85. Out of the Police Assessment authorized by this or by any General or Local Act in force within the Burgh it shall be lawful to the Commissioners 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 Commissioners think proper, they may at any Time impose and levy a special Assessment on all Occupiers of Lands or Premises

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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 Commissioners shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

Provision for Assessment for Period less than One Year.

86. Where in any Burgh an Assessment for Police Purposes has been imposed previous to the Adoption of this Act, and is leviable for a Period ending on a Day prior to the Fifteenth Day of *May* immediately following such Adoption, it shall be lawful to the Commissioners under this Act to impose and levy a Proportion of the Police Assessment hereby authorized, corresponding to the Time intervening between the Date when such Period ended, and the said Fifteenth Day of *May*.

Commissioners to levy Assessments from Owners of Premises under 4*l*.

87. The Commissioners shall assess the Owners in place of the Occupiers of all Lands or Premises let at a Rent under Four Pounds, and levy such Assessment from such Owners; but the Commissioners shall allow to such Owners a Deduction from such Assessment equal to One Fourth of the Amount thereof; and such Assessments shall be recoverable from such Owners, along with any Penalty which may have become exigible thereon, in the same way as is herein provided with respect to the Recovery thereof from Occupiers.

Commissioners may grant Relief from Police Assessment in case of Poverty.

88. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Occupiers to pay Police Assessment.

89. The Assessments herein-before authorized to be imposed shall be levied from the Occupiers of Lands or Premises, but Deduction shall be allowed by the Commissioners of the Assessment 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 Assessment applicable to any Period less than a Year, and the same may be recovered from such Owners or from such Occupiers as the Commissioners shall judge expedient.

Arable Land, &c. how to be valued.

90. The annual Value of the following Lands or Premises shall for the Assessments under this Act, whether the Enactments with respect

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respect to Water have been adopted or not, 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 where the Enactments with regard to Water have been adopted, the annual Value of all Mines, Minerals, Quarries, and Manufactories within the Burgh shall as regards the Police Assessment, as far as it is applicable to Water, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll; without Prejudice, however, to the Commissioners entering into Agreements for the Supply of Water to such Lands and Premises in manner herein-after provided; 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 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 Commissioners, 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.

Police Assessment Roll to be made up.

91. The Commissioners 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 under this Act for the Assessments herein authorized to be levied, and according to which such Assessments under this Act 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

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or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officer appointed by the Commissioners for that Purpose, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Rates.

92. If any Person assessed under this Act shall refuse or neglect to pay any Assessment herein-before authorized to be levied, or any Portion thereof, on or before the Expiry of Three Months after such Assessment is declared payable, the Collector may make an Attestation in Writing setting forth that the said Person has failed to pay such Assessment, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a printed Notice delivered to or left for him on the Premises in respect of which such Assessment is made, and such Attestation being made it shall be lawful for the Collector to make Application to the Sheriff, or to any One of the Magistrates of Police, or other Magistrates of the Burgh, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant for Recovery of the said Assessment, or the Portion thereof remaining unpaid, and 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, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (D.) hereunto annexed: Provided always, that nothing herein contained shall prejudice the Right of the Collector, at any Time after the said Assessment shall be payable, to prosecute, as he is hereby empowered to prosecute for, and recover all or any Part of such Assessment in arrear, before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding; 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 Assessment 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 such Sheriff or Magistrate 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 or Magistrate shall be final.

93. No

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

93. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments, or any other Assessment, Rate, Charge, or Expenses under this Act, 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 Commissioners, 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 Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, Charge, or Expense under this Act, 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 under the Provisions of this Act.

Assessments to be recoverable beyond Burgh.

94. In case any Person liable in Payment of the Assessments herein-before authorized to be levied, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments 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.

Common Good may contribute towards the Purposes of this Act.

95. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided that nothing herein contained shall prejudice the Rights of the Creditors of any Burgh secured by Local Acts of Parliament or otherwise; and further, that the Adoption of this Act, in whole or in part, shall not relieve the Common Good of any Burgh from Payment of any Sum which such Burgh is bound by any Local Act to contribute towards the Police Expenses of the Burgh.

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

(1.) *Sewers.*

Where new Sewers are made, Commissioners may impose a Special Sewer Rate.

96. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Commissioners may impose a General Sewer Rate distinct from other Rates.

97. The Commissioners shall, if necessary, impose a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining 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 of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may assess.

98. The Commissioners 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 Commissioners 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.

Rates to be levied on separate and distinct Districts.

99. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they 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,

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 Commissioners shall consider fair and equitable.

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100. Where in the Judgment of the Commissioners 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.

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

(2.) *Foot Pavements.*

101. Whenever the Commissioners shall resolve, in manner after provided for, to undertake the Maintenance and Repair of the Foot Pavements in any Burgh, by means of a General Assessment, it shall be lawful for them to charge all Owners of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Paving Assessment equal to but not exceeding Twopence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called "The Foot Pavement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises, but the latter shall be entitled on Payment thereof to deduct the same from his Rent; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

Assessment for Maintenance and Repair of Foot Pavements.

(3.) *General Improvements.*

102. Whenever the Commissioners in any Burgh shall resolve, in manner after provided for, to make Provision for the General Improvement of the Burgh, it shall be lawful for them to charge, in equal Proportions, all Owners and Occupiers of Lands or Premises within such 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 this Act, and which Special Assessment shall, for the Purposes of this Act, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands

General Improvement Assessment.

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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; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(4.) *Private Improvements.*

Assessment for private Improvements.

103. Where by the Provisions of this Act 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, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners 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 this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

Rates and Assessment to be Burdens on the Premises.

104. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with the legal Interest thereof 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.

105. The Collector in any Burgh shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand in the Form of Schedule (E.) hereunto annexed, 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 Instalments 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 Two Shillings and Sixpence from the Person requiring the same; for which Fee, or for such Portion thereof as the Commissioners may direct, the Collector shall be bound to account to the Commissioners, if required by them.

106. The

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

106. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners 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 Clerk or Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners; 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 Commissioners as aforesaid, shall be sent by the Clerk or Collector through the Post Office at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; but the Commissioners may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessment.

107. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners 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 any Two of the Commissioners, 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 the legal Interest thereof 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 under this Act, 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.

108. If any Surplus of any Rate or Assessment under this Act 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 Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency by Assessment

Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

PART III.
Appointment of Officers.
Sect. 1

PART III.

APPOINTMENT OF OFFICERS.

SECTION I.—*Appointment of Surveyor, Inspector, and Officer of Health.*

Commissioners may appoint a Surveyor.

109. The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the several Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners may appoint an Inspector of Cleansing.

110. The Commissioners may appoint some Person, by the Title of "Inspector of Cleansing," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Commissioners shall duly publish the Name of any Inspector of Cleansing appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Cleansing shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Householder of the Burgh or other Person interested.

Commissioners may appoint Officer of Health.

111. The Commissioners may, if they think fit, appoint a Person of competent Skill and Experience, who shall be styled the "Officer of Health," and whose Duty it shall be to ascertain the Existence of Disease within the Limits appointed to him, especially of epidemic, endemic, and contagious Diseases, and to point out any local Causes likely to occasion or continue such Diseases or otherwise injure the Health of the Inhabitants, and to point out the best Means of checking or preventing the Spread of such Diseases, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature

Nature which may be required of him; and the Commissioners shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Police Assessment hereby authorized to be levied; and the Commissioners may, with the Approval of One of Her Majesty's Principal Secretaries of State, remove any such Officer of Health, or, with the like Approval, discontinue any such Officer.

Same Person may be Surveyor and Inspector.

112. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Cleansing.

Commissioners may provide Offices.

113. The Commissioners may provide Offices for the Use of the Surveyor, Inspector, and Officer of Health in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given Twice at least in some Newspaper circulating within the Burgh.

PART III.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

Appointment of Superintendent of Police and of Constables.

114. The Commissioners of Burghs authorized by this Act to maintain Constables shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as such Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Cleansing: Provided always, that no Burgh to be established in virtue of this Act shall be entitled to maintain Constables in Terms of this Act unless the Population of such Burgh shall, according to the last Census for the Time being, amount to Seven thousand or upwards, it being hereby declared that the true Intent and Meaning of this Act in that respect is that all such Burghs shall, in regard to Constables, be subject to or regulated by the County Police Act Twentieth and Twenty-first of *Victoria*, Chapter Seventy-two, anything in this Act to the contrary notwithstanding.

Constables may execute Warrants, &c.

115. All Warrants and Deliverances which may be issued in any Criminal Proceeding arising within the Burgh by the Sheriff of the County

PART III. *Appointment of Officers.* Sect. 2.

County may, with the Consent of the Commissioners, be served and executed, and all Services, Citations, and Executions in any such Criminal Proceeding before such Sheriff may be made and given by the Superintendent of Police or any Constable of the Burgh appointed under this Act.

Constables to account for Fees.

116. It shall not be lawful for any Constable acting under this Act to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable, but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment which he may be liable to account for or pay over to the Commissioners or otherways for the Use of the Burgh.

Duties of Superintendent of Police and Constables.

117. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police, under the Control of the Commissioners; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before another Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Power to detach Constables to other Places.

118. On the Requisition of the Sheriff of any County or Chief Magistrate of any Burgh in *Scotland* the Superintendent of Police shall,

shall, if so directed by the Magistrates, or in case of Urgency by the acting Chief Magistrate, detach Constables to act in other Counties or Burghs, Guarantee being obtained for Outlay and Expense, and also for Provision in case of Officers being injured or killed.

Powers and Privileges of Superintendent of Police and Constables.

119. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Constables not to resign without Leave or Notice.

120. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Commissioners to fix Salaries of Constables.

121. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in or after long Service be unfitted for the Execution of his Duty.

Constables dismissed to deliver up Accoutrements.

122. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and the Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for

123. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his

assuming the Dress of Constables.

his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

124. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Magistrate before whom he is convicted, he may be imprisoned for any Time not exceeding One Month, with or without Hard Labour.

Power to provide Offices, Watch-houses, &c.

125. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*

Streets to be lighted.

126. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at or upon the Rails or in or upon the Walls of Buildings on the Sides of the Streets, as they shall think proper, without being liable to any Claim for Compensation thereanent.

Penalty for wilfully breaking Lamps.

127. If any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light or damage the Iron or Appurtenances of any Lamp, it shall be lawful

lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Sixty Days.

Persons accidentally breaking Lamps to repair the Damage.

128. If any Person shall, through Negligence or Accident, break any Lamp set up in any Street, public or private, or in any common Stair or Passage, or private Court, and shall not, upon Demand, make satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Price to be paid for Gas to be ascertained in case of Dispute.

129. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Terms and Conditions of the Supply, and as to the Price to be paid for such Supply, then such Terms and Conditions and Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be and are hereby incorporated with this Act, and the Expression "the Undertakers" in the said Act shall, in reference to this Act, mean the Commissioners: Provided always, that this Enactment shall not apply to any Burgh where the Supply of Gas for public Lamps is regulated by a Local Act.

Owners to provide Lamps for common Stairs, &c.

130. 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 Commissioners, within Seven Days next after Service

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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 Commissioners; 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.

131. 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 Commissioners, 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.

PART IV.

SECTION II.—*Cleansing Streets.*

Dust, &c., collected to be vested in the Commissioners.

132. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, public or private, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from such Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

133. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Premises by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act: Provided always, that it shall be lawful for any Landowner or Householder whose Property may be affected or who thinks himself thereby aggrieved to appeal to the Sheriff in manner after provided.

Dust Boxes to be erected by Commissioners.

134. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein

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wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the public and private Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited 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 or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

135. The Commissioners may erect such public Waterclosets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Police Assessment, but so that such Erection shall not become a Nuisance, and any Householder who thinks himself aggrieved thereby may appeal to the Sheriff in manner after provided.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

136. The Commissioners shall, as often as Occasion requires, cause the public and private Streets to be watered, and they may contract with any Water Company or Person for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any such Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

137. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Person to employ Scavengers, for sweeping, cleansing, and watering such Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any such Streets which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, Reservoir, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes,

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Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing contained in this Act shall extend to or affect the Obligations of Turnpike Road or other Trustees in regard to the Roads under their Management within the Burgh.

Penalty for obstructing Scavengers.

138. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

139. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Dung, Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Horse and Cow Dung to be kept off the Streets.

140. It shall not be lawful to deposit, except for the Purpose of Removal, any Horse or Cow Dung upon such Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any such Streets (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Cleansing, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

141. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of Cleansing, under a Penalty not exceeding Twenty Shillings for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Areas, &c. to be cleansed by Occupiers.

142. All Private Courts, Yards, Areas, and other Places which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and shall at least Three Times in every Week, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Occupiers of such Courts, Yards, Areas, or other Places respectively; and if such Courts, Yards, Areas, or other Places shall not be so kept and cleansed the Occupiers thereof shall be liable to a Penalty not exceeding Ten Shillings for every such Offence.

Penalty for Neglect.

143. It

Dungsteads, &c. to be cleaned out.

143. It shall be lawful for the Commissioners or any of them, after Inspection and Report by the Superintendent of Police or Inspector of Cleansing to regulate and limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if any other Person under Obligation by Contract or otherwise to empty or clean out such Places shall fail so to do within the Time so limited, such other Person shall be liable in a Penalty not exceeding Twenty Shillings, besides Forfeiture of any Stable or Byre Dung in such Place, which Dung the Inspector of Cleansing, or any other Officer authorized by the Commissioners, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to the Police Purposes under this Act.

As to Removal of Dung.

144. Every Person who shall lay or cause to be laid on any such Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in such Streets, from the First Day of *October* to the First Day of *April*, and before Seven of the Clock of the Day from the First Day of *April* to the First Day of *October;* and if Dung or Manure shall be allowed to remain on any Part of such Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding Five Shillings for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

Penalty for conveying offensive Matter at improper Times.

145. The Commissioners 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 Commissioners 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 Commissioners 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 the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

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PART IV.

SECTION III.—*Paving and maintaining Streets.*

Power to the Commissioners to improve and form public Streets.

146. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall also repair such Streets from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour, or other Fund, by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner after provided.

Commissioners may place Fences to Footways.

147. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

148. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners 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 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 shall be bound to restore the same, in a substantial Manner and to the Satisfaction of the Commissioners; failing which, the Commissioners shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

Foot Pavements.

149. The Owners of all Lands or Premises fronting or abutting on any Street shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of such Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner

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Manner and Form and of such Breadth as the Commissioners shall direct, and shall thereafter, from Time to Time, as Occasion may require, repair and uphold such Footways: Provided always, that where the Lands or Premises of any Owner front or abut on any Street for a continuous Length exceeding One hundred Yards, and such Lands or Premises are unfeued or unbuilt on, it shall not be lawful to the Commissioners to require such Owner to construct such Footway, but the Commissioners may themselves cause such Footway to be constructed in so far as they think proper, and shall be entitled forthwith to recover from such Owner One Third of the Expense thereof, and the remaining Two Thirds thereof whenever the Lands fronting or abutting on the Footway so constructed by them are actually feued or built upon, or laid out or used as a Garden or Pleasure Ground or Pertinent of a House.

Private Streets not properly formed.

150. Whereas it would conduce to the Convenience of the Inhabitants, and be for the public Advantage, if Provision were made for the levelling, paving or causewaying and flagging of Streets which have been laid out and formed by Persons who have neglected to have the same properly levelled, paved or causewayed and flagged, and for preventing such Inconveniences in future: Be it therefore enacted, That where any private Street or Part of a Street is at the Adoption of this Act formed or laid out, or shall at any Time thereafter be formed or laid out, and is not, together with the Footways thereof, sufficiently levelled, paved or causewayed and flagged to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such Street or Part of a Street, and the Footways thereof, to be freed from Obstructions, and to be properly levelled, paved or causewayed and flagged, and channelled, in such Way and with such Materials as to them shall seem most expedient; and no such Street shall be considered to have been sufficiently paved or causewayed and flagged unless the same shall be completed with Kerbstones and Gutters to the Satisfaction of the Commissioners.

Expense to be paid by Owners.

151. The whole of the Costs, Charges, and Expenses incurred by the Commissioners in respect of private Streets shall be paid and reimbursed to them by the Owners of the Lands or Premises fronting or abutting on each Street, in proportion to the Extent of their respective Premises fronting or abutting on such Street, as the same shall be ascertained and fixed by the Commissioners or their Surveyor.

In certain Cases Proportion of Expenses to be fixed by Commissioners.

152. Where One or more private Streets or Parts thereof serve for or lead to various Premises adjoining the same, or where, from the peculiar Nature of the Locality, in the Judgment of the Commissioners, the Proportions of each Owner cannot be regulated according to

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to the Frontage as above provided for, the Commissioners shall fix and determine the Premises the Owners of which shall be liable for such Costs, Charges, and Expenses, and the Proportions leviable from each Owner, as they shall consider, under all the Circumstances of the Case, to be just.

Owners to be liable only for Proportions of Expenses.

153. Each Owner shall be liable only for his own Proportion of the said Costs, Charges, and Expenses, and any Owner who shall have well and substantially, and to the Satisfaction of the Commissioners, levelled, made, paved, or causewayed and flagged, and channelled, any Part of such private Street or of the Footways thereof, or done any of such Works, shall be entitled to such Relief as shall appear to the Commissioners to be just.

Private Streets may be declared Streets, as defined in this Act.

154. If any private Street shall at any Time be made, paved, or causewayed and flagged, and put in good Order and Condition, to the Satisfaction of the Commissioners, then, and on Application of any One or more of the Owners of Premises fronting or abutting upon such Street, it shall be lawful for the Commissioners to declare the same to be a Street, as defined in this Act, and for ever afterwards vested in the Commissioners, and shall, with the Exception of the Footway, be repaired and repairable by the Commissioners, under the Authority and Powers of this Act.

Commissioners may relieve Owners within Burgh from Repair of Footways.

155. It shall be lawful to the Commissioners acting under this or any General or Local Act, instead of enforcing the Maintenance and Repair of Footways within Burgh by Owners, to resolve, at a Meeting held for the Purpose, to undertake such Maintenance and Repair, and thereafter such Footways shall be maintained and repaired by the Commissioners: Provided always, that nothing herein contained shall apply to the Footways of private Streets, nor shall affect the Right of the Commissioners to require such Footways to be previously made.

Right of Relief, &c. not to be affected.

156. Nothing in this Act contained shall affect any Right of Relief in regard to the making, paving or causewaying, maintaining, or cleansing of Streets which the Owner or any other Person may have by Feu Contract or otherwise; nor shall any Liability attaching in Law to the Trustees of any Turnpike or other Road, or other Persons liable to make, pave or causeway, maintain, or cleanse Streets or the Footways thereof, be affected, altered, or abridged hereby.

Right of Appeal.

157. Provided always, That as regards the paving or causewaying and maintaining Streets, public or private, including the Footways thereof, it shall be lawful for any Person whose Property may be affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART

PART IV.

SECTION IV.—*Naming the Streets, and numbering the Houses.*

Houses to be numbered and Streets named.

158. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, public or private, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, in legible Characters, at or near each End, Corner, or Entrance of every such Street, the Name of such Street; and no Name shall be given to any Street without the Consent of the Commissioners; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

159. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

PART IV.

SECTION V.—*Improving Streets and removing Obstructions.*

Houses may be set forward for improving Line of Street.

160. The Commissioners 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.

Power to purchase Houses, &c. for additional Improvements.

161. The Commissioners may, at a Meeting to be held for the Purpose, resolve to acquire Lands or Premises within the Burgh for the Purpose of widening, enlarging, or otherwise improving any of the Streets, 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, or otherwise improve Courts and Places where there may be Doubt as to the Liability of Owners to execute such Works, and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Commissioners, 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 Commissioners may acquire Premises for sanitary Purposes.

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Commissioners to resolve to acquire Lands or Premises, for the Purpose of reserving them as vacant Spaces, 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 herein-before authorized to be levied; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

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

162. 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 Commissioners 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 Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners 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 Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Future Projections of Houses, &c. to be removed, on Notice.

163. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall form a Charge against and be paid by the Owner so making default; and no Person shall erect any Projection whatever in any Street without the written Consent of the Commissioners, under a Penalty of Forty Shillings for each Offence.

164. If

Commissioners may cause existing Projections to be removed, and Compensation to be made.

164. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

165. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards may be altered.

166. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

167. When any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing; and if such Owner do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

168. The

Rain Water to be conveyed from Roofs of Houses in Pipes.

168. The Owner of every House or Building in, adjoining, or near to any Street, public or private, shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along such Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement, Causeway, or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement, Causeway, or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

Parties aggrieved may appeal to the Sheriff.

169. Provided always, That, as regards the improving the Line or Level of any Street, and removing Obstructions, or any other Work to be executed by the Commissioners, under the Provisions of this Act, for the Improvement of any Streets, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV.

Section VI.—*Laying out new Streets.*

Notice of Intention to lay out new Streets to be given to Commissioners.

170. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any such Street is, at the Time of the Adoption of this Act, in whole or in part, 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 of this Act.

Levels to be fixed by the Commissioners.

171. The Level of every such new Street shall be fixed by the Commissioners 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 Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be

be kept thereafter by every Person erecting any House or other Building in such Street.

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If the Commissioners fail to fix the Level, the Party may proceed without.

172. If the Commissioners do not fix such Level 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 which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, 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 Levels.

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

Situation of Gas and Water Pipes to be altered, at the Expense of the Commissioners.

174. If the Commissioners deem it necessary to raise, sink, 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, sunk, or otherwise altered in Position in such Manner as the Commissioners 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, sinking, or altering, and Compensation for every Damage done thereby, shall be paid by the Commissioners 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 Alteration, the Commis-

175. 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, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes

sioners may cause the same to be done.

or Works to be raised, sunk, 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.

Commissioners may agree as to making of new Streets.

176. It shall be lawful for the Commissioners to agree with any Person for the making of new Streets for the Public Use through the Lands and at the Expense of such Person, and to agree that such Streets shall become and the same shall accordingly become, on Completion, public Streets to be maintained and repaired at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of Two Thirds of their Number, to agree with such Person to pay any Portion of the Expense of making such Streets out of the Police Assessment, and accordingly to pay the same.

Width of new Courts.

177. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear Width of Fifteen Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than Eight Houses there shall be an additional Width of One Foot for every such additional House; provided also, that there shall be an Entrance to every such Court of the full Width thereof, and open from the Ground upwards.

Height of Houses in Courts.

178. It shall not be lawful to build any Houses in any Court which shall be of greater Height than Thirty Feet, nor shall any Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from the Level of the Ground Floor to the Eave of the Roof.

Penalty for forming Courts contrary to Act.

179. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, any new Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners 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 Court, or Part thereof, or such Houses or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions of this Act relating to the Width and Construction of Courts, shall not extend or apply to any existing Court which shall be proved to the Satisfaction

faction of the Commissioners to be agreed to have been formed previous to the Adoption of this Act.

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Removal of Toll Bars within Burgh.

180. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road, the whole or any Portion of which is within the Burgh, to contract for the Removal of any Toll Bar thereon from within or nearer to the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the whole of the said Turnpike Road so far as situated in the Burgh, or of Part thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on: Provided always, that no such Contract shall be valid and effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter; and that no Person qualified as a Trustee by holding the Office of Lord Provost, Provost, Baillie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the Burgh shall be entitled to vote at any such Meeting in relation to any such Contract: Provided also, that where the whole Money borrowed on the Credit of the Tolls of any such Turnpike Road shall not have been discharged, no such Contract shall be valid without the Consent thereto in Writing of the Persons entitled to Three Fourths of the Money remaining due upon such Tolls, and of such Trustees as shall have become personally liable for the same: Provided further, that it shall be lawful for the Trustees of any Turnpike Road from which a Toll Bar shall be removed in pursuance of the Provisions herein-before contained to levy at such Bar, where re-erected, and also at the other Bars on the said Road, the same Tolls as they might have levied if such Bar had not been removed.

Exemption of Roads under Trustees.

181. The Provisions of this Act 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 this Act shall in no respect repeal, alter, or affect the Powers or Obligations of such Trustees, or the Provisions of any Act of Parliament under which they act.

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PART IV.

SECTION VII.—*Public Sewers.*

Sewers, &c. vested in Commissioners.

182. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is adopted 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 Commissioners.

Power to purchase, &c. certain Sewers.

183. The Commissioners 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 Commissioners, 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 Commissioners; 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 Commissioners 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.

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

184. Nothing in this Act contained shall be construed to authorize the Commissioners, 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

and nothing in this Act 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.

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Drainage Districts to be formed, subject to the Approval of the Sheriff.

185. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, 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 their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

186. The Commissioners 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 the Streets, public or private or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or any Ditch made use of as a Common Sewer, or any Ditch into which Sewage flows, 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 such Streets, 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 inclosed or other Lands, the Commissioners 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, reconstructing, 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 Commissioners 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.

187. The

Commissioners may alter Sewers from Time to Time.

187. The Commissioners 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 vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, 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.

Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect.

188. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners 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 Commissioners, 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.

Commissioners to cause Estimates to be prepared before Execution of Works.

189. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor 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 such Surveyor 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.

190. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners 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 Commissioners 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

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the same was imposed or levied, and the Commissioners 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 Commissioners.

191. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, public or private, without the Consent of the Commissioners 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 Commissioners; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c to be covered with Traps.

192. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners 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.

193. 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 Limits of Burgh.

194. 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 this Act, may, with the Consent of the Commissioners 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 Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners 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 Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

195. If

Drains may be made to discharge below High-water Mark.

195. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

Power to borrow Money for the Construction of Sewers.

196. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners 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 of this Act 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, 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 in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, 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 Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

197. The Money so borrowed shall be applied wholly in defraying the Expense of making, enlarging, reconstructing, and maintaining Sewers, 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 Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or Maintenance of Sewers.

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

198. Provided always, That it shall not be lawful to the Commissioners 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, and 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.

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SECTION VIII.—*Drainage of Houses.*

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

199. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Yards of any Part of such House or Building, the Commissioners 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.

200. 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 Commissioners, either then existing or marked out upon the Map hereinafter directed to be made by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Commissioners 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 Commissioners direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Commissioners, so as effectually to prevent any Leakage or Effluvium therefrom until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

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

201. 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 hereinbefore provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof 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 of this Act.

202. Before

Notice of Buildings and Rebuildings to be given to the Commissioners.

202. 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 Commissioners 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 Commissioners.

Commissioners may signify Disapproval within Fourteen Days.

203. Within Fourteen Days after receiving such Notice, the Commissioners 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 Commissioners, if not appealed to the Sheriff, shall be final.

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

204. 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 Commissioners, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

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

205. If the Commissioners 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 such building or rebuilding be otherwise in accordance with the Provisions of this Act.

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

206. 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 Commissioners, and shall be altered, repaired, 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

If Owners neglect, Commissioners may

for

for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may, at the Expense of such Owner, cause such Drain or Cesspool or Reservoir to be altered, repaired, covered, and put in good Order.

cause the same to be done, and charge the Owners with the Expense.

207. The Surveyor of the Commissioners 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 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 Commissioners.

As to the Inspection of Drains and Cesspools.

208. If such Drain or Cesspool or Reservoir be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, 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 Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

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

209. 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.

Parties aggrieved may appeal to the Sheriff.

PART IV.

Section IX.—*Soil Pipes and Water-closets.*

210. Within One Month next after Notice given by the Commissioners 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 and Soil Pipe after mentioned, and shall fit up, in some Window, Recess,

Water and Water-closets.

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Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied, trapped, and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets 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, a sufficient Number of Water-closets 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 Commissioners 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 impracticable.

Certain Water-closets to be constructed in Factories, &c.

211. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, 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 Commissioners 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 a sufficient Number of Water-closets 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.

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

212. 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 Story 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

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.

Soil Pipes may be carried through the different Houses.

213. 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 Story 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.

Penalty for introducing Ashes into Soil Pipes.

214. The Occupier of any House or other Place into the Cesspool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter shall be liable in a Penalty not exceeding Forty Shillings, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

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

215. In all Streets, 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 Surveyor, 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 Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring

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the Street, 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 in the Street as the Commissioners 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; and in case of Dispute among the Parties or any of them relative to their Proportion 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.

PART IV.

SECTION X.—*Supply of Water.*

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

216. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, Fountains, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct and maintain any Number of new Cisterns, Pumps, Conduits, Fountains, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

217. The Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water, in case of Dispute.

218. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

219. It

Fire Cocks may be placed on Pipes of Water Companies.

219. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, or any Company actually supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

220. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for maintaining such a constant Flow of Water, by means of a Reservoir or Reservoirs or otherwise, along any natural River-Bed or Watercourse within the Burgh, as may be requisite to carry away the Sewage and Drainage discharged into the same, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may, from Time to Time, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Reservoirs and Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets, public or private, from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company or Owners or Lessees of Reservoirs may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Reservoirs and Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh; and the Commissioners, by means of such Reservoirs and Waterworks, or either of them, may maintain such a constant Flow of Water along any natural River Bed or Watercourse within the Burgh as may be requisite for the Health of the Inhabitants of the Burgh, and to carry away the Sewage and Drainage discharged into the River: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c., if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Service Pipes to be laid by Owners.

221. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street, public or private, within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Streets not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

222. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Washhouses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application

Application by either of the Parties, and the Decision of the Sheriff shall be final.

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Penalty for injuring Waterworks, diverting Streams, or wasting Water.

223. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence incur a Penalty not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled; and on Proprietors of Gasworks, &c.

224. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the

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Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of *Scotland.*

Supply of Water for domestic Purposes.

225. A Supply of Water for domestic and ordinary Purposes shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire, or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in Public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for Public Baths or Wash-houses, or for any ornamental Purpose whatever.

Certain Provisions of "The Waterworks Clauses Act" incorporated with this Act.

226. With respect to the Supply of Water within Burgh, all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act, and any Act incorporated therewith:

With

With respect to the Construction of the Waterworks:

With respect to the Communication Pipes to be laid by the Inhabitants:

With respect to Waste or Misuse of the Water supplied by the Undertakers:

With respect to the Provisions for guarding against fouling the Water of the Undertakers:

With respect to the Payment and Recovery of the Water Rates:

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff:

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and the Expression "the Undertakers" in the said Waterworks Clauses Act shall, in reference to this Act, mean the Commissioners under this Act: Provided always, that the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Commissioners may make Byelaws in reference to Water.

227. It shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

PART IV.

SECTION XI.—*Surveys and Plans.*

Commissioners to procure a Map of the Burgh, which is to be open to Inspection.

228. The Commissioners shall procure as herein-after provided a Survey and Map or Maps of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands or Premises within the Burgh.

229. The

Officers of Ordnance to furnish Commissioners with Maps, or cause Surveys to be made.

229. The Principal Officers of Her Majesty's Ordnance shall, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof which shall have been made under the Direction of the said Ordnance Officers, or shall cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

230. The Commissioners shall cause to be marked on the Map so procured by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, public or private, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

231. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made as aforesaid, and any Costs incurred by them in regard to any such Map, out of the Police Assessment.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

232. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of Lands or Premises within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Lands or Premises and from the Surface of such Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other Matters

Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

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PART V.

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GENERAL POLICE REGULATIONS.

SECTION 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 Night.

233. The Commissioners shall, during the Construction or Repair of any Streets, public or private, and 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 such Street, 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 Commissioners 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 such Streets while so stopped as a common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

234. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any public or private Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall obtain Authority from the Commissioners to put up, and such Authority being obtained shall put up, Hoards or Fences to the Satisfaction of the Surveyor, in order to separate the Building where such Works are being carried on from such Street, with a convenient Platform and Handrail, 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 Commissioners during such Time as the Surveyor 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

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sufficiently lighted during the Night; and every such Person who puts up such Hoards or Fences without previously obtaining the Authority of the Commissioners 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 Commissioners, within a Time specified for that Purpose, 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 not lighting Deposits of Building Materials or Excavations.

235. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any such Streets, whether the same be done by Order of the Commissioners 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.

236. 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 Surveyor, 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.

237. If any Building or Hole or any other Place near any public or private Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Streets, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to be taken

238. If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers thereof

thereof or of the neighbouring Buildings, such Surveyor shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings until the same are put into a safe Condition, and shall 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 or Wall, 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 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 Thing within the Space of Three Days after any 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, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff, after Inquiry, to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other 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, and of shoring up such Buildings, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

down or secured by Owners, &c.

If Owner, &c. neglcet to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

239. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the 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 Commissioners may proceed against such Owner for the Recovery of the said Expenses in Terms of the general Provisions for Recovery of Expenses under this Act, or otherwise as accords of Law.

The Expenses to be levied on the Owner.

240. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting

If Owner cannot be found, Commissioners

may take the House or Ground, making Compensation.

posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, 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 Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

241. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners 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 Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, 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 belonging to Two or more Owners may be sold.

242. 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 Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Surveyor, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, 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, 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

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Portions of or Interests in such Tenements, 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 Sheriff, not exceeding Six Weeks.

How Sale to be carried through.

243. 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 Sheriff to cause such Tenements 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 Sheriff 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 Sheriff, 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 Sheriff, 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 Sheriff.

Completion of Purchaser's Title.

244. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements 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 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.

If Purchaser do not fulfil Conditions of Sale, may be resold.

245. 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 Sheriff to cause the Tenements 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 Sheriff 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.

Application of Price.

246. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled

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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 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 Sheriff may pronounce.

Ruinous Tenements may be sold.

247. If any Houses, Buildings, or other Tenements or Areas within Burgh have become waste and ruinous, or have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Commissioners 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 Commissioners may apply to the Sheriff for Warrant to sell such Houses, Buildings, or other Tenements, or Areas, and it shall be lawful to the 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.

PART V.

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

Power to prevent Obstructions in the Streets during public Processions, &c.

248. The Magistrates or Commissioners may from Time to Time make Orders for 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 in any Case when such Streets are thronged or liable to be obstructed, and may also give Directions to the Constables 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 this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

249. If any Cattle be at any Time found at large in any such Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same

same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

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Power to sell stray Cattle for Penalty and Expenses.

250. If the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners 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 in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and 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 Commissioners, 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.

251. Every Person who in any "Street" or "Private Street" to the Obstruction, Annoyance, or Danger of the Residents or Passengers 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, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Fourteen Days, or in the Case of Persons below the Age of Fourteen the Magistrate shall deal with such Offences by a Fine not exceeding Five Shillings, and recoverable from the Parents or Guardians of such Offenders, or by Detention in any Place not being a legal Prison or Lock-up for any Period not exceeding Ten Hours; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

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

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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 such Street without being secured by means of a Rope attached to a Ring through 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 Waggon, Cart, or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Waggon, 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 Waggon, Cart, or Carriage, or any Animal drawing the same; or who is at such a Distance from such Waggon, 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 Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, 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 Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons; and every Person driving Two Carts or Waggons who has

has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who causes any public 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 Commissioners 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 Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any 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 or Carriage, Sledge, Truck, or Barrow, upon any Footway of any such Street, 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 Show-board on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such 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 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 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

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same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall hang or place 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 and 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 Person who conveys in any open Cart or Waggon or otherwise through such Streets the Carcasses, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any such Street; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents:

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 such Street, or hangs or places any Clothes thereon, or on the Outside of any Window fronting any such Street:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person, or who commits any Nuisance:

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

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

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

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 beaten or 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 shall use any threatening, abusive, or insulting Words or Behaviour with Intent or calculated to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall sing any profane or obscene Song, or use any obscene, abusive, or indecent Language to or to the Annoyance of any Person in going or passing along any such Street:

Every Person who shall jostle or annoy any Person passing thereon:

Every Person who shall discharge any Smoke or Steam from any Premises (otherwise than from the Top thereof) into any such Street, or suffer or permit the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon such Street:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street 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,

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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, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any such Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any such Street 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:

Every Person who keeps any Pigstye to the Front of any such Street, or who keeps any Swine in or near any such Street:

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 such Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, 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, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

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

252. The Owner of every Waggon, 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 horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, 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 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 Waggon, Cart, or Carriage shall be found in any Street.

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

253. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street, public or private, by any Person who is not of the full Age of Fourteen Years, and every Person who in any such Street shall put

put a Waggon, 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.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

254. Every Person guilty of any riotous or indecent Behaviour in any Street, public or private, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding Fourteen Days.

Removal of Furniture.

255. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the Burgh.

Dogs in private Premises.

256. If any Person shall have or keep or suffer to be kept within any Premises any Dog or any Fowl or other Animal which shall be an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Annoyance by removing such Dog, Fowl, or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants, to seize and take possession of and remove any Dog or other Animal being an Annoyance as aforesaid, and not removed when so ordered.

Street Musicians.

257. It shall be lawful for any Householder, personally or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding Twenty Shillings.

258. It

Power to regulate Shows, &c.

258. It shall be lawful for the Magistrates of Burghs to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in 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, or Representation 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.

PART V.

SECTION III.—*Prevention of Fraud.*

Weighing Machines to be erected.

259. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the Streets, public or private, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

260. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

261. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such

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such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

262. For the Purpose of ascertaining the Weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Regulations as to Sale of Coals of Half a Ton Weight.

Penalty.

263. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of Twenty Shillings for each Offence in any One of such Particulars.

Carter to deliver Memorandum.

264. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser or Inmate or other Person in charge of the House or Place of Delivery, under a Penalty of Twenty Shillings for each Offence in either of the said Particulars.

Penalty for selling Coals by Retail in

265. Every Person who sells Coal in Quantities of less than Half a Ton in Weight shall have and keep Scales and Weights of the legal

Carts, &c. without Scales and Weights.

legal Standard, and shall weigh such Coal before Delivery; and when such Coal is sold or delivered from a Waggon, Cart, or Carriage such Scales and Weights shall be attached thereto, and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previous to Delivery, shall be liable in respect thereof to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on Driver refusing to weigh.

266. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

267. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of any Cart or the Loading thereof, or shall make, use, or be Privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight

Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

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

268. 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 Commissioners 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 the Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or 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, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

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

269. 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 of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any One of them, 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 or Market Place within the Burgh; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein; 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 any of the Magistrates, or to attend at the Police Office, and in the event of

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Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office, for Examination; and it shall be lawful for the Magistrates or any of them, 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.

270. 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 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.

271. 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 Payment 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

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 of Burghs 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 the 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 offering unwholesome Meat for Sale.

272. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds:

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fruit or Vegetable, which is unsound or unwholesome, or unfit for Human Food:

Any blown, stuffed, or pricked Veal, Lamb, or other Meat.

Penalty for offering adulterated Provisions for Sale.

273. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Want of Cleanliness in Meat and Provision Shops.

274. 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 or other Person appointed by the Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

275. It

Superintendent may impound unwholesome Meat or adulterated Provisions.

275. It shall be lawful for such Superintendent or other Person appointed by the Commissioners for the Purpose to seize, impound, and convey to the Police Office any Animal, or Part of an Animal, or any Fruit or Vegetable, or any Meat or Beef, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained or Byelaws or Regulations herein-before authorized; and if such Penalty is imposed, it shall be lawful for the Magistrate to declare such Article forfeited.

Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of Disease, &c.

276. It shall be lawful for the Magistrate, on a Complaint by the Superintendent of Police, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food, is kept or concealed with a view to Sale, although such Building or Part of a Building or other Place may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

Penalty on Persons found in possession of such Animals, &c.

277. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or of any adulterated Article of Food, on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited.

PART V.

SECTION IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

Hackney Carriages to be licensed.

278. The Magistrates may from Time to Time license to ply for Hire within Five Miles from the principal Post Office of the Burgh such

such Number of Hackney Coaches or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

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What to be Hackney Carriages.

279. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street, public or private, within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

280. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

281. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

282. In

What shall be specified in the Licence.

282. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

Licences to be registered.

283. Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences to be in force for One Year only.

284. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

285. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

286. If

Penalty for plying for Hire without a Licence.

286. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without first obtaining a Licence.

287. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

Penalty on Drivers acting without Licence.

288. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Proprietor to retain Licence of Driverswhen in his Employ, and to produce the same when summoned.

289. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise Proprietor to summon them.

290. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Compensation in case of Licence being improperly withheld.

Licences to be suspended or revoked for Misconduct.

291. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

292. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

293. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the

the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

294. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, public or private, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

295. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

296. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

297. If

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

297. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon, according to the Fare allowed by any Bye-law made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

298. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings; and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

299. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

300. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on Drivers misbehaving.

301. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Magistrate

Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

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Penalty for leaving Carriages unattended at Places of public Resort.

302. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done by Driver may be recovered from the Proprietor.

303. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum, not exceeding Five Pounds, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

304. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

305. If

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

305. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the Informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

Penalty for refusing to pay the Fare.

306. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty.

Penalty for damaging Carriage.

307. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Magistrates may make Byelaws for regulating Hackney Carriages.

308. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; that is to say,

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Days and Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage corresponding with the Number of its Licence shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Regulations as to Omnibuses or Carriages plying within Burgh.

309. 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 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, on the Complaint of the Superintendent of Police, be found by the Magistrate 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 to enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police or other Person appointed by the Commissioners, in like Manner and under a like Penalty.

For licensing Sedan Chairs, Carts, and Porters.

310. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties

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shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

PART V.

SECTION V.—*Brokers and Pawnbrokers.*

Brokers to be licensed.

311. From and after the Adoption of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker unless he shall have first obtained a Licence so to do from the Magistrates, which Licence such Magistrates shall have a discretionary Power of granting or refusing as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding Two Shillings and Sixpence as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such; but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act.

Brokers to furnish a Description of their Premises, and keep Books.

312. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to keep such Book, or to enter

Penalty on failing to

enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding Five Pounds. make proper Entries.

313. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business is carried on for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding Five Pounds. Brokers to retain Articles for Seven Days after having received them. Penalty for Neglect.

314. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law. Brokers to produce Articles on Demand.

315. Every

Pawnbroker to produce his Book, on Demand.

315. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police or Constable all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

316. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

317. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

318. It

Brokers not to carry on Business of Publicans, not to purchase Tickets of Pawnbrokers.

318. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; 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 for every such Offence be liable to a Penalty not exceeding Five Pounds.

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

319. 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.

Pawnbroker and Broker not to carry on Business in the same Premises.

320. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds, which Penalty shall be in addition to any Penalty now payable for the like Offence under any Act or Acts now in force.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

321. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; 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 for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

322. 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.

323. Any

Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

323. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Pawnbrokers not to keep Smelting Pots.

324. 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.

Brokers to have their Names painted over Shop Doors.

325. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

Broker may detain suspected Persons offering Goods for Pledge or Sale.

326. 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 thereon to take such Person into Custody for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three lawful Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate 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 other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his deter-

determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail in manner herein provided; and further, provided that any 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.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

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

327. All Goods, Parcels, Bank Notes, or 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, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh; and if any Person who shall find such Goods, Parcels, Bank Notes, 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, Articles, Parcels, Bank Notes, or Money 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.

Goods stolen or fraudulently disposed of to be delivered up to Owner.

328. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Property, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no Order shall be

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be final, and shall not prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

How stolen or unclaimed Goods to be kept.

329. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

Unclaimed Goods may be disposed of after Twelve Months.

330. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of Twelve Months during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

PART V.

SECTION VII.—*Suppression of Vagrants.*

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

331. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, 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 within the Burgh, 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 public or private Street, or other Place, with Intent to commit any Penal or Police Offence, or in possession of any Article without being able to give a satisfactory Account of their Possession thereof; and

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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 Purposes of this Act.

Procedure to Persons sending out Children to beg.

332. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding Thirty Days.

Beggars and Vagrants to be handed over to the Parochial Authorities.

333. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

Penalty against Chain-droppers, Swindlers, &c.

334. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Art or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and

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failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

PART V.

SECTION VIII.—*Public Bathing.*

Bathing Machines and Bathing.

335. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes; that is to say,

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

PART V.

SECTION IX.—*Places of public Resort and disorderly Houses.*

Penalty on Victuallers entertaining Constables while on Duty.

336. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who knowingly harbours or entertains or suffers to remain in his House, Shop, Room, or Premises any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, or otherwise in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

337. Every Person occupying or keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, 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 rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women

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Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of the Inhabitants, 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, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for Twelve Months under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found, to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days: Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Magistrates or any of them, 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 Costs, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

338. The Superintendent of Police or 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 in respect of which Imprisonment may be awarded, 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 other such Place:

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are 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:

Any Ship or other Vessel not being employed in Her Majesty's Service:

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, or the Master or other Person having Charge of such Vessel, shall not admit such Superintendent or Constable when required, such

such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

339. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail who shall purchase or receive in Pawn any Article of Wearing Apparel, or Bed Clothes, or any Goods, as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding Five Pounds, and in the Case of such Pawn the Article so received shall be restored to the Owner; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under Fourteen Years of Age shall be liable for the First Offence to a Penalty not exceeding One Pound, for the Second Offence to a Penalty not exceeding Two Pounds, and for a Third Offence to a Penalty not exceeding Five Pounds.

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

340. 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 Magistrate 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 Magistrate 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.

341. It shall be lawful for the Superintendent or any Constable of Police, 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, if needful, to use Force for the Purpose of effecting such Entry, 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

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.

342. It shall not be necessary in support of any Prosecution under this Act 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.

PART V.

SECTION X.—*Clocks.*

Power to Commissioners to provide public Clocks.

343. The Commissioners 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, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

SECTION XI.—*Fires.*

Penalty for wilfully setting Chimneys on fire

344. 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 accidentally allowing Chimneys to catch fire.

345. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant; and provided also, that

that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

Fire Engines may be provided, and certain Expenses to be recovered.

346. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit, and shall be entitled to recover from the Owners and Occupiers of the Premises where any Fires shall happen such reasonable Sums of Money as they shall consider just, not exceeding in the whole Fifteen Pounds, or whatever less Sum is equal to One Half of the actual Expenses of extinguishing any such Fire.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

347. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner and Occupier of the Premises where such Fire shall have happened shall in such Case jointly defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner or Occupier of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

348. The Party Walls of all Buildings erected after the Adoption of this Act shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, public or private, or within the Curtilage of any House adjoining

adjoining any such Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building having, at the Date of the Adoption of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Regulating Construction of Buildings intended as Places for Public Meetings.

349. Before beginning to build any Building intended to be used as a Church, Chapel, or 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 Commissioners, 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 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, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners 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 Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners; and with regard to such existing Buildings as are at the Adoption of this Act or may thereafter be used for any of the said Purposes, the Commissioners may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation as to them shall seem fit.

No Person to begin to build until Plan has been approved by Commissioners.

350. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of

If Commissioners fail to signify

their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

of any new Building, with respect to the Means of supplying fresh Air 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 of this Act.

Persons may appeal against Determination of Commissioners.

351. 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 Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

352. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever or any Vault or Underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room, being an inner or back Vault or Cellar let or occupied along with a front Vault or Room as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Commissioners have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the Burgh; and

Cellars in Courts not to be occupied as Dwellings after Letting prohibited.

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it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room; but any Person considering himself aggrieved by any such Prohibition may, within Ten Days after the same is made known to him, appeal against the same to the Sheriff in manner herein-after appointed with regard to Appeals under this Act.

Penalty on letting such Cellars as Dwelling Places.

353. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

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

354. The Owners of all common Stairs and common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Surveyor 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 Surveyor or Inspector of Cleansing, and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

Common Stairs to be cleansed.

355. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least once in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid shall for every such Failure be liable in a Penalty not exceeding Forty Shillings.

Inspector may enter and cleanse Dwelling Houses, &c., at Expense of Owners.

356. It shall and may be lawful, at all reasonable Times, for the Superintendent, Surveyor, 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 cleanse and purify the same, and

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to remove such Filth 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 Surveyor or Inspector as aforesaid, it shall not be lawful for such Surveyor or Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

Offensive Substances.

357. 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 Superintendent of Police 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 Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, 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 One of the Magistrates, on the Testimony of Two Medical Practitioners 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 any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

PART V.

SECTION XIII.—*Slaughter-houses.*

Commissioners may license Slaughter-houses.

358. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

359. No

No Slaughter-houses in future to be erected without a Licence.

359. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

Commissioners may make Byelaws for Regulation of Slaughter-houses, &c.

360. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty in Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Violation of such Regulations or Byelaws the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

361. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

362. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the First Offence.

363. If

If Commissioners provide Slaughter-houses, no other Places to be used.

363. If the Commissioners resolve to provide and establish, and do provide and establish, Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of Two Miles beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of Two Miles of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall and may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

PART V.

Section XIV.—*Markets.*

Commissioners Powers as to Markets, &c.

364. The Commissioners shall have Power to do the following Things or any of them:

To improve any existing Market Places within the Burgh:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To take Stallages, Rents, and Dues in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance hereof so as to interfere with any Rights, Powers, or Privileges enjoyed by any Person,

Person, Chartered Joint Stock or Incorporated Company, without his or their Consent.

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For the Purpose of enabling the Commissioners to establish Markets in manner foresaid, or to improve and regulate Markets already established in any Burgh, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws:

Subject to this Proviso, that all Tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the Sheriff of the County within which such Market is situate.

PART V.

SECTION XV.—*Special Orders.*

As to certain Matters authorized to be done by the Commissioners by Special Order only.

365. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by Two Thirds of the Commissioners present at a Meeting whereof special Notice has been given, and has been confirmed by Two Thirds of the Commissioners present at a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if Householders remonstrate against the same.

366. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan

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or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the Expiration of such Month a Remonstance in Writing by Seven or more Householders against carrying into effect such Resolution or any Part thereof be lodged with the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect unless confirmed by a Majority of the Householders qualified and voting at the Poll to be taken thereanent; and upon such Remonstrance being lodged as aforesaid the Commissioners, or the Chief or Senior Magistrate of such Burgh, shall be bound to direct a Poll to be taken in the Manner prescribed in regard to Polls of Householders taken with reference to the Adoption of this Act; and the whole Enactments and Procedure provided in regard to such Polls shall, so far as applicable, extend and apply to the Poll hereby authorized and directed to be taken: Provided always, that where any such Remonstrance applies to Part only of such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit; but provided also, that if the said Resolution shall not be so confirmed, it shall be lawful to the Commissioners, as often as they shall think proper thereafter, but not sooner than One Year from the Date of any preceding Resolution, by such and the like Procedure again to adopt the same, but such Resolution shall always be subject to be confirmed by the Householders in the event of a Remonstrance being made there against, all in manner above provided.

Places for public Recreation;

367. The Commissioners may, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

and public Bathing Places and Drying Grounds.

368. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all

all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

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369. Provided always, That the Number of Baths for the Use of the Working Classes provided by the Commissioners in any Burgh shall not be less than twice the Number of the other Baths of any higher Class.

Proportion of Baths for the Working Classes.

370. The Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Charges for the Use of Baths.

371. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Recovery of Charges for the Use of Baths, &c.

372. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house.

Publication of Byelaws in regard to Baths, &c.

373. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Sale of Baths, &c. on discontinuing them.

374. The

Commissioners may erect a Public Hall, &c.

374. The Commissioners may, by Special Order as herein defined, but not otherwise, resolve to acquire and may acquire Ground for the Erection of and may thereafter erect thereon a Public Hall and Offices, with all public Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof; and for that Purpose it shall be lawful to them to apply, for a Period not exceeding Twenty Years, the General Improvement Assessment hereby authorized to be levied, or such Portion thereof as they may think proper, towards the Expense of such Acquisition, Erection, furnishing, and fitting-up; and they shall be and are hereby authorized, upon the Security of the said General Improvement Assessment, to borrow, as herein-after provided with regard to the borrowing of Money for Police Purposes, such Sum as they may require for the Purpose.

PART VI.

POWERS AND REMEDIES.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

375. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of *Scotland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners and the Clerk, and, if affecting other Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws may be enforced by Imposition of Penalties.

376. The Commissioners, by the Byelaws so to be made by them, may regulate the Fees to be paid to them or to their Officers, or others employed by them in connexion with the Inspection of Plans, Records, or other Documents in their Possession, and with Applications for their Sanction or Authority to the Execution of Works to which by this Act such Sanction or Authority is requisite, and may further impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always, that such Byelaws be so framed as to allow the Magistrate 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.

377. No

Byelaws to be confirmed.

377. No Byelaw made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, 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 Commissioners, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet.

Notice of Confirmation to be given.

378. 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, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners 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.

A Copy of proposed Byelaws to be open to Inspection.

379. 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 of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

380. Such Byelaws, when confirmed, shall be printed; and the Clerk to the Commissioners 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 principal Office of the Commissioners, 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.

381. 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.

382. 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 required by this Act.

Penalty on pulling down Boards.

383. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

Power to Commissioners to borrow Money for the Purposes of this Act.

384. It shall be lawful for the Commissioners to borrow and take up, for any of the Purposes of this Act, other than the Construction, Alteration, or Maintenance of Sewers as herein-before provided, or for Repayment of any Monies borrowed for such Purposes under this or any former Acts which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Commissioners 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 of this Act, it shall be lawful for the Commissioners 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 by this Act authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments under this Act in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed respectively, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners 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 Commissioners from Time to Time to the Repayment of the Moneys 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, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

385. No Commissioner or Officer acting under the Commissioners 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.

386. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year of the Reign 'of Her Majesty Queen Victoria, intituled "An Act" [*specify this* 'Act], I *A.B.* [*state whether Treasurer or Collector, or both*] of the 'Commissioners of Police for the Burgh of [*insert the Name of the* 'Burgh], and by Authority of the said Commissioners, in consider- 'ation of the Sum of [*insert the Sum in Words*] instantly advanced 'and paid to me on account of the said Commissioners, and for the 'Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the first 'and readiest of the Monies to be raised under the annual Assess- 'ments 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

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'the Interest thereof at the Rate of [*insert the Rate of Interest*] per 'Centum per Annum from the Date hereof, at the Terms of Whit- 'sunday and Martinmas in each Year, till the said Sum is paid; and 'for the further Security of the said *C.D.* I do 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 me, and the Interest thereon as afore- 'said from the Date hereof to the Term of Payment; and I consent 'to the Registration hereof in the Books of Council and Session, or 'others competent, for Preservation, and that all competent Diligence 'may pass and be directed hereon, in Form as effeirs, and thereto 'constitute my Procurators. In witness whereof '[*insert Testing Clause in common Form*].

'*K.L.*, Commissioner. *A.B.*'

'*M.N.*, Commissioner.'

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

Bonds may be transferred by Indorsement.

387. 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.

388. 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 Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Clerk of the Commissioners, who shall enter in the said Sederunt 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; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer and 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.

389. It

Public Loan Commissioners may lend Money.

389. 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 Commissioners 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 this Act, 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.

PART VI.

SECTION III.—*Purchase and Acquisition of Lands.*

Part of 8 & 9 Vict. c. 17. incorporated.

390. "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.

391. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office.

PART VI.

SECTION IV.—*Execution of Works by Commissioners.*

Commissioners empowered to enter upon Premises for Purposes of this Act.

392. The Commissioners shall for the Police Purposes of this Act 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 this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners 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 Commis-

393. Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of

sioners or Constables in their Duty.

any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Bye-law, Regulation, or Order of the Commissioners, 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, 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.

Commissioners to give Notice of new Levels or Sewers.

394. 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 Commissioners 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 Commissioners to hear Objections.

395. The Commissioners shall meet at the Time and Place mentioned in the said Notice to consider, in the Presence of the Surveyor of the Commissioners, 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 Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made

at

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at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

396. 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 Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners 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 Two sufficient Cautioners 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 Commissioners, and Appeal to the Sheriff.

397. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls by this Act to be provided for by way of Private Improvement Assessment, the Commissioners 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 in the County in which the Burgh is situated, 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 Commissioners shall think proper; and

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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 Commissioners 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 Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act:

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

Provided always, that all such Appeals provided for in this and the immediately preceding Clause, and all other Appeals to the Sheriff allowed by this Act, 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.

PART VI.

SECTION V.—*Execution of Works by Owners.*

As to Service of Notice on Owners and Occupiers.

398. Where under this Act any Notice is required or falls to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, 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 Commissioners, it shall be the Duty of the Commissioners, 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.

Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

399. Whenever, under the Police Provisions of this Act, 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 Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by such Owner or Occupier.

400. When-

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

400. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Police Provisions of this Act falls to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, 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.

401. If the Owner of any Premises made liable by the Police Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners 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 Commissioners, the Commissioners may, without Prejudice to the Power herein-before contained, recover such Rate, Assessment, Charge, or Expenses, with the legal Interest thereof 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.

402. The Commissioners 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 this Act; 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.

403. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act 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 Commissioners, 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

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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.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

404. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners 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 Commissioners 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.

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

405. 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 Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate 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 of this Act; 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 Works.

Respecting existing Contracts for building

406. Nothing in this Act contained shall extend to or make void any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with

with such Alterations as may be rendered necessary by this Act, 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 of this Act 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 Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum, not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting Contracts for Leases.

407. Nothing in this Act 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 Agreeement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted 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.

PART VI.

SECTION VI.—*Jurisdiction, and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

408. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, or of any Byelaw made in virtue of the Police Provisions of this Act, 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 within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

409. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person or Persons to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they

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they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of *Scotland.*

Interim Fiscal.

410. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the Name of the Person so appointed *ad interim*, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

411. 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 Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for before the Magistrates of Police, in the Police Court, at the Instance of the Procurator Fiscal, to be appointed 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 prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole Procedure before such Magistrates 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.

412. The Magistrates 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 calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same,

same, in order that the Provisions of this Act may be carried into full Execution.

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

413. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, 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, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, 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 Magistrate 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 on which Offences are

414. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction, under this Act, may, without a Warrant, be taken into Custody by any

committed may take Offenders into Custody.

any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; 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 fraudulently obtained or carried away.

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

415. 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, under the Provisions of this Act, 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 any Two Magistrates 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.

Limitation of Police Prosecutions.

416. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within Three Months from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter.

Superintendent in certain Cases may accept of Bail or Deposit.

417. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate 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

Value to the Amount of the Bail fixed; and the Superintendent or other Officer 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 other Officer 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 other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrate.

418. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate 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 Magistrate under the Provisions of this Act, 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; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him at any Stage of the Examination or Trial to commit such Offender to Prison for Examination; 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 Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to 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 was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

419. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused

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accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or, if such Party 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 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, which Citation shall state the Nature of the Charge, and the Time and Place of Appearance.

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

420. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if backed or endorsed by the Sheriff or any Justice of the Peace of the County within which the same shall be so executed: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

Examination of Witnesses.

421. 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 Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for 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.

422. If any Person who has been duly cited as a Witness to appear before the Magistrate, either on the Part of the Prosecutor or the Person charged with any Offence, fails to appear at the Time and Place for that Purpose appointed, the Magistrate may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to appear and give Evidence, and may also 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 Magistrate may sentence such Person to be imprisoned for a Period not exceeding

exceeding Thirty Days; provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

Penalty for Witnesses refusing to give Evidence.

423. If any Person refuses to be precognosced or to give Information or Evidence touching or concerning the Subject Matter of any Penal or Police Offence, or at any Trial before the Magistrate refuses 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, the Magistrate may grant Warrant to commit to Prison such Person for any Period not exceeding Thirty Days.

Witnesses prevaricating may be punished summarily.

424. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, 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 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 Magistrate 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.

425. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

Power to order Offenders to find Caution or Fine;

426. It shall be lawful for the Magistrate, 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.

427. It shall be lawful for the Magistrate, 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,

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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 in case such Caution shall not then be found, it shall be lawful 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.

428. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, 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.

Police Officers may be dismissed by the Magistrate.

429. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

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

430. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate 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 the Magistrate, 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 of the Magistrate; and such Suspension, or Advocation or Appeal, or Review or Stay of Execution, must be presented before the next Circuit Court of Justiciary, or, where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions, which shall from Time to Time be prescribed by the said High Court of Justiciary.

431. Such

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

431. Such Suspension, or Advocation or Appeal, or Review or Stay of Execution, shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Treasurer, nor of any Order or Sentence of the Magistrate awarding Imprisonment, unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing at such Time and Place as he shall direct; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

Fines to be paid to the Clerk.

432. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of Penalties.

433. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid to the Clerk, 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, and Fines 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, and Fines 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.

434. 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, it shall be lawful for the Magistrate,

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Magistrate, on Complaint by the Procurator Fiscal in the Police Court as aforesaid, 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 Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

Cautioners in Bonds.

435. 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.

Clerk of Police Court.

436. The Commissioners shall appoint a proper Person to be Clerk of the Police Court, who shall hold Office only during their Pleasure, and such Person may be the same Person who is Clerk to the Commissioners, and such Person may appoint, by a Writing under his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk.

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

437. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, 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

438. No Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the Case

Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild. of Guild to be preserved.

PART VI.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

439. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments, and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration as aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under the Provisions of any Local Act, or of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, if in force in such Burgh, or under this Act, is authorized to be imposed, levied, and recovered by the Commissioners. Assessments in Parliamentary Burghs having no Revenues.

440. It shall be lawful for the Magistrates of Burghs, and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of such Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit. Billet Masters to be appointed.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Registration of Lodging Houses, and the Health of Towns, in* Scotland.

441. The Commissioners or Trustees of Police of Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (*Scotland*) Act, 1856," anything in the said Act notwithstanding. Commissioners or Trustees of Police of Burghs to be Local Authority.

442. The

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

442. The Power of Entry given by the Ninth Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, 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.

443. The Eleventh Clause of the said recited 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, 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 inhabited 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 hereof.

Water not to be fouled by any Person.

444. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

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

445. The Forty-third Section of the said 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 Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

446. The

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

446. The Forty-fourth Section of the said recited 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.

Provisions for Appeals from Sheriffs to apply to Appeals from Magistrates.

447. All the Provisions of the last-recited Act, and all the Procedure therein prescribed, in regard to Proceedings before and to Appeals from any Judgment or Order of the Sheriff, shall apply to Proceedings before and to any Judgment or Order of any Magistrate or Justice of the Peace under the said Act.

Offensive Trades to be subject to Regulations.

448. 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 without the Consent of the Commissioners; 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 Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Act may be incorporated, either in whole or in part, with any future Act.

449. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Part of this Act by a Reference to the Parts, Sections, or Clauses thereof, and to enact that the Parts, Sections, or Clauses so described, or that this Act, with the Exception of the Parts, Sections, or Clauses so described, shall be incorporated with such Act, and thereupon all the Parts, Sections, or Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Parts, Sections, or Clauses were set forth therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Householders in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act*, within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff*,] of the yearly Rent or Value of £10 [*or* £6 *as the Case may be*] or upwards, are hereby required to meet upon the Day of next, at of the Clock, within , when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .

(Signed) *E.F.*, Chief or Senior Magistrate, *or* Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Names of Voters.

SCHE-

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Names of Electors.
1.	2.		

SCHEDULE (D.)

Attestation by Collector, Application to Sheriff or Magistrate, 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 for the Burgh of 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 Assessments are leviable from the Persons and others therein named, for the Year from to ; that the said Assessments became due and payable on the Day of ; that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments on or before the said Day of , notwithstanding of the same having been demanded from them by printed Notices from me, delivered to or left for them on the Premises assessed; and that the Persons and others named in this Volume who have so failed to pay the said Assessments are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B., Collector.

[*Place and Date.*]

(2.) *Application to Sheriff.*

To the Honourable [the Sheriff of the County of , *or* his Substitute, *or* the Magistrates of Police of the Burgh of , *or* the Magistrates of the Burgh of , *as the Case may be.*]

The Petition of *A.B.*, Collector of Police Assessments for the Burgh of ,

Humbly sheweth,

That by the Act [*or* Acts] of Parliament [*here refer to them*] certain Police Assessments are authorized to be levied in the Burgh of ,

That, in Terms of said Act [*or* Acts] Assessment Books for levying the said Assessments for the Year from to 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 became due and payable on the Day of 18 .

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 on or before the said Day of 18 , notwithstanding of the same having been demanded from them

them by printed Notices from the Petitioner, delivered to or left for them on the Premises assessed, 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 at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or any Portion thereof, 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 [*or* Acts] [*here refer to them*].

That in these Circumstances it becomes necessary to apply to your Lordship [*or* Honours] for Warrant to the following Effect:—

May it therefore please your Lordship [*or* Honours] to grant summary Warrant against the Persons who have failed in Payment as aforesaid for Recovery of the said Assessments so remaining unpaid, and Penalty foresaid, and to authorize Messengers-at-Arms and Officers of Court to enter the Houses or other Premises of the Persons who have failed in Payment as aforesaid, and to seize, take possession of, and 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 Assessment remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in carrying into execution the Warrant which may be granted hereon against said Persons respectively; and to authorize the said Messenger or Officer, if the said Assessments and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made as aforesaid, forthwith 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 [*or* Honours] may appoint, returning the Surplus of the Price, if any be, after Payment of the said Assessments and Penalty, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects.

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

(3.) *Warrant.*

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

(Signed) *C.D.*

SCHE-

SCHEDULE (E.)

Name of Burgh _____.

GENERAL SEWER RATE [*or* SPECIAL SEWER RATE and PRIVATE IMPROVEMENT ASSESSMENT, *as the Case may be*].

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate or Assessment due and chargeable at						
				15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .
General Sewer Rate -										
Special Sewer Rate -										
Private Improvement Assessment.										

Date _____.

A.B., Collector.

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