ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 121.

An Act for explaining, amending, and enlarging the Powers of an Act passed in the Fifteenth Year of the Reign of His present Majesty, so far as relates to supplying the Inhabitants of *Port Glasgow* and *Newark*, with Water; to paving, cleaning, lighting, and watching the said Towns; and to repairing and keeping in Repair the Harbour of *Port Glasgow*; and for erecting a new Court-House and Prison, and other necessary publick Buildings in the said Towns.

[11th *July* 1803.]

WHEREAS by an Act passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act for extending the Duty of Two Pennies* Scots, *or One Sixth Part of a Penny Sterling, payable on every Pint of Ale and Beer vended or sold in the Village of* Port Glasgow *and the Privileges thereof, over the Town of* Newark; *for supplying the Inhabitants of* Port Glasgow *and* Newark *with fresh Water; for paving, cleaning, lighting, and watching the Streets of the said Two Towns; for erecting* 15 Geo. 3.

ing publick Markets therein; for repairing and keeping in Repair the Breaſt, and Eaſt and Weſt Quays, of the Harbour of Port Glaſgow, *and other Purpoſes therein mentioned*, certain Powers and Authorities were given to the Baillies and Truſtees of the ſaid Towns for carrying the Purpoſes of the ſaid Act into Execution: And whereas the ſaid Baillies and Truſtees have raiſed the whole Money by the ſaid Act allowed to be borrowed upon the Credit of the Rates and Duties thereby granted; which Money ſo borrowed, with the Rates and Duties collected by virtue of the ſaid Act, has been duly laid out purſuant to the Directions thereof; but the Purpoſes of the ſaid Act cannot be fulfilled, unleſs the Powers thereof, ſo far as relates to ſupplying the Inhabitants of the ſaid Towns with Water, to paving, cleanſing, lighting, and watching the Streets thereof, and repairing and keeping in Repair the Breaſt, and Eaſt and Weſt Quays of the ſaid Harbour, are explained, amended, and enlarged: And whereas it would be of great publick Utility, and of much Benefit and Advantage to the Inhabitants of the ſaid Towns, if the ſaid Baillies and Truſtees were authorized to erect a new Court Houſe and Priſon, and other neceſſary publick Buildings, within the Limits of the ſaid Towns; but the ſeveral Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, it ſhall and may be lawful for the Baillies and Truſtees of the ſaid Towns of *Port Glaſgow* and *Newark*, and their Succeſſors in Office, and for their Treaſurer, or ſuch Perſon or Perſons as they ſhall appoint, and they or he are and is hereby authorized and empowered to demand, collect, receive, levy, and take, (over and above all other Rates and Duties which ſubſiſted before the paſſing of this Act, in virtue of the ſaid recited Act, or in any other Manner), of and from the reſpective Perſons occupying or uſing the ſame, Sixpence Sterling in the Pound of the yearly real Rent of all Houſes, Warehouſes, Shops, and other Buildings and Erections, let, occupied, rented or uſed, in the ſaid Towns, Harbour, Port, and Pariſh of *Port Glaſgow* during any Part of the Year for which an Aſſeſſment ſhall be laid on or demanded; and in Default of Payment, (after receiving Intimation in Manner herein-after mentioned), by Entry into the Houſes, Warehouſes, Shops, or other Premiſes, and Seizure, Diſtreſs, and Sale of the Goods, Chattels, and Effects of the Defaulters, on Warrant iſſued by the Baillies of the ſaid Towns, or either of them, to the Collector of the ſaid Rates, or to any of the Town or Peace Officers, the Reſidue of ſuch Diſtreſs and Sale being returned on Demand after Payment of the Rates due by ſuch Defaulters, and the Coſts, Charges, and Expences, fixed and allowed by the ſaid Baillies or either of them for recovering the ſame: And of and from all Ships and Veſſels taking or receiving Water at or within the ſaid Towns, Harbour, Port, and Pariſh, Eight-pence Sterling for every Tun of Two hundred and fifty-two Gallons ſo taken or received; and in Default of Payment by Entry into ſuch Ships and Veſſels, and Seizure, Diſtreſs, and Sale of the Apparel and Furniture thereof, on Warrant iſſued by the ſaid Baillies, or either of them, to the ſaid Collector or Town or Peace Officers, the Reſidue of ſuch Diſtreſs and Sale being returned to the Maſters or Owners of ſuch Ships and Veſſels on Demand, after Payment of the Rates for the Water taken or received, and the Coſts, Charges,

Additional Rate on Rents.

In Default of Payment how to be levied.

Additional Rate for Water.

In Default of Payment how to be levied.

Charges, and Expences, fixed and allowed by the ſaid Baillies or either of them for recovering the ſame; which Rate or Duty upon Rents ſhall be paid in the Council Chamber of *Port Glaſgow* within Ten Days after the Term of *Lammas* in every Year to the Treaſurer, Collector, or Perſon appointed by the ſaid Baillies and Truſtees to receive the ſame, after Notice or Intimation ſhall have been given to pay the ſame from the Precentor's Deſk of the Pariſh Church and eſtabliſhed Chapel of Eaſe of *Port Glaſgow*, on Two different *Sundays*, immediately after Divine Service.

Rate on Rents how to be demanded and paid.

II. And be it enacted, That the aforeſaid Mode of demanding, collecting, receiving, levying, and taking the ſaid Rates and Duties hereby granted, ſhall be adopted and followed, for demanding, collecting, receiving, levying, and taking the Rates and Duties upon Rents and Water granted by the ſaid recited Act; any Thing therein contained to the contrary notwithſtanding.

Rates granted by former Act to be levied in ſame Manner as additional Rates.

III. And, for the more effectual levying of the Rates or Duties upon Rents granted by this Act and the ſaid recited Act, be it enacted, That the ſeveral Proprietors and Life Renters, as well as the Occupiers of each Houſe, Warehouſe, Shop, or other Building, or Erection, or their, his, or her Agent ſhall, and they and each of them are and is hereby required, within Ten Days after Requiſition, by Intimation from the Precentor's Deſk of the ſaid Church and Chapel of Eaſe, on Two different *Sundays* immediately after Divine Service, to give in a true Rent Roll thereof, on Oath if required, to the Treaſurer or Collector of the ſaid Rates; and in Default thereof, or in caſe of rendering a falſe Rent Roll, they, he, or ſhe, ſhall forfeit and pay to the ſaid Treaſurer or Collector a Sum not exceeding Ten Pounds nor leſs than Five Pounds Sterling for each Offence; to be recovered and levied in like Manner by Warrant of the ſaid Baillies, or either of them, or any other legal Mode: And that in all Caſes of a Proprietor or Life Renter occupying or uſing any Houſe, Warehouſe, or other Building, or Erection, or any Part thereof, he or ſhe ſhall be aſſeſſed with the ſaid Rates and Duties impoſed by this and the before recited Act, according to the Judgement or Opinion (to be given before the ſaid Baillies, or either of them, on Oath if required, which Oath the ſaid Baillies are hereby authorized to adminiſter, and to judge therein in a ſummary Manner) of Two diſintereſted Perſons reſident in the ſaid Towns, to be appointed by the Parties, or by the ſaid Baillies and Truſtees alone, or their ſaid Treaſurer or Collector, in Caſes where ſuch Proprietor or Life Renter ſhall be abſent, under Age, or dead, or ſhall refuſe or delay to appoint; any Thing herein or in the ſaid recited Act to the contrary notwithſtanding.

Proprietors and Occupiers of Houſes to give in Rent Rolls thereof.

Penalty on Refuſal or giving in a falſe one.

In what Manner the Rates for Houſes occupied by Proprietors ſhall be aſcertained

IV. And be it enacted, That the ſaid Baillies and Truſtees, and their Succeſſors in Office, ſhall have full Power and Authority, and they are hereby authorized and empowered to build and erect a Court Houſe, Priſon, Workhouſe, and other neceſſary publick Buildings, for the Adminiſtration of Juſtice, Puniſhment of Offenders, and the Convenience of the Inhabitants of the ſaid Towns and Pariſh, upon a certain open Piece of Ground called the Breaſt of *Port Glaſgow*, the ſaid Buildings not exceeding Fifty Feet in Breadth, bounded by the publick Street, and running in Length parallel with the Weſt Side of the Court of Warehouſes at the Head of the Eaſt Quay.

Powers to erect a new Court-Houſe, &c.

V. And

and to borrow a further Sum of Money.

V. And be it enacted, That, for carrying the Purpoſes of this and the ſaid recited Act into Execution, the ſaid Baillies and Truſtees, and their Succeſſors in Office, or any Seven or more of them, at any publick Meeting or Meetings aſſembled, ſhall have full Power and Authority, and they are hereby authorized and empowered, by Way of Mortgage or other Security, to be charged upon the Rates and Duties by the ſaid recited Act and this Act granted, or which ſubſiſt in any other Manner, or by any Deed or Deeds under their Hands, to be executed for the Security of the Lenders, from Time to Time, to borrow and take up at Intereſt, over and above the Sum allowed by the ſaid recited Act to be borrowed, any Sum or Sums of Money not exceeding Four thouſand Pounds Sterling.

Election of Truſtees.

VI. And be it enacted, That the preſent Thirteen Truſtees after named, *videlicet*, *Archibald Falconer*, eldeſt Baillie, *Colin Campbell*, youngeſt Baillie, *John Crawford*, *James Huie*, *John Anderſon*, *John Laird*, *John Wood*, *Alexander Steven*, *Alexander M'Lachlan*, *James Crawford*, *James M'Leiſh*, *William Hood*, and *John Cumming*, or any Seven or more of them, ſhall, on the laſt *Tueſday* in the Month of *September* One thouſand eight hundred and three, meet at Twelve of the Clock at Noon, in the Council Chamber of the ſaid Towns, and there (in place of the preſent Mode of diſqualifying and electing) diſqualify Three of their Number who have been longeſt in Office (excepting the Baillies above named) from being Truſtees for the enſuing Year, according to their Priority of Nomination on the Election Rolls; and in Place of thoſe ſo to be diſqualified, to elect and chooſe, by a Majority of Votes, Three reſident Fewars of the ſaid Towns and Pariſh, who ſhall, with the ſaid Baillies and remaining Truſtees, be Truſtees until the laſt *Tueſday* of *September* immediately following; and that in each ſucceeding Year the Truſtees for the Time being, or any Seven or more of them, ſhall ſo meet on the laſt *Tueſday* of *September*, and diſqualify in like Manner Three of their Number, who have been longeſt in Office, and are not in the Office of Baillie at the Time, and elect Three reſident Fewars of the ſaid Towns and Pariſh in their Place, which Three Perſons ſo to be elected ſhall, with the Baillies and remaining Truſtees, from Time to Time, be and continue Truſtees for One Year thereafter; none of which Truſtees ſo diſqualified annually as aforeſaid, ſhall be re-elected until the Expiration of Three Years from the reſpective Periods of their being diſqualified: And if any Perſon ſo elected ſhall refuſe to ſerve as a Truſtee (not having before ſerved in that Office), he ſhall forfeit and pay the Sum of Five Pounds Sterling, and if any Truſtee elected to the Office of Baillie of the ſaid Towns and Pariſh (not having before ſerved in that Office), ſhall refuſe to ſerve, he ſhall forfeit and pay the Sum of Ten Pounds Sterling.

Penalty on Truſtees refuſing to act.

Outſide Stairs, &c. to be removed.

VII. And be it enacted, That it ſhall and may be lawful for and in the Power of the ſaid Baillies, or either of them, by a Decree or Warrant under their or his Hands or Hand, after inſpecting the Premiſes, and hearing the Parties concerned, to order the Proprietors of all Houſes and other Buildings, fronting any of the publick Highways, Streets, Lanes, Avenues, Paſſages, Quays, Wharfs, and other Parts, of and in the ſaid Towns, Harbour, Port, and Pariſh, to remove, or cauſe to be removed and taken away within a reaſonable Time, all outſide Stairs, Buildings, Erections, and other Things whatſoever, which tend to obſtruct a free Paſſage in, through, and

and upon the ſaid Highways, Streets, Lanes, Avenues, Paſſages, Quays, Wharfs, and other Parts; and if within the Time ſpecified in ſuch Decree or Warrant, the ſaid outſide Stairs, Buildings, Erections, and other Things ſhall not be taken away, the Proprietor of ſuch Houſe or Building to which the ſaid Obſtructions are annexed or belong, ſhall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and ſo *toties quoties* for every Month after the Date of ſuch Decree or Warrant, during which the ſaid outſide Stairs, Buildings, or other Things ſhall remain, to be recovered by Entry, Diſtreſs, and Sale, in Manner aforeſaid: Provided, that if the ſaid Obſtructions ſhall not be removed within Three Months after the Decree or Warrant for removing them, it ſhall be lawful for and in the Power of the ſaid Baillies, or either of them, to order the ſame to be removed *brevi manu*, the Expence whereof, and of the legal Procedure thereanent, ſhall be recovered from ſuch Proprietor, ſummarily by Entry, Seizure, Diſtreſs, and Sale, in the ſame Manner as is appointed for the Recovery of the Rates herein-before granted, or by any other legal Mode.

Foot Pavements to be made,

VIII. And be it enacted, That the Proprietors of all Houſes, Warehouſes, and other Buildings, and of Grounds on which Buildings are not erected, adjoining to and fronting any Street, Lane, Avenue, Paſſage, or other publick Place within the ſaid Towns and Pariſh, ſhall, at his, her, or their Expence, cauſe the Sides of ſuch Street, Lane, or Paſſage along their reſpective Properties, to be well and ſufficiently paved with flat hewn Stones, in ſuch Manner and Form as the Baillies, or either of them, after viſiting and inſpecting the Premiſes, and hearing the Parties concerned, ſhall, from Time to Time, direct and appoint; the Breadth of the ſaid Foot Pavements not to exceed Eight Feet in Streets, Lanes, or Paſſages above Thirty-five Feet wide; Six Feet in Streets, Lanes, or Paſſages above Twenty-five Feet wide, and not exceeding Thirty-five Feet wide; and Four Feet in Streets, Lanes, or Paſſages under Twenty-five Feet wide; and that the whole Foot Pavements in the ſame Street, Lane, or Paſſage ſhall be of equal Breadth; but it ſhall be in the Option of the Proprietors of Grounds, on which Buildings are not erected, either to pave oppoſite to the ſame in Manner aforeſaid, or to cauſeway the Foot Paths before them with dreſſed Whin Stones raiſed to the Height of the flat Pavement until their ſaid Grounds ſhall be built upon, when the Proprietors ſhall pave the ſame with flat hewn Stones in Manner aforeſaid; all which Pavements of flat hewn and dreſſed Whin Stones ſhall in all Time thereafter be kept in Repair by the ſaid Proprietors reſpectively: Provided always, that ſuch Parts of the ſaid Foot Paths as are oppoſite to Wynds, Lanes, or Cloſes, which are Cart or Carriage Entries, may in the Option of the front Proprietors, be paved with dreſſed Whin Stones, to be kept in Repair in like Manner.

and repaired by the Proprietors.

In caſe of Refuſal to pave, the Baillies may do the ſame at the Proprietor's Expence.

IX. And be it enacted, That in caſe any ſuch Proprietor ſhall refuſe or neglect to cauſe ſuch Streets, Lanes, and Paſſages to be paved in Manner herein directed, within the Time required by the Baillies, or either of them, it ſhall be lawful for the ſaid Baillies, or either of them, to cauſe the ſaid Foot Pavements to be made in ſuch Manner as they or he ſhall direct, not exceeding the Breadth before ſpecified, at the Expence of ſuch Proprietors reſpectively; and in caſe any ſuch Pro-

prietor ſhall refuſe or neglect to pay ſuch Expence when required, it ſhall be lawful for the Baillies, or either of them, to decree ſuch Expence to be paid by ſuch Proprietor, either to the Perſon by whom the Work ſhall have been done, or to the Treaſurer of the ſaid Towns, or to any other Perſon to be named by the Baillies, or either of them, together with the additional Expence incurred in recovering the ſame, to be levied and recovered in Manner herein-before directed.

Baillies may repair at the Expence of theProprietor.

X. And be it enacted, That in caſe any ſuch Proprietor ſhall refuſe or neglect to keep the ſaid Foot Pavements in Repair after the ſame are made in Manner aforeſaid, it ſhall be lawful for the ſaid Baillies, or either of them, to cauſe the ſaid Foot Pavements to be repaired at the Expence of ſuch Proprietors reſpectively, and to decree ſuch Expence to be paid by ſuch Proprietor, together with the additional Expence incurred in recovering the ſame, in Manner above mentioned.

Tenants entitled to Deduction fromtheir Rents of any Sum paid on that Account.

XI. And be it enacted, That if the Tenants or Occupiers of ſuch Houſes or other Buildings or Grounds (in Default of Payment by the Proprietors) ſhall pay the ſaid Expences (which they are hereby authorized and required to do), to the Amount of the Rents payable by him, her, or them, he, ſhe, or they is and are hereby empowered to deduct and retain out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money, as he, ſhe, or they ſhall ſo pay; and the Owners or Proprietors are hereby required to allow ſuch Deduction and Retention accordingly, any Leaſe, Obligation, or Contract to the contrary notwithſtanding.

Proprietors to pay according to their Rents.

XII. And be it enacted, That ſuch of the Proprietors of any front or adjoining Tenements and Grounds as ſhall pay ſuch Expences, or which ſhall be paid by their Tenants, ſhall have Relief from the other Proprietor or Proprietors of ſuch Tenements and Grounds for a Proportion of ſuch Expences according to the Value or Rental of their reſpective Premiſes, as the ſame ſhall be fixed and decreed by the ſaid Baillies, or either of them, with ſuch Coſts of Suit as they or either of them ſhall order.

Foot Pavements to be cleaned and ſweeped.

XIII. And be it enacted, That all and every Perſons or Perſon who ſhall occupy the Firſt Floor, and if not occupied, the Occupiers of the upper Floors of any Tenement, Dwelling Houſe, Warehouſe, Cellar, Shop, or other Building, adjoining to or fronting the ſaid Foot Pavements, ſhall cauſe the Pavements along the Front of their reſpective Premiſes to be ſwept, ſcraped, and cleaned Once every Day, (*Sundays* excepted) between the Hours of Six and Nine in the Morning; and if they fail ſo to do, it ſhall be lawful for the Baillies, or either of them, to decree in a ſummary Manner ſuch Occupiers to pay a Sum not exceeding One Shilling Sterling for each Offence, to be levied by Entry, Diſtreſs, and Sale in Manner aforeſaid; and in caſe any Diſpute ſhall ariſe among ſuch Occupiers relative to ſuch ſweeping, ſcraping, and cleaning, the Baillies or either of them, ſhall determine the ſame ſummarily; and where any of the ſaid Occupiers ſhall ſweep, ſcrape, and clean, he, ſhe, or they ſhall have Relief againſt all the other Occupiers of the ſeveral Floors of ſuch adjoining or front Houſes, Warehouſes, and Buildings for a Proportion of the Expence of ſo doing, correſponding to the Rents of their reſpective Premiſes, as rated in the Rent Roll of the ſaid Towns; which Proportion

ſhall,

ſhall, in caſe of Diſpute, be determined and decreed by the ſaid Baillies or either of them ſummarily.

Penalties on Perſons drawing ſledges, *etc.*

XIV. And be it enacted, That if any Perſon or Perſons ſhall carry, run, drive, draw, or cauſe to be carried, run, driven, or drawn on any of the ſaid Foot Pavements, any Sledge, Wheelbarrow, Wheel or Wheels, Coach, Sedan Chair, Waggon, Cart, or Carriage whatſoever, except directly acroſs the ſame, on neceſſary Occaſions, or ſhall wilfully ride, lead, or drive any Horſe, Aſs, Mule, Beaſt or other Cattle, except directly acroſs the ſaid Pavements, to or from Stables, or Cow Houſes upon any Part of the ſaid Pavements, or ſhall throw, caſt, or lay thereon, any Dirt, Dung, Aſhes, or Rubbiſh, or roll, carry, or convey, any Barrel, Hogſhead, or Caſk upon the ſame, for any Diſtance whatſoever, except directly acroſs, to or from Cellars, Shops, or Warehouſes, or ſhall roll any ſuch Barrel, Hogſhead, or Caſk upon any of the publick Streets, Lanes, or Places in the ſaid Towns, except from Shops, Cellars, Warehouſes, or other Places, directly to Carts or Carriages, upon which they are to be loaded, or from Carts or Carriages on which they have been loaded, directly to the Shops, Cellars, Warehouſes, or other Places in which they are to be depoſited, not exceeding Thirty Yards of Diſtance in any Caſe, it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee any ſuch Offence committed to ſeize, and for any Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey and deliver him, her, or them, to the Cuſtody of a Town or Peace Officer, to be ſecured or carried before the Baillies, or either of them; which Perſon or Perſons ſo offending, ſhall, on being convicted of the Offence, either by Confeſſion or by the Oath of One or more credible Witneſs or Witneſſes, forfeit, and pay any Sum not exceeding Five Shillings Sterling, nor leſs than One Shilling Sterling for each and every Offence, over and above paying the Damage, if any, and Expences, as fixed by the Baillies or either of them, to be recovered by Entry, Diſtreſs, and Sale, ſummarily as aforeſaid, or by any other legal Mode.

For purchaſing Springs, *etc.*

XV. And whereas the Time allowed by the ſaid recited Act, for purchaſing Springs and Fountains for the Purpoſe of bringing Water into the ſaid Towns has expired, and it being abſolutely neceſſary that further Time ſhould be allowed for that Purpoſe; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Baillies and Truſtees, and they are hereby authorized and empowered to contract and agree with any Owners or Proprietors of any Springs or Fountains within Six Statute meaſured Miles of the Towns of *Port Glaſgow* and *Newark*, who may be willing to grant ſuch Liberty, for the Liberty of collecting, receiving, and conveying the ſaid Springs and Fountains for ſupplying the Inhabitants of the ſaid Towns, and the Ships and Veſſels reſorting to the ſaid Harbour, with freſh Water; and for laying down Pipes and other Conductors for conveying the ſaid Water, and building Ciſterns and Reſervoirs for collecting and receiving the ſame; and that the ſaid Baillies and Truſtees ſhall pay ſuch Rates or Conſiderations for the ſame as ſhall be agreed upon between them and the Owners or Proprietors of ſuch Springs and Fountains as aforeſaid (either by abſolute Purchaſe or by Payment of a certain annual Sum for the Uſe of the ſame), and as ſhall be agreed upon with the aforeſaid other Perſon and Perſons for undertaking,

dertaking, doing, and performing the ſeveral Works before mentioned; and they are hereby authorized and empowered to convey ſuch Water into the ſaid Towns of *Port Glaſgow* and *Newark*, by Pipes to be laid in and through the Grounds lying between ſuch Springs and Fountains as aforeſaid and the ſaid Towns, and the Ciſterns and Reſervoirs built or to be built therein, as ſoon as the Compenſation ſhall be paid if a groſs Sum, or agreed for if an annual Rent, and not ſooner.

Property of the new Court Houſe, &c. veſted in the Baillies and Truſtees.

XVI. And be it enacted, That the Property of the ſaid Court Houſe, Priſon, and other publick Buildings and Erections made and to be made by the Baillies and Truſtees of the ſaid Towns, ſhall be, and the ſame is hereby veſted in the ſaid Baillies and Truſtees; and the Property of the Springs, Fountains, Ciſterns, Pipes, and other Conductors, and Erections, and of the Lamps, Lamp Poſts, and Irons, and all and every the Grounds, Houſes, and other Matters and Things acquired and purchaſed, and to be acquired and purchaſed, or erected or made, and to be erected or made by the ſaid Baillies and Truſtees, in purſuance of the Powers by the ſaid firſt recited Act and this Act granted, ſhall be and the ſame are hereby veſted in the ſaid Baillies and Truſtees for the Uſes and Purpoſes aforeſaid; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Sign Poſts to be taken down.

XVII. And be it enacted, That it ſhall and may be lawful for the ſaid Baillies, or either of them, to cauſe to be removed and taken down all Signs, Sign Poſts, Boards, Water Barges, Sheds, Dyers, Scowerers, or Barbers Poles, or any other Pole or other Projection upon or hanging over any of the Foot Pavements, Streets, Lanes, or Paſſages; and that in future all Signs and Sign Boards ſhall be placed or affixed cloſe on or flat to the Walls or Fronts of the Houſes, Shops, Warehouſes, or other Buildings, whereunto they reſpectively belong; and if any Perſon or Perſons ſhall at any Time hereafter hang, place, or erect, or cauſe to be hung, placed, or erected, any Sign, Sign Poſt, Pole, or other Projection, Obſtruction, or Annoyance whatever, contrary to the Meaning of this Act, it ſhall be lawful for the ſaid Baillies, or either of them, to order the ſame to be removed and taken away, and to decree in a ſummary Manner ſuch Perſon or Perſons to pay any Sum not exceeding Two Shillings and Sixpence Sterling for the Firſt Offence, and Five Shillings Sterling for every other Offence, beſides the Expence attending the Removal thereof, and the Complaint and other Procedure thereon, to be recovered by Entry, Diſtreſs, and Sale, in Manner aforeſaid.

Penalty on Perſons expoſing Goods to Sale on the Streets or Foot Pavements.

XVIII. And be it enacted, That if any Perſon or Perſons ſhall place or bring out upon any Street or Foot Pavement, either on Stalls or otherwiſe within the ſaid Towns any Goods, Commodities, Proviſions or other Thing whatſoever, and there expoſe the ſame for Sale, or ſhew, or unneceſſarily let them remain, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Shillings Sterling, and ſhall remove ſuch Goods, Commodities, or other Things from ſuch Streets or Foot Pavements; and if the ſaid Penalties ſhall not be immediately paid, and the Goods or other Things removed, it ſhall and may be lawful for the Baillies, or either of them, to cauſe the ſaid Goods or other Things to be removed and depoſited in ſuch Place or Places as they or he ſhall direct, there to remain until the Offender

or

or Offenders shall have paid the Penalty or Penalties with the Expences attending the Removal and depositing thereof.

No Flower Pots or Boxes to be placed on Window Soles;

XIX. And be it enacted, That it shall not be lawful for, nor in the Power of any Person or Persons to set or place upon the Outside of any Window or Projection of any Building fronting any of the Streets, Lanes, Closes, or Passages of the said Towns any Flower Pots or Boxes, either for preserving or raising any Flowers, Shrubs, or other Plants or Vegetables, or any other Article, whence Danger may arise by falling, unless the Soles and Outsides of the Windows or Projections on which such Pots, Boxes, or other Things are placed, be sufficiently railed in and secured with good and substantial Rails of Iron or Wood, in order to prevent the Risk of the said Pots, Boxes, or other Things falling upon the said Streets, Lanes, or Passages; and every Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Shillings Sterling for every Offence, and shall also pay Five Shillings Sterling for every Week which the said Pots, Boxes, or other Things shall be allowed to remain; the said Penalties to be levied and recovered by Entry, Distress, and Sale, in Manner aforesaid; and it shall likewise be in the Power of the said Baillies, or either of them, to order the said Pots, Boxes, or other Things to be removed *brevi manu* at the Expence of the Person or Persons by whom they shall be set out.

unless railed.

Penalty for offending.

Houses to be numbered, &c.

XX. And be it enacted, That the Baillies of the said Towns, or either of them, shall and may order and direct the Houses, Shops, Warehouses, and other Buildings, within the said Towns, to be numbered with Figures, to be placed or painted on the Door or other conspicuous Part thereof, and to be painted or otherwise inscribed on a conspicuous Part of some House or Building, at or near the End or Corner of each Street, Lane, Passage, or Place, the Name of such Street, Lane, Passage, or Place: And any Person or Persons who shall wilfully destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling nor less than Ten Shillings Sterling; but if accidentally done shall only be liable to replace the same, under a Penalty of Five Shillings Sterling, which Penalties shall be levied and recovered by Entry, Distress, and Sale in Manner aforesaid or by any other legal Mode.

Penalty for defacing the same.

Gunpowder how to be kept

XXI. And be it enacted, That no Person shall keep at the same Time in any House, Shop, Cellar, Warehouse, or other Apartment within the said Towns, more than Ten Pounds Weight of Gun Powder, but shall carry all Gun Powder exceeding that Quantity to the Powder Magazines without the Towns, or to such other Magazine or Place as may be hereafter appointed by the Baillies; and that every Person so offending, shall for the First Offence pay a Sum not less than One Pound Sterling, nor more than Five Pounds Sterling, which shall be levied and recovered by Entry, Distress, and Sale as aforesaid, besides forfeiting all the Gun Powder.

For securing Gunpowder allowed to be kept.

XXII. And be it enacted, That the said Quantity of Gun Powder allowed to be kept within such House, Shop, Cellar, Warehouse, or Apartment shall be deposited in a Place by itself, secured by Lock and Key, under the like Penalties and Forfeiture: Provided, that the Commanding

Officer of His Majesty's Troops quartered in the said Towns may keep, in such Place or Places within the Towns as shall be appointed by the Baillies, such a Quantity of Gun Powder as he may think necessary for exercising the said Troops or for other Military Purposes.

Baillies may regulate Hackney Coaches, *etc.*

XXIII. And be it enacted, That the said Baillies may make such Rules, Regulations, and Bye Laws as they may think necessary for licensing and regulating Hackney Coaches, Sedan Chairs, Carts, Cars, and other Carriages, Lighters and Boats, Porters and Runners plying for Hire, within the said Towns, Port and Parish; and for regulating the Conduct and punishing the Misbehaviour of Watchmen, Coachmen, Drivers, Chairmen, Carmen, Lighter and Boatmen, Porters, Runners, Jobbers, Riggers of Ships, and Labourers; for fixing or altering their Stations, and ascertaining the Rates, Fares, Wages, and Allowances to be charged, demanded, and taken by them both as to Distance and Time, and to what Distances, during what Periods, and under what Penalties they shall drive, ply, and labour through and in the said Towns and Parish, and the said Port and Harbour of *Port Glasgow*; not exceeding Two Miles for Sedan Chairs, and Four Miles for Hackney Coaches, Carts, Cars, and other Carriages, Porters and Runners, so as no such Penalty shall exceed the Sum of Twenty Shillings Sterling, and from Time to Time to repeal, alter, or amend the said Rules, Regulations, and Bye Laws, as the said Baillies shall adjudge proper; any Thing in the said recited Act, to the contrary notwithstanding: Provided always, that such Rules, Regulations, and Bye Laws are not repugnant to the Laws of *Scotland*, or to any of the Provisions in this Act contained; and that they shall be affixed on the Market Cross, and hung up in the Council Chamber of the said Towns, for the Inspection and Perusal of all Persons interested therein.

Water to be conveyed from Roofs of Houses in Pipes.

XXIV. And be it enacted, That the Water from the Roofs of all Houses or other Buildings, within the said Towns, fronting the publick Streets, and such Lanes and Passages as are Thoroughfares to the publick Streets, shall be conveyed in Lead or other Pipes, reaching within Six Inches of the Ground, and affixed on the Sides and Fronts of such Houses and other Buildings; and in case the Proprietors of such Houses and Buildings shall not so convey the Water therefrom, the said Baillies, or either of them, on inspecting the Premises, and hearing the Parties, may, in a summary Manner, adjudge them so to do within a specified Time, and if they refuse or neglect, the said Baillies, or either of them, may order the same to be done and executed at the Proprietor's Expence, and may adjudge Expences and Cost of Suit, and Recovery, with such Fine for Contempt, not exceeding Twenty Shillings Sterling, as the Circumstances of the Case may appear to them, or either of them to require; to be levied and recovered by Entry, Distress, and Sale, in Manner aforesaid.

How the Expences thereof shall be paid.

XXV. And be it enacted, That where such Houses, Warehouses, or Buildings shall belong to more Proprietors than One, the several Proprietors shall be obliged to defray the Expence of making, affixing, and keeping in Repair the said Pipe or Pipes, in Proportion to the Rents of their respective Premises, as rated in the Rent Roll before mentioned; and in case any Dispute

Diſpute or Difference ſhall ariſe, the Baillies, or either of them, after inſpecting the Premiſes, and hearing the Parties concerned, ſhall determine the ſame, and decree ſuch Expences as the Caſe may appear to them, or either of them, to require.

Proviſo as to certain Proprietors.

XXVI. Provided always, and be it enacted, That where any One or more of the ſaid Proprietors is or are, by his, her, or their Title Deeds, burdened with the Expence of conveying the whole Water from ſuch Houſes, Warehouſes, or Buildings, he, ſhe, or they ſhall continue to be ſubjected to that Burden; but it ſhall and may be lawful, for him, her, or them, (upon obtaining an Order for that Purpoſe, from the ſaid Baillies, or either of them, after viſiting the Premiſes, and hearing the Parties), at his, her, or their own Expence, to affix, or cauſe to be affixed to thoſe Parts of the Walls of ſuch Houſes or Buildings belonging to the other Proprietor or Proprietors, a Pipe or Pipes for the Purpoſe aforeſaid, he, ſhe, or they indemnifying the other Proprietor or Proprietors for any Damage, he, ſhe, or they may thereby ſuſtain, as the ſame ſhall be aſcertained by a Decree of the ſaid Baillies, or either of them.

Proviſo as to Occupiers.

XXVII. Provided alſo, and be it enacted, That when the Tenants or Occupiers of ſuch Houſes, Warehouſes, or Buildings ſhall, in Default of the Proprietors performing the ſame, be at any Expence in carrying the Water from the Roofs of their reſpective Premiſes (which they are hereby authorized and required to do to the Amount of the Rents payable by them reſpectively), they may and are hereby authorized and empowered to deduct and retain the Charges and Expences incurred by them reſpectively, out of the Rent or Rents due, or to become due, to his, her, or their Landlord or Landlords, who is and are hereby directed and required to allow the ſame in the Settlement or Payment of ſuch Rent or Rents; any Agreement, Leaſe, or Contract, to the contrary notwithſtanding.

Perſons wheeling Dung, *etc.* to ſweep the Foot Pavements.

XXVIII. And be it enacted, That any Perſon or Perſons employed in carrying or wheeling, or ordering to be carried or wheeled, any Dung, Dirt, or Aſhes, into the Streets, over the Foot Pavements, ſhall ſweep, ſcrape, and clean thoſe Parts of the ſaid Pavements over which the ſaid Dung, Dirt, or Aſhes, ſhall have been carried or wheeled, immediately after having finiſhed carrying or wheeling the ſame, under a Penalty not exceeding Two Shillings Sterling for each Offence, to be levied and recovered by Entry, Diſtreſs, and Sale in Manner aforeſaid, or by any other legal Mode.

Lamp Irons how to be fixed.

XXIX. And be it enacted, That the ſaid Baillies, or either of them, may order the Lamp Irons and Lamps to be fixed in the Walls of the Buildings on the Sides of the Streets, Lanes, and Paſſages in the ſaid Towns, upon indemnifying the Proprietors or Poſſeſſors for any Damages which may be aſcertained to be thereby done to their Premiſes reſpectively.

Powers of Watchmen and Officers.

XXX. And be it enacted, That all Watchmen and Officers employed and appointed under this and the ſaid recited Act, ſhall be, and they are hereby authorized and required to aſſiſt the Baillies of the ſaid Towns, Harbour, Port, and Pariſh in detecting, and bringing to Juſtice, Perſons guilty of Street Robbery, Houſebreaking, Aſſaults, Theft, Re-ſet of Theft, Shop-lifting, Pocket-picking, Swindling, and other Crimes, by apprehending

hending and ſeizing, and cauſing the Perſon or Perſons diſcovered in the Act, or accuſed of thoſe Crimes, to be apprehended, that he, ſhe, or they may be proceeded againſt according to Law; in apprehending and putting the Law into Execution againſt Vagrants, Vagabonds, idle and diſorderly Perſons, and publick and ſturdy Beggars, and other Perſons who follow no lawful Employment or Occupation; in ſuppreſſing diſorderly Houſes and other Places frequented by Perſons of the foregoing Deſcriptions; in ſuppreſſing Mobs and Riots; in aſſiſting to extinguiſh Fires; in putting the Laws and Regulations in Execution, by which Carters, Owners, and Drivers of Carts and other Carriages, are or may be prohibited from leaving the ſame on the Streets, Lanes, Roads, Avenues, and Paſſages, for a longer Time than may be neceſſary for loading or unloading the ſame, or riding on their Carts or Carriages, or driving them, or Horſes or other Cattle furiouſly or improperly on the Streets; in ſeeing that the ſaid Streets, Roads, Avenues, Lanes, Paſſages, and other Places are properly lighted and cleanſed; in keeping in Order the publick Markets and the Perſons reſorting thereto and dealing therein; in guarding, patrolling, and watching the Streets; and in general in aiding and aſſiſting the Baillies in all Matters relative to regulating the Police of the ſaid Towns, Harbour, Port, and Pariſh, and preſerving Peace and good Order therein, and in executing the different Purpoſes of this and the ſaid recited Act.

Penalties on Perſons obſtructing or aſſaulting them.

XXXI. And be it enacted, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt any Officer, Watchman, or other Perſon aſſiſting, or employed under this or the ſaid recited Act, every Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling for every Offence; and if any Perſon or Perſons ſhall aſſault or ſtrike any Officer, Watchman, or other Perſon aſſiſting or employed under this or the ſaid recited Act, every ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling nor leſs than Twenty Shillings Sterling, to be levied and recovered by Entry, Diſtreſs, and Sale, in Manner aforeſaid, or by any other legal Mode.

Procurator Fiſcal, Treaſurer, or Collector may bring Actions.

XXXII. And be it enacted, That it ſhall be competent to the Procurator Fiſcal of the ſaid Towns, or to the Treaſurer or Collector of the ſaid Rates and Duties for the Time being to bring Actions, and Execution ſhall paſs at his Inſtance reſpectively, for Performance of all and each of the Obligations, and for levying and recovering all and each of the Penalties, Fines, and Forfeitures by the ſaid recited Act and this Act impoſed, together with the Expences and Coſts of Suit.

Baillies may decern in a ſummary Manner.

XXXIII. And be it enacted, That it ſhall and may be lawful for the ſaid Baillies, or either of them, to decern in a ſummary Manner for the ſeveral Rates, Duties, Fines, Forfeitures, Penalties, Damages, and Expences, granted and impoſed by the ſaid recited Act and this Act, together with Coſts of Suit; and where the Sums decerned for, excluſive of Coſts, do not exceed Fifteen Shillings Sterling, they may be levied and recovered either by Entry, Diſtreſs, and Sale, as aforeſaid, if not immediately paid, or by committing the Perſon or Perſons refuſing to pay to Priſon for any Time not exceeding One Calendar Month, unleſs

unleſs the ſame, with the Coſts and Charges incurred in the levying or Recovery thereof ſhall be ſooner paid and ſatisfied; but where they exceed the ſaid Sum of Fifteen Shillings Sterling, they ſhall, upon Conviction of the Offender or Offenders, by his, her, or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, or other legal Evidence, if not immediately paid, be recovered and levied by Entry, Diſtreſs, and Sale, in Manner aforeſaid; or if ſufficient Goods, Chattels, and Effects, ſhall not be found, it ſhall and may be lawful for the ſaid Baillies, or either of them, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol of the ſaid Towns, therein to continue for a Time not exceeding Two Calendar Months, unleſs the ſaid Sums ſo decerned for, together with the Coſts and Charges of Recovery, be ſooner paid and ſatisfied; any Thing in this Act or in the ſaid recited Act, to the contrary notwithſtanding.

Baillies and Truſtees to be alſo Commiſſioners;

XXXIV. And be it enacted, That the Baillies and Truſtees of the ſaid Towns for the Time being, ſhall be and are hereby appointed Commiſſioners for aſſeſſing, levying, and applying the Monies by this Act or the ſaid recited Act directed to be raiſed for the Purpoſes aforeſaid, and for carrying this Act and the ſaid former Act into Execution; and that the Baillies ſhall have Power to mitigate Fines and Penalties to any Amount not exceeding One Half, and that the Whole of the pecuniary Penalties and Forfeitures ſhall, after deducting the neceſſary Charges of Recovery, be paid into and made Part of the Fund under the Direction of the ſaid Baillies and Truſtees for the Purpoſes of this and the ſaid recited Act: Provided always, that the Fines hereby impoſed upon Perſons refuſing to act as Baillies or Truſtees of the ſaid Towns ſhall not in any Caſe be mitigated.

and may mitigate Fines and Penalties.

Proviſo.

Juriſdiction of Baillies.

XXXV. And be it enacted, That in and concerning all Claims, Actions, Rates, Duties, Coſts, Fines, Penalties, and Matters, Civil and Criminal, impoſed, granted, and given by this Act and the ſaid recited Act, Juriſdiction and Cognizance is and ſhall be given to the ſaid Baillies, or either of them, and the ſame ſhall extend to and over all Parties concerned, on a verbal or written Notice or Citation, given or left at the ſaid Council Chamber.

Limitation of Actions for Penalties.

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

Limitation of Actions.

XXXVII. And be it enacted, That no Suit or Action ſhall be commenced againſt the Baillies and Truſtees, or any other Perſon or Perſons for any Thing done in purſuance of this or the ſaid recited Act, after Three Calendar Months, from the Time the Fact is committed; and the Defendant or Defendants, in any ſuch Suit or Action, may produce this and the ſaid former Act, and plead that the ſaid Things were done by

Authority and in purſuance thereof; and if it ſhall appear ſo to be done, that then the Defendant or Defendants ſhall be abſolved from ſuch Suit or Action, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to him, her, or them, from and againſt the Proſecutor or Proſecutors of the ſame.

Former Act to remain in Force.

XXXVIII. And be it enacted, That the ſaid recited Act, with the whole Clauſes, Powers, Privileges, Juriſdictions, Proviſions, Regulations, Reſervations, and Exemptions therein contained, ſhall remain and continue in full Force and Effect, in ſo far as the ſame are not explained, altered, or extended by this preſent Act, any Thing herein contained to the contrary notwithſtanding.

General ſaving Clauſe.

XXXIX. Saving and reſerving to the ſaid Baillies, all the Powers, Privileges and Juriſdictions, competent to, or hitherto enjoyed and uſed by them in any Caſe, Civil or Criminal, any Thing herein contained to the contrary notwithſtanding; and reſerving alſo to each and every Perſon and Perſons, Bodies Politick and Corporate, all their Rights and Privileges competent to them by Law, as fully and freely as if this Act had not been paſſed, any Thing therein to the contrary notwithſtanding.

Saving Clauſe of the Rights of the City of *Glaſgow*,

XL. Provided always, and it is hereby expreſsly provided and declared, That nothing in this Act ſhall extend, or be deemed to extend to abridge, take away, or diminiſh any Part of the Property, Rights, Privileges, Powers, and Juriſdictions, belonging to the Lord Provoſt, Magiſtrates, and Town Council of the City of *Glaſgow*, within and over the ſaid Towns of *Port Glaſgow* and *Newark*, Port and Harbour of *Port Glaſgow*, or the Liberties thereof, or to the Baillie of the River *Clyde* appointed by them; all which Rights of Property, Privileges, Powers, and Juriſdictions, are hereby reſerved entire and in full Force, any Thing herein contained to the contrary notwithſtanding.

and of the Rights of *William* Lord *Belhaven*.

XLI. And it is alſo ſpecially provided and enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to take away, leſſen, hurt, or infringe, any Rights of Superiority, Juriſdiction, or other Right whatſoever, which *William* Lord *Belhaven*, or his Predeceſſors, now has or had, over the Grounds of the ſaid Towns within the Bounds and Limits aforeſaid; and that all Right whatever competent therein ſhall continue and remain with him, his Heirs and Succeſſors, and have the ſame Effect as formerly, and as if this preſent Act had not been made; any Thing therein contained to the contrary notwithſtanding.

Expences of the Act to be paid.

XLII. And be it enacted, That the Expence of paſſing this Act ſhall be paid from the Rates and Duties herein-before or by the ſaid recited Act granted.

Publick Act.

XLIII. And be it further enacted, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, and other Executioners of the Law whomſoever, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution, and that the ſame ſhall be deemed, allowed to be, and taken Notice of, in all Courts of

of Law and Equity, as a publick Act; and all Juſtices, Judges, and others, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

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