ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccc.

An Act to consolidate and amend the Provisions relating to the Police of the Town of *Greenock;* to authorize certain Improvements in the said Town; and for various other Purposes.

[5th *July* 1865.]

WHEREAS an Act (Local) was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the further Improvement of the Town of* Greenock, *for better lighting and supplying the same with Water, for regulating the Police thereof, and for other Purposes connected therewith:* And whereas it is expedient that the said Act, except as in this Act mentioned, should be repealed, and that the Provisions of the same should be amended and consolidated, and that the Limits of the said Town for Police and other Purposes should be extended, and that further Powers should be granted for the Execution of Works for Improvement of the said Town, and its better Regulation and Government, and for various other Objects connected therewith; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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

3 & 4 Vict. c. xxvii.

present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Greenock* Police and Improvement Act, 1865."

Interpretation of Terms.

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

The Words "the Town" in this Act, and the Words "the Burgh" where the latter Words are used in the Portions of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, shall mean the Town of *Greenock*, and shall include the whole Territory within the Limits of this Act not being below Low-water Mark:

The Expression "Parish of *Greenock*" shall mean and shall include the whole Territory within the Three Parishes called or known as the West, Middle or New, and East Parishes of *Greenock*:

The Words "the Board" shall mean the Board of Police constituted by this Act, and the Words "the Commissioners," where used in the Portions herewith incorporated of "The General Police and Improvement (*Scotland*) Act, 1862," shall apply to the Board, excepting where otherwise expressed in this Act:

The Expression "the Sheriff" shall mean the Sheriff of *Renfrewshire*, or any One of his Substitutes:

The Words "the Magistrate" or "the Magistrates" used in this Act or in the Portions herewith incorporated of "The General Police and Improvement (*Scotland*) Act, 1862," shall mean the Provost or One or more of the Bailies of the Town of *Greenock* sitting in the Police Court of the Town, or otherwise acting in pursuance of this Act:

The Expression "Valuation Roll" shall mean the Valuation Roll or Rolls made up in pursuance of the Acts for the Valuation of Lands and Heritages in *Scotland* in force for the Time being:

The Expression "Lands and Heritages" shall mean Lands and Heritages within the Limits of the Town, and shall have the Meaning attached to it in the Acts last mentioned:

The Word "Proprietor" shall mean the Proprietor of Lands or Heritages, and shall apply to Life-renters as well as to Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, Heritable Creditors, or other Persons who shall be in the actual Enjoyment of, or who shall take, the Rents and Profits or Produce of such Lands and Heritages, and to the Factor, or any Person acting as Factor, for any such Proprietor in the Management or Receipt of the Rents and Profits thereof; and the Word "Owner,"

"Owner," where used in "The General Police and Improvement (*Scotland*) Act, 1862," incorporated with this Act or in this Act, shall have the same Meaning with reference to this Act as the Word "Proprietor:"

The Word "Occupier" shall mean the Occupier of Lands and Heritages, and shall apply to any Proprietor in the actual Occupancy or Use thereof, and to any Person in the actual Occupancy thereof as Tenant or otherwise, and to any Person taking or enjoying the Possession or Use thereof:

The Expression "elective Trustees" shall mean the Nine Trustees for carrying into execution the recited Act who were not Trustees *ex officio*, but were chosen at the annual Elections under the said Act:

The Expression "elective Members" shall mean the elective Members of the Board under this Act:

The Word "Elector" shall mean any Person entitled under this Act to vote for elective Members:

The Expression "Street" shall mean and include any Road, Street, Lane, Vennel, Wynd, Close, Alley, Bridge, Passage, Square, or other Place within the Town used by Carts and Foot Passengers which has been maintained by the Trustees under the said recited Act, or is to be maintained by the Board, or which is by this Act, or shall hereafter in pursuance thereof, be declared to be a Street, whether the same have been completed or not:

The Word "Court" shall mean any Place or Passage within the Town (except a Common Stair) used solely for Foot Passengers, and open and accessible to the Public from a Street, and forming a common Access to Lands and Heritages separately occupied, which has not been maintained by the Trustees under the said recited Act, or is not by this Act, or shall not hereafter be in pursuance thereof, declared a Street:

The Word "Foot-pavement" shall mean a Footpath formed of dressed Flagstones or Granite, and the Word "Causeway" shall mean a Carriageway formed of Whinstones or Granite:

The Expression "completed Street" or "completed Court" shall mean a Street or Court, as the Case may be, in which Foot-pavements and Causeways and Sewers have been made and constructed, and the Obligations of Proprietors of Lands and Heritages bound to make and form such Streets or Courts in Terms of this Act have been fulfilled:

The Expression "uncompleted Street" or "uncompleted Court" shall mean a Street or Court, as the Case may be, in which Foot-pavements or Causeways have not been made, or in which Sewers have not been constructed, and where the Obligations of Proprietors of Lands and Heritages bound to make and form such Streets or Courts in Terms of this Act have not been fulfilled:

The Expression "Common Stair" shall mean any Passage or Stair in any Building leading to Parts thereof separately occupied:

The Word "Sewer" shall include any Drain, Culvert, or Watercourse used for the Conveyance of Sewage, and all Cesspools, Traps, and other ordinary Appurtenances in connexion therewith:

The Expression "public Sewer" shall mean a Sewer for the Drainage of a Turnpike Road or Street:

The Expression "private Sewer" shall mean a Sewer for the Drainage of the Lands and Heritages of One or more Proprietors connected with a public Sewer, or with a River or Stream, and shall include any House Drain:

The Expression "penal Offence" shall mean any Crime or Offence, consisting either of an Act or the culpable Neglect or Omission to do an Act, at what Place or Period soever the same may have occurred, which the Magistrate is not authorized to try under this Act:

The Expression "Police Offence" shall mean any Crime or Offence, consisting either of an Act or the culpable Neglect or Omission to do an act, which the Magistrate is authorized by this Act to try:

The Expression "Guild Offence" shall mean any Offence, consisting either of an Act or the culpable Neglect or Omission to do an Act to which a Penalty is attached, to be pursued for before the Dean of Guild, or which the Dean of Guild is authorized by this Act to try:

The Word "Constable" under this Act shall include Lieutenants, Inspectors, Sergeants, and other Officers of Police subordinate to the Superintendent of Police, and also such Superintendent wherever the Context shall not be repugnant to the Superintendent being so included:

The Word "Bail" and the Word "Caution" shall respectively extend to and include a Deposit of Money or Articles.

I.—REPEAL OF EXISTING ACT, LIMITS OF THIS ACT, AND CONSTITUTION AND INCORPORATION OF BOARD.

Recited Act repealed, except, &c.

3. This Act shall come into operation on the Expiry of Two Months after the Date of its passing, and thereupon, subject to the Provisions of this Act, the recited Act, except that Part thereof providing for the Supply of Water comprehending Clauses 33 to 35 both inclusive, Clauses 61 to 66 both inclusive, and Clauses 75 to 81 both inclusive, shall e an d is hereby repealed.

4. The

Limits of Act.

4. The Limits of this Act shall be as follows, *viz.*, beginning at the Point on the West of the Town at which the Shore of the Firth of *Clyde* is met by the March between the Parishes of *Greenock* and *Inverkip*, up the said March to the North Side of the *Shaws Water* Joint Stock Company's Aqueduct to the Point where the Aqueduct intersects the Parish Boundary, thence along the said North Side of the said Aqueduct till it reaches the West End of the *Shaws Water* Joint Stock Company's Reservoir at *Everton*, thence skirting the North Side of the said Reservoir to the East End thereof, thence in a straight Line One hundred and thirty-three Lineal Yards Eastwards to a March Stone to be fixed at a Point One hundred and thirty-four Lineal Yards distant in a Northerly Direction from the North End of the Farmhouse of *High Murdieston*, thence in a straight Line North-eastwards till it reaches a March Stone to be fixed at a Point Two hundred and forty-three Lineal Yards from the North-west Point of the North Boundary Dyke at *Whinhill*, thence along said Dyke to a March Stone to be fixed at the North-east Corner thereof, thence in a straight Line Eastwards to the Southmost Corner of *Maukin Hill* Farmsteading, thence in a straight Line in the Direction of the Waterfall of the *Devol's Glen Burn* on the existing Parliamentary Boundary of the Burgh of *Port Glasgow* to a March Stone to be fixed at the Point where the said straight Line is intersected by a line the Prolongation of which in a North-easterly Direction runs along the Centre of the Street which bounds the Feu of Mr. *Lawrence Hill*, occupied as a Shipbuilding Yard on the East, which prolonged Line, where it is nearest to *Bogston* Farmhouse, shall not be more than Four hundred and forty-one Lineal Yards to the Eastward of the Eastmost Corner of the said Farmhouse, and turning at said Point, and running down the centre of the said Street in a North-easterly Direction and into the River *Clyde* for the Space of Seventeen hundred Lineal Yards, and there turning at a Right Angle and running North-westward in a straight Line to a Point in the River opposite to the March between the Parishes of *Greenock* and *Inverkip*, and there turning at a Right Angle and running in a South-west Direction till it reaches the Point where the Boundary commences: Provided always, that nothing in this Act contained shall alter or affect in any way the Limits of the Burgh of *Greenock* or of the County of *Renfrew* with respect to the Right of voting for Members of Parliament and Town Councillors as existing at the Date of the passing of this Act.

Application of Act.

5. The Provisions of this Act and the Provisions herewith incorporated shall extend to the Territory forming the Town as defined by this Act, subject to such Limitations as in any of such Provisions are expressed; and the Police Jurisdiction and Police Powers by this Act and by the relative incorporated Provisions conferred, and such other Provisions as are applied expressly to the Area within the Limits of this

this Act, shall, in so far as applicable, be applied to the whole Area within such Limits.

Constitution and Incorporation of the Board.

6. The Board shall consist of the Provost and Four Bailies, the Treasurer, and remanent Members of the Town Council for the Time being *ex officio*, and of Nine Occupiers of Lands and Heritages within the Town possessing the Qualification, and chosen in manner hereinafter provided as "elective Members," and the Board shall be a Body Corporate under the Name and Style of "The Board of Police of *Greenock*," with perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to hold Lands, and possess all the other Privileges of a Body Corporate.

Duration of Office.

7. Each of the *ex officio* Members shall continue in Office while and so long as he shall hold the Office which qualifies him to be a Member of the Board, and each of the elective Members shall continue in Office for the Period of Three Years and no longer, unless re-elected.

Existing elective Trustees under Act 3 & 4 Vict. c. xxvii. to be first elective Members of Board.

8. The Nine Trustees for carrying into effect the recited Act who immediately before the passing of this Act were elective Trustees under the said Act shall be the first elective Members of the Board: Provided always, that the Trustees who immediately before the passing of this Act were the elective Trustees under the said recited Act shall only continue in Office under this Act until the Times at which they would respectively have retired from Office under the said recited Act if unrepealed.

Qualifications of elective Members of Board and Electors.

9. Every Person whose Name is entered in the Assessment Roll as Occupier in his individual Right, and not jointly with others, of Lands or Heritages within the Town of the yearly Rent or Value of Ten Pounds and upwards, except as after provided, shall be qualified to be chosen an elective Member of the Board; and every Person whose Name is entered in the Assessment Roll as Occupier in his individual Right, and not jointly with others, of Lands or Heritages within the Town of the yearly Rent or Value of Five Pounds and upwards, shall be qualified to be an Elector: Provided always, that no Person shall be capable of being chosen an elective Member who at the Time of Election is a Member of the Town Council, and no Person who shall not have paid all Assessments due by him under the said recited Act or this Act for all Years prior to the Year current at the Time shall be capable of being chosen an elective Member, or of voting for elective Members at any Election; and the Books of the Collector shall be sufficient Evidence in regard to such Payments.

Three elective Members to go

10. Three of the elective Members shall go out of Office annually by Rotation, and Three other elective Members shall be chosen in their Place;

Place; and the Three elective Trustees for carrying into effect the recited Act who under the said Act, if unrepealed, would first have gone out of Office, shall be the first Three elective Members to go out of Office under this Act; and the Three elective Trustees for carrying into effect the Act who under the said recited Act, if unrepealed, would next have gone out of Office, shall be the Three elective Members who shall next go out of Office under this Act; and the Three elective Trustees for carrying into effect the recited Act who under the said Act, if unrepealed, would at the Third annual Election after the Date of this Act have gone out of Office, shall be the Three elective Members who shall at the Third annual Election under this Act go out of Office; and thereafter the Three elective Members who shall have been longest in Office shall be the Three elective Members who shall annually go out of Office.

out of Office in rotation annually.

11. For the Purpose of electing the Three elective Members annually a Meeting of Electors shall be held within the Town Hall of *Greenock* at the Hour of Nine o'Clock of the Forenoon upon the Second *Tuesday* of *November* in the Year One thousand eight hundred and sixty-five, and upon the Second *Tuesday* of *November* in every Year thereafter.

Annual Meetings to choose elective Members.

12. At such Meeting the Provost, or in his Absence the senior Magistrate present, shall preside, and the Expressions "Returning Officer" and "Presiding Officer" in "The Commissioners Clauses Act, 1847," herein-after incorporated with this Act, shall apply to the Provost or Magistrate so presiding; and the Clerk, or in his Absence any Person to be appointed by the Provost or Magistrate presiding, shall be Clerk to the Meeting; and any Elector present at such Meeting shall be entitled to propose a List of Three qualified Persons to be elective Members of the Board, and if only One List shall be proposed the Provost or the Magistrate presiding shall declare the Individuals therein named to be duly elected, but if Two or more Lists shall be proposed the Provost or the Magistrate presiding shall call for a Show of Hands, and shall declare the Names of the Persons for whom the greatest Number of Hands is held up: Provided always, that where Two or more Lists have been proposed, and the Result of the Show of Hands has been declared, it shall nevertheless be competent for the Proposer of any List to demand a Poll, in which Case the Declaration and Show of Hands shall be of no Effect, and a Poll shall forthwith be taken in the said Town Hall; but if a Poll be not so demanded, then the Persons for whom the greatest Number of Hands is declared to have been held up shall be declared duly elected.

Proceedings at Meeting.

Lists of elective Members to be proposed, and Show of Hands taken if more than One List.

Poll to be demanded.

13. The Poll at Elections shall be taken by means of Voting Papers in the Form given in the Schedule (A.) to this Act annexed, or to the like Effect.

Voting Papers.

14. In

Incorporation of Part of 10 & 11 Vict. c. 16.

14. In all other Matters connected with the Election and Rotation of the elective Members the same shall be regulated by "The Commissioners Clauses Act, 1847," for which Purpose the Portion of said Act—

With respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, excepting Clauses 20 to 25 both inclusive, and Clause 32,

is hereby incorporated with this Act: Provided always, that if it shall be deemed necessary for Convenience in taking the Poll, the Board may direct the alphabetical List of Electors to be divided into Two or more Portions, in which Case the Provost or Magistrate presiding shall appoint a separate Clerk to take the Poll for the Electors whose Names shall be contained in each Portion, and the Provost or Magistrate presiding may also take the Assistance of any other Magistrate in taking the Poll, and the Voting shall commence as soon as a Poll has been demanded.

II.—TRANSFER OF PROPERTY TO BOARD, SAVING OF RIGHTS, AND OFFICERS TO CONTINUE.

Transferring Property and other Rights to Board.

15. All Lands and Heritages, Rates, Assessments, Debts, Fines, Penalties, and Expenses, Rights, Claims, Demands, and Effects of every kind belonging to or vested in the Trustees under the recited Act, or in any Person on their Behalf, under or by virtue or in pursuance of the said Act, and all Powers, Rights, and Privileges conferred on or vested in the said Trustees, are transferred to and vested in the Board.

Deeds and Conveyances to be binding on Board.

16. All Mortgages, Bonds, Assignments, Leases, Grants, Conveyances, and other Deeds or Securities made or granted to or by the Trustees for carrying into effect the recited Act, or to which they had acquired Right, and all Claims for annual or other Payments, or Debts or Demands, for which they were liable under or by virtue or in pursuance of the recited Act, and all Contracts and Agreements entered into with the said Trustees, and all Judgments or Decreets Arbitral pronounced in any Suit or Arbitration to which they were Parties, shall be good, valid, and effectual to all Intents and Purposes, and may be enforced by or against the Board to the same Extent and Effect that they might have been enforced by or against the said Trustees.

Saving certain Agreements.

17. The Agreement with the *Shaws Water* Joint Stock Company, confirmed by Section 61 of the recited Act, and also the Agreement between the former Bailies and Town Council of *Greenock* and Trustees

tees acting under the Acts recited in the recited Act relative to the acquiring and establishing of Works and Apparatus for the Manufacture of Gas and Supply of the same, confirmed by Section 89 of the recited Act, shall be good, valid, and effectual to all Intents and Purposes, and may be enforced by or against the Board to the same Extent and Effect that they might have been enforced by or against the Trus tees for carrying into effect the recited Act.

Arrears of Assessment may be recovered by Board.

18. All Rates and Assessments, Debts, Cost of executing Work, Proportions of Expenses, Sums or Charges, Fines, Penalties, and Expenses imposed under or by virtue or in pursuance of the recited Act, and remaining unpaid, may be levied and recovered by the Board, or the Officers appointed by them, in the same Way and by the same Means that they would have been recoverable if they had fallen due and become payable under and in Terms of this Act.

Actions not to abate.

19. All Actions, Suits, and Proceedings at Law or in Equity, and all Arbitrations, to which the Trustees for carrying into effect, or the Officers appointed or acting under, the recited Act were Parties when this Act shall come into operation, may be proceeded with by or against the Board, or the corresponding Officers appointed or acting under this Act, without the Necessity of intimating such Action, Suit, Proceeding, or Arbitration, or making them respectively formally Parties thereto.

Actions, &c. by or against any Officer of the Board not to abate on his Removal.

20. Upon the Death or Removal of any Officer appointed or acting under the recited Act or this Act all Actions, Suits, and other Proceedings, and all Arbitrations, to which he shall be officially a Party, may be proceeded with by or against his Successor in Office in the same Way and to the same Effect as if such Successor had been from the Commencement a Party to such Proceedings or Arbitrations.

General Saving of Rights under recited Act.

21. Everything before this Act comes into operation done, suffered, and confirmed respectively under or by virtue or in pursuance of the recited Act shall be as valid as if this Act had not been passed, and this Act shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, and Demands, both present and future, which, if this Act had not been passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Board shall to all Intents represent the Trustees for carrying into effect the recited Act.

Byelaws made under Act re-

22. To prevent the Inconvenience which would arise from a sudden Abrogation of Byelaws made in virtue of the Act hereby repealed before

pealed to remain in force till recalled.

before other Byelaws have been made in their Stead, all Byelaws so made and actually in force immediately preceding the Date of this Act shall, so far as not inconsistent with the Terms of this Act, remain in force, and be operative and binding after the passing of this Act, and shall be held and taken as if they had been made under this Act until they shall be recalled: Provided always, that such Byelaws shall be recalled within Twelve Months after the passing of this Act.

Act not to revive Claims which have lapsed.

23. Nothing in this Act contained shall revive in favour of or against the Board, or any Officer appointed or acting under the recited Act, or any other Person, any Claim or Cause of Action which, when this Act comes into operation, had lapsed or been waived or discharged, or shall confer any new Claim or Cause of Action, Right, Privilege, Liberty, or Exemption in reference to any Matter or Thing done or suffered before the passing of this Act which did not exist immediately previous to the passing of this Act in favour of or against the Trustees for carrying into effect the recited Act, or such Officer or Person.

Certain Officers to continue and be subject to Provisions of Act.

24. The Clerk, Treasurer, Surveyor, Collector, Superintendent of Police, Master of Works, Inspectors, Assessors, Procurator Fiscal, and other Officers appointed in pursuance of the recited Act shall remain in Office during their Appointment, or until removed, and shall be subject to the Provisions of this Act as regards their Acts and Intromissions to the same Extent that they would have been if they had respectively been appointed in pursuance of this Act; and all Bonds or Securities for such Acts and Intromissions granted to the Trustees for carrying into effect the recited Act shall enure to and may be enforced by the Board.

Books of Trustees under Act 3 & 4 Vict. c. xxvii. to be deemed Books of the Board.

25. The Books, Registers, List of Ratepayers, Accounts, and other Documents and Vouchers of the Trustees for carrying into effect the recited Act, and the Minutes of the Proceedings of the said Trustees and their Committees and Sub-committees, shall be deemed the Books, Registers, List, Accounts, Documents, Vouchers, and Minutes of the Board and their Committees and Sub-committees, and shall receive effect in the same Way and to the same Extent that they would have done in any Question or Proceeding to which the Trustees for carrying into effect the recited Act might have been Parties if this Act had not been passed.

Saving Rights of Harbour Trustees.

26. While the Police Jurisdiction herein conferred upon the Magistrates shall extend over and include the whole Territory comprehended within the Limits before defined, nothing herein contained shall lessen or injure the Rights of the Trustees for putting into execution the Act of the Fifth Year of the Reign of Her present Majesty, Chapter 54, intituled

intituled *An Act for further improving, enlarging, and maintaining the Harbours of the Town of* Greenock, or Acts therein recited, or the Act of the last Session of Parliament (Public General), Chapter 93, confirming a Provisional Order relating to such Harbours, in and to the Harbours and Quays of the Town, or other Property of the said Trustees, or to maintain the said Harbours or Quays or other Property, or to levy Dues, or shall relieve them from any Obligation, or deprive them of any Power, imposed or conferred by the said Acts to provide and appoint Policemen or Watchmen within the said Harbours, Docks, and Premises of the Trustees, and along the Breasts of the same, or shall otherwise interfere with or affect the Powers and Privileges, Rights, Duties, and Obligations of the said Trustees in any way, or shall impose upon them any Tax or other Burden to which they are not at present liable by Law: Provided always, that the Policemen and Watchmen so to be appointed by the said Trustees under the last-mentioned Acts shall be Constables under this Act, and all the Rights, Powers, Privileges, and Duties conferred or imposed by this Act on the Officers of Police and Constables shall be possessed and performed by the Policemen and Watchmen appointed by the Trustees under the said last-mentioned Acts within the said Harbours, Docks, and Premises of the said Trustees, and along the Breasts of the same, subject to the Provisions of this Act, in the same Way as if they were appointed under this Act.

Saving other Rights.

27. Nothing in this Act contained shall affect or diminish or shall extend or enlarge the Powers and Jurisdiction of the Lord Provost, Magistrates, and Town Council of *Glasgow*, and the Bailie of the River and Frith of *Clyde*, or the Powers, Rights, or Privileges conferred, or the Duties or Obligations imposed, on the Trustees of the River *Clyde* Navigation, or the Powers, Rights, or Privileges of the Pilot Board of the River and Frith of *Clyde;* and reserving also to Sir *Michael Robert Shaw Stewart*, and the Heirs of Entail in the Estate of *Greenock*, to *Thomas McKnight Crawfurd* Esquire, of *Cartsburn*, and the Heirs of Entail in the Estate of *Cartsburn*, and to the agricultural Tenants and Tenants of Gardens and other Ground for Agriculture of the said Sir *Michael Robert Shaw Stewart* and *Thomas McKnight Crawfurd* respectively, and to *Duncan Darroch* Esquire, of *Gourock*, and his Successors in the Estate of *Gourock*, and to all other Lords of Baronies, and to the *Shaws Water* Joint Stock Company, and to all other Bodies Politic or Corporate, all their legal Rights, Estates, and Interests in the Premises aforesaid, in so far as the same may not be inconsistent with the Powers and Provisions of this Act; declaring always, that nothing herein contained shall hurt or prejudice the Charter granted to the Town of *Greenock* in the Year One thousand seven hundred and fifty-one by the deceased Sir *John Schaw*, of *Greenock*, Baronet.

III.—INCORPORATION OF COMMISSIONERS CLAUSES ACT AND GENERAL POLICE ACT.

10 & 11 Vict. c. 16. incorporated.

28. In addition to the Provisions before incorporated, the other Provisions of "The Commissioners Clauses Act, 1847," as modified by this Act, are also hereby incorporated with this Act, excepting the following Clauses thereof, *viz.*, Clauses 37, 46, 77, Clauses 90 to 94 both inclusive, and Clause 104.

Incorporation of 25 & 26 Vict. c. 101.

29. "The General Police and Improvement (*Scotland*) Act, 1862," shall, subject to the Provisions of this Act, be and the same is hereby incorporated with this Act, excepting the following Clauses thereof, *viz.*, Clauses 1 to 83 both inclusive, Clause 92, Clauses 96 to 108 both inclusive, Clause 114, Clause 129, Clause 146, Clauses 148 to 157 both inclusive, Clauses 169 to 179 both inclusive, Clauses 182 to 189 both inclusive, Clauses 196 to 209 both inclusive, Clause 212, Clauses 216 to 232 both inclusive, Clause 351, Clauses 365 and 366, Clause 374, Clauses 384 to 391 both inclusive, Clauses 394 to 397 both inclusive, Clause 409, Clause 417, Clauses 432, 433, 435, and 436: Provided always, that the Words and Expressions used in the said Act shall receive the Construction imposed on them by the said Act, unless by this Act otherwise provided, and that the coming into operation of this Act shall include the Meaning attached in the said incorporated Act to the Adoption of the same, and, subject to the Provisions of this Act as to the Application of certain of the Provisions of the said incorporated Act, all Reference in this Act to the Provisions of the said last-mentioned Act shall be held to apply to such Provisions as if they were actually embodied in this Act: Provided also, that the Provisions of the incorporated Act applicable to Nuisances shall not apply to Farmsteadings beyond the Limits of the Town as defined in the recited Act.

IV.—MEETINGS AND BUSINESS OF BOARD AND ACCOUNTS.

Meetings of Board.

30. The First Meeting of the Board shall take place on the Third *Tuesday* of the Month next immediately following the Date at which this Act shall come into operation, and a Meeting of the Board shall be held on the Third *Tuesday* of every Month thereafter; an annual Meeting of the Board shall take place on the Third *Tuesday* of the Month of *September* in every Year; and the First annual Meeting shall take place on the Third *Tuesday* of the Month of *September* next immediately following the Date at which the Act shall come into operation: Provided always, that the Board shall have Power to alter the

the Days of the monthly or annual Meetings to any other Days which they may consider more convenient.

Quorum and Chairman of Meetings and Committees.

31. At all Meetings of the Board Nine shall be a Quorum, and at every Meeting the Provost, and in his Absence the senior Magistrate present, and in Absence of all the Magistrates a Member to be chosen by the Meeting, shall preside; and in all Cases where the Provost or a Magistrate shall be a Member of any Committee of the Board such Provost or Magistrate, unless the Board shall specially determine otherwise, shall be Convener and Chairman of such Committee, and shall preside at all Meetings of the same, and in Absence of the Provost or Magistrate at any Meeting of Committee a Member to be chosen by the Meeting shall preside, and the Board shall fix and determine the Quorum of any such Committee.

Power to make monthly Meetings special.

32. It shall be competent for the Board at any monthly Meeting to consider and resolve as to any special Business, provided Intimation of the Intention to bring forward such special Business shall have been given by a Member at the monthly Meeting immediately preceding, or shall have been inserted in the Notice of such monthly Meeting by Order of the Provost, or of the acting chief Magistrate in Absence of the Provost.

Extraordinary Meetings.

33. The Provost, or in his Absence the acting chief Magistrate, may, if he think fit, without any Requisition, and shall, on a Requisition signed by Five or more Members, call an Extraordinary Meeting of the Board, to be held at such Time and at such Place as he may appoint, to consider and resolve as to any special Business: Provided always, that Forty-eight Hours Notice of such Meeting shall be given, unless the Circumstances shall render a shorter Notice necessary.

Extracts from Minute Book to be Evidence.

34. A Copy of or Extract from the Minutes or Minute Book of the Board authenticated by the Signature of the Clerk shall be received as Evidence in all legal or other Proceedings in the same Way and to the same Effect as the original Minutes or Minute Book themselves.

Books to be balanced.

35. The Books kept by the several Officers appointed by the Board shall be closed and balanced as on the First *Monday* of *August* in each Year, and a Balance Sheet shall be made up within Fifteen Days thereafter, and such Balance Sheet shall, within Ten Days after the Expiry of the said Fifteen Days, be examined by a Committee appointed for that Purpose by the Board, consisting of not less than Three Members thereof, and shall be signed by the Convener of the said Committee, and, along with the Auditor's Confirmations or Reports as after provided for, shall be reported to the Board for their Consideration and Approval, if so resolved at the annual Meeting in *September* following.

Accounts to be audited.

36. It shall be the Duty of the Auditor once in every Quarter of a Year to audit the Accounts of the Board, and for that Purpose the Board shall deliver or exhibit to him their Accounts and Books and the proper Vouchers in support of the same, and the Auditor may either simply confirm the same or make a special Report thereon, and such Confirmations of or Reports upon the Books and Accounts for the Year shall be laid before the Board at their annual Meeting in *September*: Provided always, that the Auditor may, if he shall deem proper, request the Provost, or in his Absence the acting chief Magistrate, to call a Special Meeting of the Board at any Time to receive an interim Report.

Inspection of Accounts by Ratepayers at stated Times.

37. The Books so balanced, together with the said Balance Sheet for the Year, Report by the Committee of the Board, and Confirmations or Reports by the Auditor, shall for One Month after the annual Meeting of the Board in *September*, be open daily between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon at the Office of the Treasurer for the Inspection of the Ratepayers or Mortgagees, without Payment of any Fee; but the Ratepayers or Mortgagees shall not be entitled at any Time, excepting during the said Period, to demand Inspection of such Books or Balance Sheet, or Report of the Committee of the Board, or Confirmations or Reports of the Auditor, unless in virtue of a written Order signed by Three Members of the Board.

Penalty for refusing Inspection of Accounts.

38. If the Treasurer or any other Officer of the Board shall refuse to permit a Ratepayer to inspect the Books so balanced, or the said Balance Sheet or Report of Committee, or Confirmations or Reports of the Auditor, or to take Copies of or Extracts therefrom, during the said Period or under such written Order, he shall forfeit to such Ratepayers for every such Offence a Sum not exceeding Ten Pounds.

Copy of Accounts to be sent to Town Clerk.

39. Immediately after the Third *Tuesday* in *September* in each Year the Treasurer shall cause the said Balance Sheet, with the Report of the Committee and Auditor's Confirmations or Reports, to be printed, and a Copy to be transmitted to the Town Clerk, and to each Member of the Board, and if he omit to do so he shall forfeit the Sum of Ten Pounds, to be recovered by any Ratepayer.

V.—ASSESSMENTS AND BORROWING POWERS.

Application of General Police Act as to Assessments.

40. The Board may assess and levy for the Purposes of this Act the Assessments on Occupiers authorized by "The General Police and Improvement (*Scotland*) Act, 1862," Part II., Section 1, referring to "Assessments

"Assessments for Police Purposes," comprehending and in Terms of Clauses 84 to 95, both inclusive, incorporated with this Act, excepting Clause 92, and may also use the Remedies provided in Clauses 401 and 404 of the said incorporated Act in so far as applicable: Provided always, that the Police Assessment may amount to but shall not exceed Two Shillings in the Pound on the gross annual Value of Lands and Heritages as specified in the Valuation Roll situated within the Limits of *Greenock*, as defined in an Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland, and may amount to but shall not exceed One Shilling in the Pound of such gross annual Value of Lands and Heritages so specified situated beyond the Limits last mentioned, and within the Limits of the Town as defined by this Act, and which Assessment may be imposed whether the Enactments of the said incorporated Clauses in regard to Water shall be adopted or in operation or not; and no Distinction shall be made in the Assessment on particular Lands and Premises on the Footing of any Portion of the said Assessment being for Water; and the Mode of Recovery of the said Assessment referred to in the said incorporated Clauses shall mean the Mode of Recovery provided for in the said Clauses and in this Act: Provided also, that the Assessment shall be imposed at the monthly Meeting of the Board to be held on the Third *Tuesday* in *June*, although the Assessment Roll shall not be made up till the Period after provided, and that the Mode of summoning the Board provided for in the said incorporated Act shall not apply.

Town Clerk to allow Collector Access to Valuation Roll.

41. To enable the Board to make up the Assessment Roll from the Valuation Roll the Town Clerk shall be bound, without making any Charge, to exhibit or give Access to the Valuation Roll in his Custody to the Collector, and the Assessment Roll shall be made up with all Despatch after the annual Meeting of the Board in *September*, and the Collector shall be the Officer who shall prepare the Assessment Roll under the Orders of the Board.

Assessment to be imposed on actual Rent without Deduction.

Exemptions.

42. Subject to the Provisions of this Act and of "The General Police and Improvement (*Scotland*) Act, 1862," incorporated herewith, the Assessment shall be imposed on the actual Rent or Value of Lands and Heritages as appearing from the Valuation Roll: Provided always, that the Board shall not impose any Assessment in respect of Courts of Justice, Prisons, Town Buildings, Police Offices, and Watch-houses, and other Lands and Heritages used for the Purposes of Police, or of Piers and Harbours, Reservoirs, Water Pipes, Wells, and Cisterns belonging to the Board, or held by any other public Body for behoof of the Public, and not held by any public or private Company or Corporation for their own Profit or Advantage, Buildings occupied for Her Majesty

Majesty for public Purposes, any Place used solely for public Worship or public Charity, or as a Charity School, or which is exempted from County, Burgh, Parochial, or other Local Rates by the Provisions of an Act passed in the Sixth and Seventh Year of the Reign of Her present Majesty, intituled *An Act to exempt from County, Burgh, Parochial, and other Local Rates, Lands and Buildings occupied by Scientific or Literary Societies*, also the following Buildings, *viz.*, the Hall of the *Greenock* Mechanics Institution, the *Greenock* Library, and other Premises belonging to such Institution or Library, except such Premises as are let to Tenants for a Rent, or are occupied as Dwelling Houses, the Library and Meeting Rooms of the *Cartsdyke* Mechanics Institution, the Chapel of the *Greenock* Sailors Home, Sir *Gabriel Wood's* Mariners Asylum, the *Greenock* Hospital and Infirmary, and Premises occupied as Schools maintained wholly or principally by any Church or religious Body, although small Payments may be made by the Scholars in the Schools.

Assessment on unfeued Lands.

43. Whereas by the recited Act such Parts of the Estates of *Greenock* and *Cartsburn* situated within the Limits of that Act as were not then feued out by the Proprietors of the said Estates, nor leased for the Purposes of building, or for Trade, Manufacture, or Business, were exempted from the Assessment thereby authorized until the same should be feued out or leased for such Purposes: The Assessment hereinbefore and by "The General Police and Improvement (*Scotland*) Act, 1862," authorized, shall not extend to or be imposed on any Lands or Heritages forming Parts of the Estates of *Greenock* or *Cartsburn* not yet feued out by the Proprietors of the said Estates respectively, nor leased for the Purposes of building, or for Trade, Manufacture, or Business, situated beyond the Limits of the said Town, as defined by the recited Act, which Lands and Heritages shall be exempted from the said Assessments until the same be feued out or leased for the Purposes aforesaid; and all Lands or Heritages forming Parts of the said respective Estates which are unfeued or unleased for the Purposes aforesaid, and are situated within the Limits of the Town, as defined by the recited Act, shall be liable to the said Assessment only upon the nearest aggregate Sum of Pounds Sterling to One Sixth of the annual Value thereof as entered in the Valuation Roll until such Parts of such Estates shall be feued out or leased for the Purposes aforesaid: Provided always, that so soon as any of such Lands and Heritages, Parts of the Estates before mentioned, shall be feued out or leased for the Purposes aforesaid, such Parts shall become subject to Assessment to the same Extent as other Lands and Heritages similarly situated within the Limits of the Town as defined in the recited Act, or beyond the said Limits, and within the Limits of the Town as defined by this Act, (as the Case may be,) are subject to under this Act.

44. The

Assessment on Buildings on Shaws Water Joint Stock Company's Falls.

44. The Assessment to be levied under this Act upon any Building (except Dwelling Houses) erected or hereafter to be erected upon any of the existing Falls or Mill Sites of the *Shaws Water* Joint Stock Company shall be levied according to the Amount of Power attached to such Fall or Mill Site respectively if required by the Occupier thereof, and shall not exceed the Rate of Four Shillings for each Horse Power of such Fall or Mill Site respectively, such Horse Power to be computed according to the Regulations of the said *Shaws Water* Joint Stock Company; and where any such Mill, Manufactory, Warehouse, or other Building (except as aforesaid) shall be situated in any Street or intended Street in which a continuous Line of Lamps extending from the Centre of the Town does not reach to within One hundred Yards of such Mill, Manufactory, Warehouse, or other Building, the Occupiers of the same respectively shall be entitled to an Abatement of Sixpence *per* Horse Power until such Line of Lamps shall extend to and be placed within One hundred Yards of such Mill, Manufactory, Warehouse, or other Buildings as aforesaid, but not longer; but it shall, nevertheless, be optional to the Occupiers of such Buildings to require that the Assessment so to be imposed in respect of such Buildings shall be at the Rate which, in virtue of this Act, may be levied upon other Lands and Heritages situated within the Limits of the Town, according as the same may be situated within the Limits of the Town, as defined in the Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth before mentioned, or beyond the said last-mentioned Limits.

Notice to be given of every Assessment.

45. The Collector shall give Notice to every Person whom he intends to hold liable for Payment of any Assessment, stating the Particulars and Amount thereof, the Place of Payment, and the Date at which such Payment is required to be made.

Any Person aggrieved may lodge Objections, and be heard before the Board or a Committee.

46. If any Person to whom such Notice is given shall consider himself to be improperly or unduly assessed, he may, within Fourteen Days thereafter, lodge with the Collector written Objections signed by him; and the Board, or a Committee named by the Board, shall proceed on such Days and at such Places as shall be fixed by them, and of which Notice shall be given to such Person by the Collector not less than Forty-eight Hours previously, to consider such Objections, and shall dispose thereof summarily and without written Pleadings.

Appeal to Sheriff.

47. It shall be in the Power of any Person who may consider himself aggrieved by the Decision of the Board or their Committee to appeal to the Sheriff, and Notice of such Appeal shall be given in Writing to the Collector Seven Days at least previous to hearing the same; and the Sheriff shall in a summary Manner hear and determine the Matter of such Appeal, and award such Costs to either Party as to him

him shall seem proper, and the Decision of the Sheriff shall be final, and shall not be subject to Suspension, Advocation, Reduction, or to any other Form of Review or Stay of Execution.

Second Notice of every Assessment to be given to Defaulters.

48. If any Person to whom such Notice is given by the Collector do not pay the Assessment due by him at the Time and Place stated therein, or in case of Appeal any Assessment to which he may be found liable under the same, the Collector, before taking any legal Proceedings for Recovery thereof, shall give a new Notice to such Person requiring him to make Payment thereof within Fourteen Days thereafter.

Recovery of Assessments.

49. It shall be lawful for the Collector in his own Name, but on behalf and at the Risk and Expense of the Board, to recover any Arrears of Assessment due by any Person, or by any Number of Persons, either according to the ordinary Procedure before any competent Court, or by Application to and by obtaining from the Sheriff or from the Magistrates a summary Warrant to recover such Arrears, with the Addition of Ten *per Centum* thereon in lieu of any Costs which have been or may require to be incurred from the Person or Persons respectively liable in Payment of the same, which Warrant the Sheriff or any Magistrate shall grant on Production of an Extract from the Assessment Roll made up in pursuance of the Provisions herein-before contained of the Entries therein relating to such Person or Persons showing the Amounts respectively due by them, and a Certificate by the Collector that he had given to each such Person or Persons the Second Notice herein-before directed requiring him or them to make Payment of the Amount due by him or them within Fourteen Days thereafter, that the said Period had expired, and that the said Amount had not been paid, and was still truly due; and such Warrant shall authorize the Collector to cause any Messenger-at-Arms, Sheriff Officer, Officer of Court, or Constable to enter into the Lands or Heritages occupied by the Person or Persons so in arrear, and to poind, seize, remove to a Place of Safety, or otherwise secure any Goods and Effects therein belonging to such Person or Persons, or so much thereof as will fully satisfy the Arrears due by him or them respectively, with the Addition of Ten *per Centum* thereon in lieu of Costs, and shall also authorize the Collector, after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, to cause any Messenger-at-Arms, Sheriff Officer, Officer of Court, or Constable, or licensed Auctioneer, to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the same in Payment of the said Arrears and Addition of Ten *per Centum* thereon respectively due by such Person or Persons, and also in Payment of the Expenses attending the Sale, which Certificate and Application to the Sheriff or Magistrates

Magistrates and Warrant may be in the Form as nearly as may be in the Schedule (B.) hereunto annexed: Provided always, that the Fact that the Goods or Effects so pointed are found in the Lands or Heritages occupied by the Person or Persons so in arrear shall be *primâ facie* Evidence that they belong to such Person or Persons, and any other Person claiming the same as his Property shall be bound to establish his Right thereto; and the Board or the Collector, or other Person acting under this Act, shall not be liable in Damages for pointing, securing, or selling the Goods or Effects so pointed, although it should afterwards be made to appear that they belonged to some other Person than the Person or Persons so in arrear, but shall only be bound to account for the Goods or Effects themselves if unsold, or for the Price actually received for such Goods or Effects if sold.

Regulating Sales of Effects for Payment of Assessments.

50. Every Sale which shall take place in pursuance of the Provisions herein-before contained shall be conducted by Public Auction, and on such Notice and at such Place as the Sheriff or the Magistrate who grants the Warrant may direct, or, failing such Directions, as the Collector may fix.

Collector to account for surplus Proceeds of such Sales.

51. The Collector shall account to the Owner of any Goods and Effects which are sold in pursuance of the Provisions herein-before contained for any Surplus which may remain after applying the Proceeds of Sale in Payment of the said Arrears, and Addition of Ten *per Centum* thereon due by him, and the Expenses of Sale, and shall for a Period of Three Months after the Date of every Sale preserve Evidence of the Amount of such Proceeds.

Providing Appeal against any oppressive Proceeding of Collector.

52. The Owner of any Goods and Effects which shall have been either pointed or sold in pursuance of the Provisions herein-before contained who shall allege himself aggrieved by any unjust or oppressive Proceeding on the Part of the Collector, or to whom the Collector has not accounted for any Surplus remaining after applying the Proceeds of Sale in Payment of the Arrears of Assessment and Addition of Ten *per Centum* thereon due by such Owner, and Expenses of Sale, may present a Petition to the Sheriff or to the Magistrates, according as the Warrant shall have been granted by the Sheriff or by a Magistrate, and the Sheriff or Magistrate shall thereupon summarily call before him the Collector and such Petitioner, and, without written Pleadings, shall inquire into and decide any Dispute, Question, or Claim of Damage raised by such Petition, and may award Expenses to either Party; and it shall not be competent for any Person to make, nor for any Court of Law to entertain, a Complaint with respect to any Warrant granted by the Sheriff or by a Magistrate in pursuance of the Provisions herein-before contained on account of any Mistake, Informality, Irregularity, or Misnomer, or with respect to any Proceedings of the Collector, or of

any

any Messenger-at-Arms, Sheriff Officer, Officer, Constable, or licensed Auctioneer in the Execution of such Warrant or otherwise, except to the Effect and in the Manner herein-before provided; and the Decision of the Sheriff or of the Magistrate on any such Dispute, Question, or Claim shall be final, and not subject to Suspension, Reduction, Advocation, or Appeal, or to any Form of Review or Stay of Execution.

Borrowing Powers on Mortgage of Rates.

53. Whereas by the recited Act the Trustees for carrying into effect the said Act were authorized to borrow for the Purposes of the said Act the Sum of Fifty thousand Pounds, and it is expedient that the Powers of the Board should be varied and increased: It shall be lawful for the Board from Time to Time for the Purposes of this Act to borrow or retain on Loan, on Mortgage of the Police Assessment, any Sum not exceeding the Sum of One hundred and twenty thousand Pounds, but the Principal Sums which shall from Time to Time be outstanding under the Mortgages, Bonds, or Assignments or other Obligations granted by the Trustees for carrying into effect the recited Act in virtue of the said Act shall be deemed Part of the said Sum; and such Mortgages, Bonds, or Assignments last mentioned shall be equally available as a Charge upon the corresponding Assessments by this Act authorized, and the other Property of the Board, as they would have been upon the Rates authorized by the said Act, and the Property of the Trustees for carrying the same into effect, if the same had not been repealed.

Mortgages to be signed by Three Members of Board, and may be transferred by Endorsation.

54. All Mortgages to be granted under the Provisions of this or "The Commissioners Clauses Act, 1847," herewith incorporated, shall be signed by Three Members of the Board in name and on behalf of the Board, besides being under the Common Seal of the Board; but in place of the Form of Transfer of Mortgages authorized by the said incorporated Act, all Mortgages to be granted by the Board under the Provisions of this or the incorporated Act may be transferred by Endorsation on the Back thereof in the Form and Tenor following; *videlicet*,

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

'*C.D.*'

Cash Credit Account may be opened.

55. It shall be lawful for the Board to accept and take from any Banking Company Credit on a Cash Account or Cash Accounts to be opened and kept with such Company, according to the Usage of Bankers in *Scotland*, to the Extent of the several Sums which they are empowered

empowered to borrow, or any Part thereof, and to grant Mortgages of the Police Assessment by this Act authorized in Security of the Payment of such Credit, or of the Sums advanced from Time to Time on such Cash Account or Cash Accounts, with Interest thereon: Provided always, that the total Sums due and owing on such Cash Account or Cash Accounts, and secured by Mortgage of the Police Assessment, shall never, when taken together with the other Mortgages of such Assessment granted in virtue of the recited Act or this Act, exceed the total Sum by this Act authorized to be borrowed on the Security thereof.

Board may pay off Mortgages or Debts on Notice to be agreed to.

56. Where no Period for Repayment has been fixed, it shall be lawful of mutual Consent for the Board to pay off any Mortgage or Debt due by them, and for the Mortgagee or Creditor to receive Payment of the same on Demand, or on such shorter Notice than Six Months as the Parties may agree upon, and Payment so made shall be valid: Provided always, that where a Period has been fixed for Repayment no Mortgage or Debt shall be paid off before such Period shall have arrived, and where Notice is required by the said "Commissioners Clauses Act, 1847," herewith incorporated, and both Parties do not consent to dispense with or to shorten the Notice, Payment shall not be made till the Expiry of the Notice so required.

Power to grant Annuities in lieu of borrowing.

57. It shall be lawful for the Board from Time to Time, in lieu of borrowing or continuing on Mortgage the Sums by this Act authorized to be borrowed, to raise the same or any Part thereof by granting to such Persons as shall advance Money for the Purposes of this Act terminable Annuities for Life, or during such Period not exceeding Thirty-five Years, and under such Conditions and at such Rates, as the Board shall decide, and by assigning the said Assessments in Security of the Payment of such Annuities according to the Form in Schedule (C.) to this Act annexed, or to the like Effect; and the Person entitled to such Annuity may transfer his Right and Interest therein in the same Way, and as nearly as may be according to the same Form, as is before provided with respect to Transfers of Mortgages.

Treasurer to report when borrowing Powers exhausted.

58. The Treasurer shall be bound, if and when the Sum allowed by this Act to be borrowed by the Board has been actually borrowed, to report that Fact to the Board.

Sinking Fund.

59. The Part of the Assessment to be laid aside annually as a Sinking Fund is hereby fixed to be a Sum not less than One Pound Ten Shillings *per Centum* on the Amount borrowed on Mortgage of the Assessment, and the Board shall be bound to begin to lay aside such Part of the Assessment annually after the Expiry of Ten Years from the passing of this Act, and not sooner.

60. The

How Police Assessment and Sums borrowed to be applied.

60. The Police Assessment, as well as all Monies borrowed under the Provisions of this Act, shall, subject to the Provisions of this Act, be applied to carrying into execution the whole Objects and Purposes of this Act.

VI.—OFFICERS.

Board to appoint certain special Officers.

61. The Board shall from Time to Time appoint the Officers specified in "The Commissioners Clauses Act, 1847," in so far as herewith incorporated, and also the Officers authorized to be appointed under the Provisions with this Act incorporated of "The General Police and Improvement (*Scotland*) Act, 1862," and included with the following special Officers; namely,

A Master of Works, who shall be the Surveyor under the Act last mentioned;

An Auditor, who may be also the Auditor of other public Trusts of the Town;

A Surgeon in connexion with the Police Establishment;

A Superintendent of Police;

And may also appoint the following special Officers; namely,

A Medical Officer, who shall be the Officer of Health, under "The General Police and Improvement (*Scotland*) Act, 1862;"

One or more Inspectors of Weights and Measures;

One or more Inspectors of Nuisances for the whole Town or for Districts of the Town;

One or more Inspectors of Common Lodging Houses for the whole Town, or for Districts of the Town;

An Inspector of Sewers;

An Inspector of Cleansing;

An Inspector of Lighting;

An Inspector of Fires;

Or the Board may unite any of the said Offices, and may also intrust the Duties herein-after imposed on the Seven last-named special Officers, or any of them, wholly or partly to the Master of Works, or wholly or partly to the Superintendent of Police; and in every such Case the Superintendent of Police or Master of Works, so far as intrusted with such Duties, shall be entitled to exercise the Powers herein-after conferred on Inspectors with reference thereto: Provided always, that no Appointment of a Medical Officer shall take effect until his Appointment is confirmed by One of Her Majesty's Principal Secretaries of State, and, if so appointed, the Medical Officer shall not be dismissed without the Concurrence of One of Her Majesty's Principal Secretaries of State.

62. The

Board to fix Classes and Number of Constables.

62. The Board shall have Power to fix the Number and Description of Lieutenants and other subordinate Officers and Constables to be employed in the Execution of this Act, and the Salaries or Wages to be paid to them respectively, and to increase and diminish their Numbers from Time to Time as the Board shall see Cause.

Board may revoke or suspend Appointments made by them.

63. The Board may, subject to the Provisions of this Act, revoke the Appointment of, or suspend for a Time, all Persons appointed by them, and they may make Provision for the Performance of the Duties of Persons suspended by interim Appointments.

Town Council to appoint certain special Officers.

64. The Town Council shall annually, at the Time and in the Manner prescribed in relation to the Election of Magistrates and Office Bearers in the Council, appoint the following special Officers; namely,

One or more Assessors to the Magistrates, who shall also act as Clerk or Clerks of Court;

A Procurator Fiscal;

And they may at any Time, by provisional Appointments to endure until the said annual Period of Election, fill up Vacancies occurring by the Death, Resignation, or Removal of such special Officers.

Superintendent of Police may act as Procurator Fiscal in Absence.

65. The Town Council may, by a general Authority, appoint the Superintendent of Police to be Procurator Fiscal at all Times when the Procurator Fiscal shall be absent.

Interim Fiscal.

66. In case the Procurator Fiscal so to be appointed, and the Superintendent of Police, if he shall receive an Appointment as Procurator Fiscal, shall both be temporarily absent from 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 Superintendent of Police, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal or Superintendent of Police.

Town Council may revoke Appointments.

67. The Town Council may revoke the Appointment of such special Officers appointed by them.

Magistrates may appoint a temporary Substitute for Superintendent.

68. The Magistrates may from Time to Time appoint One of the Lieutenants of Police to be Superintendent in the Stead of the Superintendent during any temporary Absence from the Town, or any Illness, with Power to act in case of his Death until the Nomination of his Successor.

Magistrates may appoint Inspectorsof

69. The Magistrates may from Time to Time appoint One or more Inspectors for enforcing the Provisions with respect to Stage and Hackney

Stage and Hackney Carriages.

Hackney Carriages, if it be found expedient to enforce such Provisions by means of special Officers instead of the ordinary Officers of Police.

Magistrates may revoke or suspend Appointments made by them.

70. The Magistrates may at pleasure revoke the Appointment of, or suspend for a Time, all Persons appointed by them, and they may make Provision for the Performance of the Duties of Persons suspended by interim Appointments.

Superintendent to appoint and dismiss other Officers of Police.

71. The Superintendent of Police shall from Time to Time appoint and he may dismiss Lieutenants of Police and other subordinate Officers, and all other Persons employed as Constables in the Execution of this Act: Provided always, that, except in special Cases, every such Person shall, when first admitted into the Establishment as a Constable, be under Thirty-five Years of Age.

Superintendent to have Power to fine Constables.

72. The Superintendent of Police shall have the Power of imposing a Fine, not exceeding Twenty Shillings, on any Constable under the Rank of a Lieutenant, where he shall not consider it necessary that such Constable should be dismissed.

Oath to be taken by Constables.

73. The Oath to be taken by Constables employed in the Execution of this Act, when appointed, shall be the Oath prescribed by the Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter 72.

Board to appoint other Officers and to fix Number of Constables.

74. The Board shall have Power to appoint at such Salaries as they shall judge meet all other Persons whose Appointment is not herein otherwise provided to be employed in the Execution of this Act, and to remove, suspend, and dismiss such Persons at pleasure.

Exercise of Power of dismissing superior Officers.

75. The Power of Dismissal of the following Officers, *viz.*,
The Officers specified in "The Commissioners Clauses Act, 1847," so far as herewith incorporated;
The Master of Works;
The Auditor;
The Surgeon in connexion with the Police Establishment;
The Medical Officer;
The Assessors to the Magistrates;
The Procurator Fiscal;
The Inspector of Weights and Measures; and
The Superintendent of Police,
shall be exercised by the Board, the Town Council, or the Magistrates, as the Case may be, by whom the Officer shall have been appointed, at a Special Meeting to be called for the Purpose by the Clerk to the Board in Cases where the Officer is appointed by the Board, and by the Town Clerk in Cases where the Officer is appointed by the Town Council or the

the Magistrates; and the Clerk to the Board or Town Clerk, as the Case may be, shall call the Meeting on receiving Instructions to that Effect from the Provost or the acting chief Magistrate, and the Proceedings shall be subject to the following Regulations:

The Meeting shall be called by Notice sent in the same Way as Notices of Meetings of the Board or the Town Council, as the Case may be:

The Quorum in the Case of the Board and of the Town Council shall be the legal Quorum of these Bodies respectively, and in the Case of the Magistrates Three shall be a Quorum:

The Provost, or in his Absence the senior Magistrate present, shall be Chairman of the Meeting, and in case of an Equality of Votes shall, in addition to his own, have a Casting Vote:

The Meeting may be adjourned from Time to Time, and the Board, the Town Council, or the Magistrates, as the Case may be, may appoint a Committee to obtain Information or take Evidence, and to report:

The Proceedings of the Meeting, and of every Adjournment thereof, and of the Committee if one be appointed, shall be entered in a Minute Book by the Clerk or Town Clerk, as the Case may be, and such Entries shall be signed by the Chairman, and the same or Extracts thereof shall be received as Evidence in the same Way as Minutes of Meetings of the Board or Extracts thereof:

Provided always, that the Superintendent of Police shall not be removable unless with the Approbation of the Provost and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being, and that the Medical Officer shall not be dismissed without the Concurrence of One of Her Majesty's Principal Secretaries of State as before enacted: Provided also, that the Magistrates may at pleasure suspend any of the said Officers, although not appointed by them, till the next monthly Meeting of the Board or the Town Council, as the Case may be, or in their Discretion till a Special Meeting of the Board or the Town Council shall be called (not being later than the next monthly Meeting of these Bodies respectively), and may make Provision for the Performance of the Duties of such Officer till he be reinstated or his Successor appointed.

Magistrates may suspend all Special Officers.

76. For the Purpose of aiding the Constables appointed by the Superintendent of Police on Occasions of Emergency, and suppressing or preventing any Tumult or Riot that may take place or be reasonably apprehended, the Magistrates may from Time to Time appoint any of the Proprietors or Occupiers of Lands or Heritages, or other Persons residing within the Town, to act as Special Constables, and may recal such Appointment at pleasure; and the Special Constables so appointed shall, when sworn before any One of the Magistrates, have the same Powers and Privileges as Constables appointed by the Magistrates

Magistrates may appoint Special Constables.

under the Powers to that Effect herein-before conferred; and if any Person so appointed shall refuse or fail to attend and be sworn, or to act when required, without a reasonable Excuse, he shall be liable to a Penalty not exceeding Five Pounds.

Roll to be kept of Special Constables.

77. A Roll of the Names and Addresses of all Special Constables shall be kept by the Superintendent of Police, and the Expenses of providing them with Batons, or otherwise equipping and employing them, shall be paid by the Board.

Special Constables on Duty to be under Superintendent of Police.

78. Every Special Constable shall be sworn as an ordinary Constable, and when on Duty shall be under the Direction of the Superintendent of Police, but the Magistrates may make such Regulations for their Organisation and Training as they think proper.

VII.—POWERS AND DUTIES OF CONSTABLES.

Application of General Police Act as to Officers and Constables.

79. With respect to the Powers, Duties, and Privileges of Constables, as provided for in "The General Police and Improvement (*Scotland*) Act, 1862," Part Third, intituled "Appointment of Officers," Section Second, in reference to the "Appointment, Powers, Duties, and Privileges of Constables," from Clause 115 to Clause 125, both inclusive, and Part Sixth, intituled "Powers and Remedies," Clauses 392 and 393, Section Fourth, and Clause 415, Section Sixth, of such Part, incorporated with and modified by this Act, it is hereby provided that the Rules, Regulations, and Byelaws referred to in certain of the said Clauses shall apply to the Byelaws made under the recited Act until recalled, and to the Byelaws to be framed under this Act; and the Powers and Privileges conferred on the Superintendent of Police and Constables to be appointed under the said incorporated Act, and the Duties to be performed by the Superintendent of Police and Constables under the said Act, shall be the Powers and Privileges conferred on and the Duties to be performed by them under the said incorporated Act and this Act; and the Superintendent and Constables, when referred to in the said incorporated Act, shall be held to mean the Superintendent and Constables under this Act.

Superintendent responsible to Magistrates.

80. The Superintendent of Police shall be responsible to the Magistrates, and be under their Regulation with reference to all his Duties.

Magistrates and Superintendent of Police may

81. The Magistrates may from Time to Time make Byelaws for the Guidance of the Superintendent of Police, and the Superintendent of Police may from Time to Time, with the Concurrence of the Magistrates,

Magistrates, make Byelaws for regulating the Conduct and Duties of the Lieutenants, Constables, and other Persons employed in any Department which by this Act is placed under their Regulation and Control.

make Byelaws for regulating Constables.

82. The Lieutenants and Constables acting under the Superintendent of Police shall obey his Orders and Directions, and shall afford Aid and Assistance to the other Officers of the Board in carrying into execution any of the Provisions of this Act.

Constables to obey Orders of Superintendent.

83. The Superintendent of Police shall cause to be kept a Register of the Name, Description, Crime, and Sentence of Persons charged with and convicted of Crimes and Offences punishable by Imprisonment, with or without the Alternative of a Penalty or Fine, or in default of Payment of a Penalty or Fine, before the Magistrates, and shall cause to be entered therein such other Particulars as he may from Time to Time be directed to enter by the Magistrates; and the Entries in such Register, or any Extracts therefrom certified by the Superintendent of Police, shall be received as *primâ facie* Evidence of the Particulars of any previous Conviction, and, unless the same be disputed, it shall not be necessary to produce the Complaint on which such previous Conviction proceeded, or the Sentence thereon, or an Extract thereof.

Register to be kept of Crimes and Police Offences.

84. The Board may from Time to Time purchase or rent any Building or Land, and convert such Building into, or build on such Land, Dwelling Houses or Barracks for the Accommodation of Constables and Firemen employed under this Act, and may furnish, fit up, and repair the same, and the Board may grant or allow the Use of the same to Constables and Firemen on such Terms and Conditions with regard to Rent and otherwise, and subject to such Regulations, as they may think fit.

Board may provide Dwelling Houses or Barracks for Constables and Firemen.

85. And whereas the Lieutenants and other Officers and Constables to be employed in the Execution of this Act may receive Injuries in the Performance of their Duties, and may thereby, or from Sickness, old Age, or other bodily Disability, be prevented from continuing to serve the Board, and a Fund called the "Superannuation Fund" to meet such Cases has been provided by levying certain Contributions from the said Lieutenants, Officers, and Constables, and Rules and Regulations have been made for the Management of the Fund, and it is proper to provide for the future Government of the same: Therefore all such Lieutenants, Officers, and Constables shall be bound to make Contributions to, and shall be entitled to the Benefit of, the "Superannuation Fund" in Terms of the existing Rules and Regulations, which shall continue in force and be binding for the Space of

Constables Superannuation Fund.

One Year after the Date of this Act coming into operation, unless sooner recalled or altered, and it shall be lawful for the Magistrates to frame Rules and Regulations for raising and managing the "Superannuation Fund," and the Mode and Extent in which the Benefits of the same shall be allowed and taken, and to deduct from the Salaries or Wages of such Lieutenants, Officers, and Constables such Sums or Contributions as may be necessary to provide and maintain the "Superannuation Fund," and to make such Byelaws as may be requisite for carrying out the Objects of the same, and from Time to Time to recal, alter, and amend the said Rules, Regulations, and Byelaws: Provided always, that before the Expiry of One Year from the Date at which this Act shall come into operation such Rules, Regulations, and Byelaws shall be submitted to and approved of by the Officer for the Time being appointed by Law to revise the Regulations of Friendly or Benefit Societies, and shall not be binding after the Expiry of said Period until so approved of; and all Alterations of such Rules, Regulations, and Byelaws shall in like Manner be submitted to and approved of by the said Officer appointed to revise the Rules of Friendly or Benefit Societies within Twelve Months of their Date, and shall not be binding after Expiry of that Period until so approved.

VIII.—POLICE COURTS AND BUSINESS.

As to holding Courts.

86. There shall be a Police Court held on at least Four Days in each Week.

Person in Custody to be taken before Magistrate.

87. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, shall be taken before the Magistrate in Terms of the Provisions of the 418th Clause of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, and in other respects the Provisions of the said Clause shall be carried into effect in regard to such Person.

Lieutenant to be on Duty at each Police Office.

88. There shall be in Attendance at each Police Office a Lieutenant of Police, in this Act called "the Officer on Duty."

Officer on Duty to keep a "Police Book."

89. The Officer on Duty shall enter in a Book or Books to be called the "Police Book"—

The Names and Addresses, so far as known, of every Person who is brought to the Police Office in Custody of a Constable, or who is reported to him as having been cited to appear as a Party before the Magistrate:

The Nature of the Penal or Police Offence with which such Person is charged, unless he shall have been taken into Custody under a Warrant

a Warrant of the Magistrate, in which Case the Entry shall state that Fact:

The Particulars of any Bail Bond or Bond of Caution executed, or Deposit made in lieu of Bail by or on behalf of such Person:

The Particulars of any Goods, Parcel, Bank Note, Money, or other Article, and of any Animal, and of any Waggon, Cart, or other Carriage, or any Implement, brought to the Officer on Duty by any Constable or other Person:

Any Act of the Officer on Duty or of the Procurator Fiscal with reference to the Liberation of the Person so brought in Custody, or the Recovery of the Amount secured by any such Bail Bond or Bond of Caution, or the Receipt of any Penalty, or the Disposal of any such Deposit, Article, Animal, or Carriage:

Such further Particulars as he may be required to enter by the Superintendent of Police.

Powers of the Officer on Duty with respect to Persons in Custody.

90. The Officer on Duty may deal with every Person brought to the Police Office in Custody of a Constable as follows:

If such Person shall have been taken into Custody in pursuance of a written Warrant, the Officer on Duty shall cause him to be detained until he can be brought before the Magistrate:

If such Person shall have been taken into Custody without a Warrant in consequence of being accused or suspected of having committed any Penal or Police Offence, or in consequence of his having failed to attend before the Magistrate when duly cited in pursuance of the Provisions of this Act, the Officer on Duty shall inquire into the Circumstances, and may either cause him to be detained until he shall be brought before the Magistrate, or may agree to accept Bail that he shall appear before the Magistrate at some Time and Place to be then appointed, and at all Times and Places to which the Case may be adjourned by the Magistrate, and may, upon a Bail Bond being executed with sufficient personal Security, or without Security upon the Deposit in lieu thereof of Money or Articles of sufficient Value, liberate him, or if the Officer on Duty shall think that the Charge is unfounded, or is not supported by sufficiently strong Evidence to justify his being detained in Custody, he may liberate him.

Powers of Officer on Duty with respect to Articles impounded.

91. The Officer on Duty may deal with any Goods, or any Parcel, Bank Note, Money, or other Article, or any Animal, or any Waggon, Cart, or other Carriage, or Implement, brought to the Police Office by any Constable or other Person, for which no Receipt has been granted, as follows:

He may, with Consent of the Superintendent of Police, cause to be buried, or may otherwise dispose of in such Manner as to prevent its being offered for Sale or used as Food, any Carcase,

Meat, Poultry, Game, Flesh, Fish, Fruit, Grain, Flour, Meal, or Vegetable, or other Article of Food, which Two respectable Dealers in such Article of Food shall, after Inspection, certify ought to be buried or so disposed of:

He may, with such Consent, cause to be destroyed any other Article, Animal, Carriage, or other Thing which is unclaimed and worthless, or not of sufficient Value to pay the Expense of keeping, or is in a State to spread Infection, or to be a Nuisance if kept, provided it be not required for the Ends of public Justice:

He may, in case of disputed or doubtful Ownership, or in case of Goods alleged to have been stolen or fraudulently or unlawfully taken possession of, apply to the Magistrate, who shall summarily, upon *vivâ voce* Evidence, order the same to be retained or delivered to such Persons as he may direct, subject to all legal Claims against such Person in regard to the same, and whether for the further Ends of Justice or otherwise:

If the Owner of any Animal, Article, or Thing in his Possession be unknown, he may, with the Concurrence of the Superintendent of Police, give public Notice that it is in his Possession:

If the Owner thereof be known or become known, he may deliver it, on Payment of the Expenses attending its Detention and Keep, and the giving of public Notice as aforesaid, and on Security being found for the Payment of any Penalty which may have been incurred in respect of or in relation thereto:

He may from Time to Time sell every Article, Animal, Carriage, or other Thing in his Possession which the Magistrate may declare forfeited, or the Expense of keeping which is likely to exceed its Value, or which has been in his Possession for more than Twelve Months; but, except where the Article, Animal, Carriage, or other Thing is declared forfeited, every such Sale shall take place only by virtue of, and as directed by, a Warrant of the Magistrate, to be obtained on an Application by the Procurator Fiscal or the Superintendent of Police.

Owner of Goods sold, but not forfeited, may make a Claim upon Board within Three Months after Date of Sale.

92. Where any Article, Animal, Carriage, or other Thing is sold in pursuance of a Warrant by the Magistrate, and where the same may not have been declared forfeited by the Magistrate, it shall be lawful for the Owner thereof at any Time within Three Months after such Sale to claim from the Board, and the Board shall pay to such Owner, the Surplus of the Sum realised in respect thereof, after deducting all Expenses incurred in keeping, advertising, and selling the same.

Officer on Duty subject to Superintendent.

93. The Officer on Duty shall be subject to the Superintendence of the Superintendent of Police.

94. The

27 & 28 Vict. c. 53. to apply.

94. The "Summary Procedure Act, 1864," shall apply to all Proceedings under this Act to which the same may be applicable.

Power to Magistrate to grant Warrant to cite or take into Custody.

95. It shall be lawful for the Magistrate, on a Complaint by the Procurator Fiscal, to grant Warrant to cite, or to search for, take into Custody, and convey to the Police Office in order to be brought before him or some other Magistrate, any Person accused or suspected of having committed any Penal or Police Offence; and such Warrant shall entitle the Constable executing it to enter any Building or Part of a Building or other Place whatsoever in which he has reason to believe or suspect that such Person is to be found, and for that purpose to open shut and lockfast Places.

Power to Magistrate to grant Warrant to search.

96. It shall be lawful for the Magistrate, on a Complaint by the Procurator Fiscal, to grant Warrant to search for, seize, impound, and convey to the Police Office any Article mentioned in such Complaint as having been stolen or fraudulently obtained; and such Warrant shall entitle the Constable executing it to enter any Building or Part of a Building or other Place whatsoever in which he has reason to believe or suspect that such Article is to be found, and for that Purpose to open shut and lockfast Places.

Constable may cite, &c. under Powers of General Police Act.

97. Nothing in this Act contained shall operate to prevent the Constable citing or taking into Custody any Person accused or suspected, or searching for Articles without a Warrant, conferred by the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated.

Power to Magistrate to grant other Warrants.

98. It shall be lawful for the Magistrate to carry into effect every other Provision of this Act with reference to Penal and Police Offences, or with reference to any Matter which by this Act he is directed or enabled to do, and for that Purpose to issue all necessary Orders and Warrants, including such Warrants as are authorized by the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862."

In case of Adjournment of Trial, the accused Person may be detained or liberated on or without Bail.

99. Where any Trial is adjourned after having been begun, the Magistrate may cause the Person accused to be detained in Custody, or may commit him to Prison till the Diet fixed for proceeding with the Cause, or may admit him to Bail to appear at such adjourned Diet, or if he have already granted a Bail Bond, or made or makes a Deposit in lieu of Bail, the Officer on Duty may liberate him on the Security thereof, or the Magistrate or such Officer may liberate him without requiring him to find Bail on his undertaking to appear at such adjourned Diet.

100. It

Magistrate to have Power to mitigate Sentence.

100. It shall be lawful for the Magistrate who has tried any Case and pronounced Sentence against any Person accused of a Police Offence, if he see fit, to inquire subsequently in open Court into any Circumstances which were not known, or were not brought forward, or were not duly considered at the Trial, and, with the Concurrence of any other Magistrate, to modify or mitigate the Severity of such Sentence.

Execution of Bonds of Caution by Persons unable to write.

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

Fines to be paid to Treasurer, and Application.

102. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate shall be paid to the Treasurer, to be applied to the Purposes of this Act.

Offenders may be punished summarily for Contempt of Court.

103. In Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, the Magistrate may of his own Motion summarily punish the Offender by a written Sentence specifying the Offence, and imposing a Fine not exceeding Ten Pounds, or Imprisonment for a Period not exceeding Sixty Days, or he may direct the Offender to be detained in Custody, and to be prosecuted by the Procurator Fiscal in which Case the same Procedure shall be observed as in the Case of other Police Offences, and the Punishment above mentioned shall attach thereto.

Board may defend Action brought against their Officers.

104. Where any Order or Sentence of the Magistrates is brought under Review, or where any Action is brought against the Magistrate or Procurator Fiscal, or against the Superintendent of Police or any Constable, in consequence of anything done in pursuance of this Act, or of any Order or Sentence of the Magistrate, the Procurator Fiscal shall immediately make a Report of the Facts and Circumstances to the Board, and the Board shall thereupon resolve either that such Order or Sentence so brought under Review, or such Action, shall be defended at the Expense of the Board, or that it shall not be so defended; and if they resolve that it shall be so defended, the Board shall thenceforth take the Superintendence and Control of the Case, and the Board shall relieve the Magistrate, Procurator Fiscal, or other Defender from Liability for all or any of the Conclusions thereof; and if the Board resolve that it shall not be so defended, they may, if they see Cause, agree that the Board shall relieve the Magistrate, Procurator Fiscal, or other Defender from the Consequences of not defending the same, and the Board shall in such Case relieve them accordingly.

IX.—GENERAL POLICE REGULATIONS, AND POWERS AND REMEDIES.

Application of Portions 25 & 26 Vict. c. 101.

105. With respect to "The General Police and Improvement (*Scotland*) Act, 1862," Part Fifth, intituled "General Police Regulations," also Part Sixth, intituled "Powers and Remedies," so far as incorporated with and as modified by this Act, it is hereby provided that such Incorporation shall take effect, subject to the Provision that all Proceedings with respect to the Portions of the said Act so incorporated falling within the Jurisdiction of the Dean of Guild as after provided may be taken before the Dean of Guild, and that the Words "Street" and "private Street" used in any of the incorporated Clauses shall apply to Streets under this Act, and Byelaws and Regulations authorized by any of the said Clauses shall refer to Byelaws and Regulations made under Authority of this Act; and it shall not be necessary in carrying into effect any of the Provisions of Part 5, Section 15, of the said incorporated Act, to proceed by Special Order.

Limits of Jurisdiction.

106. The Limits of Jurisdiction of the Magistrate referred to in Clause 309 of the said incorporated Act shall refer to the Limits of the Town.

Additional Powers as to Fairs.

107. In addition to the Powers as to Markets and Fairs conferred by "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, including the Clauses of the "Markets and Fairs Clauses Act, 1847," therein embodied, the Magistrates shall have Power to fix and appoint the Place at which all Fairs shall be holden within the Town, and the Stances of all Shows and Booths, and of all public Exhibitions, or Stands, Waggons, Carts, or Barrows for the Sale of any Article at such Fairs, and to levy Dues upon the Persons to whom such Stances shall be allotted according to Custom, and such Dues shall be recoverable as Damages under this Act.

Inspector of Fires and Firemen to be sworn in as Special Constables.

108. The Inspector of Fires and all Firemen shall be sworn in as Special Constables, and shall be entitled to act along with or in the Absence of the Constables appointed by the Board on all Occasions of Fire, and the said Inspector shall on such Occasions have the Rank and Power of a Lieutenant of Police.

Powers of Inspector and Firemen.

109. The said Inspector and the Firemen appointed by him may take any Measures which appear expedient for extinguishing or preventing the Extension of or diminishing the Loss caused or likely to be caused by any Fire, and protecting the Lives and Property of the Inhabitants.

Power to Inspector to employ additional Firemen on Emergency.

110. The said Inspector may employ any additional Number of Persons he may think proper on the Occasion of any Fire, although not regularly appointed as Firemen, or sworn in as Special Constables, but he shall, as soon as may be, report the Names of such Persons to the Board.

X.—GUNPOWDER AND FIREWORKS.

Persons desirous of retailing Gunpowder to obtain a Licence.

Form and Contents of Application for Licence.

111. Every Person desirous of retailing Gunpowder or Fireworks shall make an Application in Writing to the Magistrates for a Licence of the Building or Part of a Building in which such Gunpowder or Fireworks are to be stored or retailed, and shall deliver it to their Clerk, and every Application for a Licence shall be in such Form as the Magistrates may from Time to Time direct, and shall truly state the Name, Surname, and Place of Abode of the Applicant, and of any Person who proposes to carry on Business along with him, and it shall describe the Portion of any Building intended to be set apart for keeping such Gunpowder or Fireworks, and the Magistrates shall exercise a discretionary Power in granting or refusing such Application.

Powers of 23 & 24 Vict. c. 139. and 24 & 25 Vict. c. 130. to be exercised by Magistrates.

112. The Provisions of an Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, Chapter 139, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder, and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and of an Act amending the said Act passed in the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty, Chapter 130, in so far as they confer on the Justices of the Peace for each County, and on the Council of any Borough, the Power to license Places for the making of loaded Percussion Caps, and for the making and keeping respectively of Ammunition, Fireworks, fulminating Mercury, and other explosive Preparations, Compositions, or Substances, and to determine the Quantities of such Articles respectively to be kept in any Place so licensed, and to grant Licences to Persons selling Fireworks, shall, within the Limits of the Town, be exercised by the Magistrates; and any Licence granted by them under the Provisions of this Act shall, as respects the Objects of such Licence, supersede the Necessity of any other Licence being granted under the Provisions of the said Acts.

Offences against the said Acts to be tried as Police Offences.

113. All Offences committed within the Limits of this Act against the said Acts last mentioned shall be deemed Police Offences, and may be tried by the Magistrate, at the Instance of the Procurator Fiscal, in the Mode provided by this Act for the Trial of such Offences.

Interpretation of "Fireworks," &c.

114. The Expression "Fireworks" shall include Rockets, Squibs, Crackers, Cartridges, and other Fireworks constructed or partly constructed

structed of Gunpowder, or of detonating Powder, fulminating Mercury, Phosphorus, or other inflammable or explosive Substance; the Expression "Gunpowder" shall include every Species of Powder used or capable of being used for the Discharge of Firearms or for blasting; and the Words "Magazine" or "Magazines" shall mean the Gunpowder Magazine or Magazines authorized to be maintained by the Board.

Penalty for keeping more than a limited Quantity of Gunpowder or Fireworks

115. It shall not be lawful for any Person to have or to suffer to be in any Building or Part of a Building or other Place occupied by him within the Town any greater Quantity of Gunpowder or Fireworks, or of Gunpowder and Fireworks together, than is hereinafter mentioned, *videlicet:*

If he be licensed as a Retailer, Thirteen Pounds Weight:

If he be not so licensed, Five Pounds Weight:

And if a Quantity exceeding the said respective Weights be found in any Building or Part of a Building or other Place within the Town, it shall be lawful for any Constable to seize, impound, and convey the whole of it to some Place of Safety, and for the Magistrate to declare it forfeited, and the Occupier of such Building or Part of a Building or other Place shall be liable to a Penalty not exceeding Ten Pounds.

Penalty for buying Gunpowder or Fireworks by Gas or Candle Light.

116. It shall not be lawful for any Person to buy Gunpowder or Fireworks within the Limits of this Act by Gas or Candle or other artificial Light; and if any Person buy Gunpowder or Fireworks by Gas or Candle or other artificial Light he shall be liable to a Penalty not exceeding Five Pounds.

How Gunpowder or Fireworks to be kept.

117. All Gunpowder or Fireworks within the Town shall be kept in Stone Jugs, or in Copper, Zinc, or Tin Cases or Canisters properly covered, having the Word "Gunpowder" or "Fireworks" respectively legibly inscribed thereon, or on a Label attached thereto, and such Gunpowder and Fireworks shall be kept separate from every other Article, and shall be secured by Lock and Key; and if any Gunpowder or Fireworks are kept otherwise than is herein-before directed, it shall be lawful for any Constable to seize, impound, and convey the same to some Place of Safety, and for the Magistrate to declare the same forfeited, and the Occupier of the Building or Part of a Building or other Place in which they are found shall be liable to a Penalty not exceeding Twenty Pounds.

One or more Gunpowder Magazines to be maintained by Board.

118. It shall be lawful for the Board to provide and maintain convenient Premises to be used as a Magazine for Gunpowder and Fireworks at or upon the Island or Ground belonging to the Trustees for improving the Harbours of *Greenock*, at *Inchgreen* lying in the River *Clyde* between *Greenock* and *Port Glasgow*, or at *Fort Matilda*,

or

or at any other suitable Place in the Neighbourhood of the Town, and for that Purpose, by Agreement with the Owners, Lessees, and Occupiers, to purchase or rent any Lands and Heritages, or build on such Lands Magazines and Houses, and to employ a Storekeeper for the same, but no Magazine shall be built on any Site other than the said Island of *Inchgreen* or at *Fort Matilda*, except in pursuance of a Licence granted under the Provisions of the said Public Acts of Twenty-third and Twenty-fourth and Twenty-fourth and Twenty-fifth *Victoriæ* before mentioned.

Regulations as to Conveyance and Storage of Gunpowder.

119. All Gunpowder or Fireworks conveyed to and from the Magazine, or stored therein, or conveyed to or from Places within the Limits of this Act, shall be so conveyed or stored subject to such Byelaws as may from Time to Time be made by the Board, and which they are hereby authorized to make, and to the following Regulations:

It shall not be conveyed to or from the Magazine along with any other Article:

If the Quantity exceed Fifty Pounds in Weight it shall, when or so far as carried by Land, be conveyed to and from the Magazine in a Cart or Carriage constructed according to a Plan to be approved of by the Superintendent of Police, and every such Carriage shall have a complete Covering of Wood, painted Cloth, Tarpaulins, or Wadmill Tilts over all the Gunpowder or Fireworks conveyed therein:

If the Quantity do not exceed Fifty Pounds in Weight, and whatever the Weight, when or so far as carried from the Shore to be loaded on board of any Vessel, it shall be conveyed to and from the Magazine, or to or from Places within the Town, stowed in tight Barrels, close joined and hooped, or in Copper, Zinc, or Tin Cases or Canisters enclosed in Wooden Boxes or Barrels, without any Iron about such Boxes or Barrels, and so secured that no Part of the Gunpowder be scattered in the Passage:

Every such Barrel or Canister shall be labelled or marked so as sufficiently to distinguish it:

And if any Gunpowder or Fireworks are conveyed otherwise than as herein-before or by the said Byelaws directed, it shall be lawful for any Constable to seize, impound, and deposit it in the Magazine, and for the Magistrate to declare it forfeited, and the Owner of such Gunpowder, and the Person who shall have caused it to be so conveyed, shall each be liable to a Penalty not exceeding Twenty Pounds.

Rates to be charged for Use of Magazine.

120. It shall be lawful for the Board to charge for entering and receiving or delivering Gunpowder or Fireworks at the Magazine, and for storing it therein, any Sums not exceeding the following:

For entering and receiving, or for entering and delivering,—

Any ordinary One hundred Pound Barrel, or Half Barrel, One Penny:

Any

Any Quarter or Eighth such Barrel, One Halfpenny:
Any Quantity of Gunpowder in Canisters, in respect of each Twelve and One Half Canisters, or any lesser Number, One Halfpenny:
For storing (every Month or Fraction of a Month)—
Any ordinary One hundred Pound Barrel, or Half Barrel, One Penny Halfpenny:
Any Quarter or Eighth such Barrel, One Penny:
Any Quarter of Gunpowder in Canisters, in respect of each Twelve and One Half Canisters, or any lesser Number, One Penny:
For entering and receiving, or delivering, or for storing Gunpowder otherwise made up, any Sum to be fixed by the Board:
Which Sums shall be payable to the Treasurer by the Owner or Depositor of such Gunpowder on Demand, or, in the Option of the Board, before Delivery thereof, and shall form a Charge on and may be recovered by the Sale of any other Gunpowder or Fireworks belonging to or deposited by such Owner or Depositor.

Not to apply to Gunpowder, &c. belonging to Her Majesty.

121. The Provisions herein-before contained shall not apply to Gunpowder belonging to Her Majesty, and in the Custody of any Officer of Her Majesty's Naval or Military Forces, or of any Militia, Yeomanry, or Volunteer Corps.

Penalty for certain Offences by Retailers of Gunpowder or Fireworks.

122. Every Person licensed to retail Gunpowder or Fireworks within the Town shall, in respect of any of the following Acts or Omissions, be liable to a Penalty not exceeding Twenty Pounds:

(1.) If he sell Gunpowder or Fireworks to any Person apparently under the Age of Sixteen Years, or allow Gunpowder or Fireworks to be sold or removed by Gas or Candle or other artificial Light:

(2.) If he omit to keep or to enter regularly in a Stock Book the Quantities of Gunpowder and Fireworks received by him, the Date on which and the Name of the Person from whom received, the Quantities sold and delivered, the Date on which and, where any larger Quantity than Threepence-worth shall be sold at One Time, the Name of the Person to whom delivered:

(3.) If at any Time during his Hours of Business he do not, on Demand, produce to the Superintendent of Police, or to any Constable, and suffer to be examined, his said Stock Book, or permit such Constable to inspect his Stock, and to check or ascertain the Accuracy of the Entries in the said Book.

Warrant may be granted by Magistrate to search for Gunpowder or larger

123. It shall be lawful for the Magistrate, on a Complaint by the Procurator Fiscal, to grant Warrant to enter any Building or Part of a Building or other Place mentioned in such Complaint in which there is reasonable Ground for suspecting that Gunpowder or Fireworks are kept for the Purpose of being sold without a Licence, or kept in

Fireworks illegally kept.

larger Quantities or otherwise than is in conformity with the Provisions of this Act, and to search for, impound, and deposit in the Magazine such Gunpowder or Fireworks.

Duration of Licences.

124. Every Licence, unless suspended or revoked, shall continue in force for One Year from its Date, or, in the Option of the Magistrates, until the next General Licensing Meeting.

XI.—WEIGHTS AND MEASURES.

Inspectors appointed by Magistrates to be entitled to act within the Limits of this Act.

125. The Inspector or Inspectors of Weights and Measures appointed by the Board shall be entitled to act as Inspector or Inspectors for the Purpose of carrying into effect within the Limits of this Act the Provisions of the Acts relative to Weights and Measures passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, Chapter 74, the Sixth Year of the said Reign, Chapter 12, the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter 63, the Sixteenth Year of the Reign of Her present Majesty, Chapter 29, the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, Chapter 72, and the Twenty-second and Twenty-third Year of the Reign of Her present Majesty, Chapter 56, and shall also carry into effect the Provisions of this Act and of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, in regard to such Weights and Measures, and any Byelaws relating thereto made in pursuance of this Act, and shall be responsible to the Board that the said several Acts and Provisions and Byelaws are duly enforced and executed.

Offences against Acts as to Weights and Measures to be tried as Police Offences.

126. All Offences committed within the Limits of this Act against the said Acts last mentioned shall be deemed Police Offences, and may be tried by the Magistrate at the Instance of the Procurator Fiscal in the Mode provided by this Act.

XII.—DEALERS IN MARINE STORES.

Offences committed by Dealers in Marine Stores, &c. may be tried under this Act.

127. All Offences committed within the Limits of this Act against the Provisions with respect to "Dealers in Marine Stores and Manufacturers of Anchors" in "The Merchant Shipping Act, 1854," shall be deemed Police Offences, and may be tried by the Magistrate at the Instance of the Procurator Fiscal in the Mode provided by this Act.

XIII.—NUISANCES AND NUISANCES REMOVAL ACT AND SANITARY PROVISIONS.

Power to Board to exercise discretionary Power in enforcing 19&20 Vict. c. 103.

128. Whereas the Objects of "The Nuisances Removal (*Scotland*) Act, 1856," may in some Cases be carried out more effectually, and with greater Economy and Despatch, by the Enforcement of the special Provisions herein-after contained than by taking Proceedings under the said Act: It shall in regard to any particular Case be lawful for the Board in their Option to take such Proceedings under the said Act as modified by the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, or to enforce the special Provisions herein-after contained.

Board and Officers to enforce the said Act.

129. In all Proceedings under the said Act relating to any Parish or Portion of a Parish within the Town the Board shall be "the Local Authority" referred to therein, the Procurator Fiscal shall represent the Board, the Inspector of Nuisances and the Inspector of Common Lodging Houses appointed by the Board shall be deemed Inspectors of Nuisances and of Common Lodging Houses under the said Act, and the Medical Officer, if any, appointed by the Board shall be deemed the Medical Officer of the Parish therein referred to, and the Word "Nuisance" shall have the Meaning attached to it by the said Act.

Duties of Inspector.

130. The Inspector of Nuisances and the Inspector of Common Lodging Houses appointed by the Board shall be subject to the Regulations of the Board, and shall be responsible that the Provisions of "The Nuisances Removal (*Scotland*) Act, 1856," where the Board shall resolve to enforce them, and the Provisions of this Act with respect to Nuisances, and any Byelaws made in pursuance thereof, shall be duly enforced and executed.

Inspector and Officer to have Right to enter Lands and Heritages.

131. The Inspector of Nuisances and the Inspector of Common Lodging Houses, and the Medical Officer (if any) appointed by the Board, shall, for the Purposes either of "The Nuisances Removal (*Scotland*) Act, 1856," or of this Act, be respectively entitled at all reasonable Hours to enter any Lands and Heritages within the Limits of the Town as defined by the recited Act, and to inspect the same, or any Animal or Article of Food which they shall suspect to be in a Condition not in conformity with or in regard to which a Liability has been incurred to any Proceedings under the Provisions of the said Act or of this Act with respect to Nuisances; and every Person who shall refuse to permit such Inspection shall be liable to a Penalty not exceeding Five Pounds: Provided always, that the Powers conferred in this Section shall not extend to any Lands or Heritages situated beyond the Limits of the Town as defined by the recited Act, although within the Limits of the Town as extended by this Act.

132. It

Power to Magistrate to declare forfeit certain Articles.

132. It shall be lawful for the Magistrate to declare any Article or Collection of Articles or Thing in respect of which he imposes any Penalty under the said Act or this Act to be forfeited, and the Inspector of Cleansing or Procurator Fiscal may thereupon seize the same, and the Magistrate may give Directions for the Disposal thereof.

Medical Officer or Inspector of Nuisances to report from Time to Time on sanitary Condition of Town.

133. Whereas there are Districts, Streets, Courts, and Places in which it might be possible, by the Use of proper sanitary Measures, to prevent the Occurrence of epidemic, endemic, and contagious Diseases, or when they do appear to mitigate their Severity and check their spreading: It shall be the Duty of the Medical Officer, if any such Officer shall be appointed by the Board, and failing such Appointment it shall be the Duty of the Inspector of Nuisances, from Time to Time to report to the Board on the following Points:

The Districts, Streets, Courts, or Places in which it appears to him desirable that special sanitary Measures be employed in order to prevent the Occurrence of Disease:

The Prevalence or the Existence and threatened Prevalence of any Disease in the Town, or in his District, or in any public or private Street, Court, or other Place:

The Existence of any Nuisance which in his Opinion has caused or is likely to cause or to aggravate any Disease, or to interfere with the Removal thereof, or to injure the Health of the Inhabitants:

The Measures which he recommends for the Removal or Prevention of any Disease.

Provision as to Districts requiring sanitary Measures.

134. On a Report by the Medical Officer, if any such Officer shall be appointed by the Board, and failing such Appointment then on a Report by the Inspector of Nuisances, that in any District, Street, Court, or Place it would be desirable to use special sanitary Measures in order to prevent the Occurrence of epidemic, endemic, or contagious Disease, or that any such Disease prevails or exists and threatens to prevail in such District, Street, Court, or Place, it shall be lawful for the Magistrates to provide that such District, Street, Court, or Place shall, during a Period to be fixed by the Magistrates, be liable to the Provisions herein-after contained.

Inspector of Nuisances may require Houses in such Districts to be cleansed.

135. It shall be lawful for the Inspector of Nuisances during the said Period to give Notice in manner herein-after provided to the Proprietor or Occupier of any private Dwelling House situated in any District, Street, Court, or Place in which the Medical Officer, if such Officer shall be appointed by the Board, and, failing such Appointment, in which the Inspector of Nuisances himself, has reported that it appears to him desirable to use special sanitary Measures in order to prevent

prevent the Occurrence of infectious or contagious Disease, or at any Time to give Notice to the Proprietor or Occupier of any other private Dwelling House which has been specially reported by the Inspector of Nuisances to the Board to be in such a filthy or unwholesome Condition that the Health of the Inmates or of the Public is thereby endangered, requiring such Proprietor to cleanse and limewash the Outside thereof, and the Common Stair and Lobbies and Staircases, and requiring such Occupier to cleanse and whitewash the Interior thereof, and to purify, ventilate, and disinfect the said private Dwelling House, or any Apartment or Apartments or Bedding or Clothes therein.

Board may remit Expenses on the Ground of Poverty.

136. It shall be lawful for the Board, out of the Monies to be raised under the Provisions of this Act, to defray the Expense of any of the sanitary Operations which under the immediately preceding Provisions a Proprietor or Occupier of a private Dwelling House may be required to perform if from the Poverty of such Proprietor or Occupier it shall appear expedient to do so.

Board to take precautionary Measures, with Concurrence of the Privy Council.

137. It shall be lawful for the Board during the said Period to issue, and for the Procurator Fiscal to enforce against every Proprietor and Occupier of Lands and Heritages in any District, Street, Court, or Place in which the Medical Officer, if such Officer shall be appointed by the Board, and, failing such Appointment, in which the Inspector of Nuisances shall have reported that infectious or contagious Disease prevails or exists or threatens to prevail, such Directions and Regulations as the Board may, with the Concurrence of the Medical Officer or Inspector of Nuisances, from Time to Time think expedient for preventing as far as possible or mitigating such Disease; but all such Directions and Regulations, or a Copy thereof, shall be forwarded by the Clerk to the Lords of Her Majesty's Most Honourable Privy Council, who may, if they think proper, disallow, revoke, or modify the same.

Defining Measures to be taken under previous Section.

138. Such Directions and Regulations may provide—

For Visitation from House to House:

For preventing the overcrowding of private Dwelling Houses by fixing the maximum Number of Persons who shall live or be lodged therein, in the same Way as is herein-after provided with reference to Lodging Houses:

For the Abatement or Removal of any Nuisance which is reported by the Medical Officer or Inspector of Nuisances to have in his Opinion caused or to be likely to cause or to aggravate any infectious or contagious Disease, or to interfere with the Removal thereof, or to injure the Health of the Inhabitants:

For preventing the Spread of any such Disease in the District, Street, Court, or Place, or in Ships or Vessels, being at the Time within the Limits of this Act:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with Disease such Medical Aid and such Accommodation as may be required.

Board may cancel or modify Notice given by Inspector.

139. If any Proprietor or Occupier to whom Notice shall have been given in pursuance of any of the Provisions herein-before contained consider himself aggrieved thereby, he may within Two Days thereafter appeal to the Board by delivering to the Clerk written Objections signed by him, and the Board shall inquire into and dispose of the Questions competently raised in such Objections.

Penalty for Non-compliance with Notice unless cancelled.

140. Every Proprietor and every Occupier to whom such Notice shall be given who shall not comply therewith by executing the Work therein specified before the Expiry of the Period therein stated, or before the Expiry of Three Days after the Decision of the Board on his Objections, if such last-mentioned Period be longer than the first, shall be liable to a Penalty not exceeding Ten Shillings for every Day or Part of a Day thereafter during which such Work shall not be executed to the Satisfaction of the Medical Officer or Inspector of Nuisances: Provided always, that the Provisions of this Section shall not extend to unfeued Lands within the Limits of the Town.

Magistrate may grant Warrant to execute Works required by the Inspector.

141. If any Proprietor or Occupier to whom such Notice shall be given fail to comply therewith, it shall be lawful for the Magistrate, on a Complaint by the Procurator Fiscal, to grant Warrant to enter the Lands and Heritages, and to execute the Work therein specified at the Expense of such Proprietor or Occupier, and the Magistrate shall thereafter ascertain the Cost thereof, and may find the said Proprietor or Occupier liable in a Penalty not exceeding the Amount of such Cost; but no such Application shall operate as a Relief to any Proprietor or Occupier from Liability for any Penalties which had been incurred by him previous to the Date thereof; and in Cases of Urgency the Magistrate may, without abiding the Term of Notice or Appeal, grant Warrant to execute such Work forthwith at the Expense of the Proprietor or Occupier: Provided always, that the Provisions of this Section shall not extend to any unfeued Lands within the Limits of the Town.

Power to remove Persons labouring under infectious or contagious Diseases to Greenock Hospital.

142. Whereas it is expedient, in order to prevent the spreading of infectious and contagious Diseases, to remove to a proper Hospital Persons labouring under such Disease who reside in a populous Neighbourhood, and in Houses which, from limited Accommodation and otherwise, are unsuitable for treating such Description of Sickness: And whereas the *Greenock* Hospital and Infirmary is a suitable Hospital for the Treatment of such Diseases: Be it enacted, That the Procurator Fiscal may in such Case present a Petition to the Magistrate setting

forth, 1st, that a Person has been attacked by infectious or contagious Disease, as the Case may be; 2nd, that such Person resides in a populous Neighbourhood; 3rd, that the House in which such Person resides does not consist of more than One Apartment, and is otherwise unsuitable for the Residence of a Person labouring under such Disease; and 4th, that there is Danger that the Disease will spread if such Person be allowed to remain in his Place of Residence, and craving Warrant to remove the sick Person to the *Greenock* Hospital and Infirmary, there to be treated according to the Rules of the House, and along with the Petition the Procurator Fiscal shall produce a Certificate by Two Physicians or Surgeons, or a Physician and Surgeon, certifying to the Facts before specified, and it shall be competent for the Magistrate to whom such Petition shall be presented to inquire into the Facts, and to satisfy himself as to the Truth of the Statement in any way he may think fit, and if he shall be of opinion that such Statements are true he may grant the Warrant as craved: Provided always, that the Consent of the Authorities of such Hospital and Infirmary shall first be obtained to the Reception of such Person in the same.

XIV.—LODGING-HOUSES.

Interpretation of Provisions relating to Lodging-houses.

143. In interpreting the Provisions of this Act the Expression "Lodging-house" shall mean any Building or Part of a Building in which any Person is lodged by the Night, or other Period not exceeding One Calendar Month, at a Rate for lodging not exceeding Sixpence *per* Night, or at a Rate for lodging and boarding or Part boarding not exceeding One Shilling *per* Night; the Expression "Lodging-house Keeper" shall mean the Occupier of such Lodging-house who lodges such Person; and the Word "Lodger" shall mean any Person so lodged.

Certificates or Licences to be granted to Lodging-house Keepers.

144. Every Person desirous of carrying on within the Town the Occupation of a Lodging-house Keeper shall make an Application in Writing to the Board for a Certificate or Licence, and deliver the same to the Clerk, and such Application shall be in such Form as the Board may direct, and shall state the Name of the Applicant, and the Apartment or Apartments of the Building which is or are proposed to be occupied by Lodgers and by Persons other than Lodgers, and the maximum Number of such Lodgers, and of such other Persons respectively, and the Board shall cause Inquiries to be made into the Truth of the Particulars stated on such Application, and also into the Character of the Applicant, and shall thereon exercise a discretionary Power in granting or refusing such Application, and no Person shall be entitled to exercise the Occupation of a Lodging-house Keeper within the

the Town without such Certificate: Provided always, that the Fee to be paid for any such Certificate or Licence shall not exceed the Sum of One Shilling; provided also, that any Person so exercising such Occupation without such Certificate shall be liable to a Penalty not exceeding Forty Shillings for such Offence, and in case such Person shall continue such Offence after Conviction he shall be liable of new, on Conviction, to a Penalty not exceeding Forty Shillings so often as convicted.

Defining Offences by Lodging-house Keepers, and their Punishment.

145. Every Lodging-house Keeper within the Town shall, in respect of any of the following Acts or Omissions, be liable to a Penalty not exceeding Forty Shillings:

(1.) If he do not keep at all Times hung up or placed in a conspicuous Part of each Apartment used by his Lodgers a printed Copy of any Byelaws made with respect to Lodging-houses, and of the Conditions specified in his Licence:

(2.) If he contravene any of the said Conditions, or any Byelaws of the Board applicable to him:

(3.) If he do not give immediate Notice, in manner herein-after provided, to the Inspector of Lodging-houses of any Case of Fever or other serious Disease which occurs in his House, or of any Illness which causes any Lodger to be confined to his Bed for Twenty-four Hours:

(4.) If he do not every Third Day during which such Disease or Illness continues give a new Notice thereof to the Inspector of Lodging-houses, unless he prove that such Lodger has been seen, and has been during his Illness, and is, duly and sufficiently attended by a regular Medical Practitioner:

(5.) If at any Time, without reasonable Excuse, he do not, on Demand, permit the Medical Officer or the Inspector of Lodging-houses to enter and inspect any Apartment in his House, or to visit the Lodgers therein:

(6.) If he do not, after Notice given to him in manner herein-after provided by the Superintendent of Police or by any Lieutenant of Police, daily make, sign, and deliver at such Place and during such Time as shall be specified a true Report of the Names and Addresses so far as known, or a true Description, of the Persons who resorted to or lodged in his House during the preceding Day or Night.

Providing for Medical Relief to Lodgers in case of Illness.

146. The Inspector of Lodging-houses shall enter in a Book to be kept by him, and which shall at all reasonable Hours be accessible to the Medical Officer, if appointed, and to the Magistrates, the Particular of every Notice which he shall receive of a Case of Fever or other serious Disease in any Lodging-house, and in the event of receiving a Second Notice showing that the Disease has not ceased, and that no Medical

Medical Practitioner is in attendance on the Patient, he shall give Notice thereof to the Inspector of the Poor of *Greenock*, or other Officer of the Parish of *Greenock*, and also to the Medical Officer, if appointed, and to the Procurator Fiscal, and it shall be lawful for the Magistrate, on the Motion of the Procurator Fiscal, to direct such Inspector or other Officer to be sent for, or to be cited to appear before him, and after hearing such Inspector or other Officer, or on his Failure to appear when duly cited, to order the said Inspector or other Officer to supply Medical Attendance, or such other temporary Relief in Articles of absolute Necessity as the Case shall require, but not in Money; and in case such Inspector or other Officer shall disobey such Order, he shall, on Conviction before the Magistrate, be liable in a Penalty not exceeding Five Pounds; but it shall not be lawful for the Magistrate to order such temporary Relief to be continued for any Period longer than till the next Meeting of the Relief Committee of the Parochial Board of *Greenock*.

Inspector of Lodging-houses may require them to be cleansed.

147. It shall be lawful for the Inspector of Lodging-houses, on the Occurrence of any Case of epidemic, endemic, or contagious Disease in any Lodging-house, to require any Lodging-house Keeper, by Notice given to him, to comply with and carry into effect any Directions and Regulations for preventing the Occurrence of further Cases, or for mitigating the said Disease, which he may consider expedient, and which may be issued by the Inspector of Nuisances to the Proprietor or Occupier of a private Dwelling House in any District, Street, or Court in which the Medical Officer or Inspector of Nuisances shall have reported that it appears to him desirable to use special sanitary Measures; and every such Notice may be enforced in the same Way, and under the same Penalty, as are provided with reference to the Enforcement of similar Notices by the Inspector of Nuisances.

Power to make Bye-laws for regulating Lodging-houses.

148. The Magistrates may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the Purposes following; namely,

For securing that every Lodging-house and the Common Stair-lobbies and Staircases thereof, shall be periodically whitewashed and cleansed:

For promoting Ventilation:

For separating the Sexes, and enforcing Order and good Conduct.

XV.—DEAN OF GUILD, HIS JURISDICTION, COURT, AND PROCEDURE.

Dean of Guild.

149. In order more effectually to provide for the carrying into effect the Jurisdiction such as that of a Dean of Guild conferred on

the Magistrates of Police by the 408th Clause of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, One of the Bailies of *Greenock*, to be chosen and designated in manner herein-after provided, shall hold the same Office as, and perform the Functions of, and shall, subject to the Provisions of this Act, have and exercise within the Town all the Jurisdiction, Power, and Privileges possessed or exercised at Common Law by, a Dean of Guild in his magisterial Capacity in any Royal Burgh in *Scotland;* and such Bailie so chosen under this Act shall, in the Exercise of such Jurisdiction and Performance of such Functions, bear the Name and Style of Dean of Guild of *Greenock;* and the Expression "Dean of Guild," wherever it occurs in this Act, shall mean the Bailie so chosen and designated: Provided always, that nothing herein contained shall imply the Erection of a Guildry, or the conferring of any Power on the Dean of Guild other than the Powers possessed by a Dean of Guild in a Royal Burgh as Magistrate.

Application of Portions of 25 & 26 Vict. c. 101.

150. The Provisions of "The General Police and Improvement (*Scotland*) Act, 1862," as modified by this Act, with respect to "naming the Streets and numbering the Houses," "improving Streets and removing Obstructions," "public Sewers," "Soil Pipes and Waterclosets," "Precautions during Repairs, and old and ruinous Tenements," "Fires," and "Ventilation and Cleansing," contained in Part Fourth, intituled "Ordinary Police Purposes," and in Part Fifth, intituled "General Police Regulations," of the said Act, so far as incorporated with this Act, and comprehending Clauses 158 to 168 both inclusive, 190 to 195 both inclusive, Clauses 210 and 211, Clauses 213 to 215 both inclusive, Clauses 233 to 247 both inclusive, and Clauses 348 to 350 both inclusive, shall apply to similar Purposes under this Act; and all Proceedings with respect to the Portions of the said Act so incorporated may be taken before the Dean of Guild, and in such Proceedings the Procurator Fiscal and Clerk referred to in the Clauses of the incorporated Act shall mean the Procurator Fiscal and Clerk of the Dean of Guild Court: Provided always, that the Powers with respect to "improving Streets and removing Obstructions" shall not apply to unopened Streets.

Town Council to appoint Dean of Guild.

151. The Town Council of *Greenock* at the Time in each Year fixed by Law for appointing Bailies shall for the Purpose of this Act choose and designate One of the Bailies of the Town to be the Dean of Guild for the succeeding Year, and the Bailie so chosen and designated shall be the Dean of Guild accordingly, and shall hold that Office for the Year ensuing after he is so chosen, and no longer, but may be re-elected, and in case of the necessary Absence, Resignation, or Death of the Dean of Guild during his Term of Office, the Town Council shall choose and designate any other of the Bailies to act as Dean of Guild during such

necessary

necessary Absence, and in case of Resignation or Death till the Expiry of the Term of Office for which such Dean of Guild was elected, with the same Style or Title and Powers.

Dean of Guild to hold Courts.

152. The Dean of Guild shall in some convenient Place in the Town, to be appointed by the Magistrates for that Purpose, hold Courts in the Manner accustomed and according to the Rules of the Law of *Scotland* in regard to Dean of Guild Courts.

Assessor to Dean of Guild.

153. The Town Council shall appoint an Assessor to the Dean of Guild, who shall be an Advocate or a Writer to the Signet or a Solicitor before the Supreme Courts, or a Procurator before any inferior Court in *Scotland* of not less than Three Years Standing, and who shall not hold any other Office under or be otherwise employed by the Town Council or the Board, and such Assessor shall be the Clerk to the Dean of Guild Courts, and shall keep the Books and Records usually kept by Clerks to Dean of Guild Courts in *Scotland*.

Power to Dean of Guild to decern for Penalties.

154. It shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to decern for Payment of any Penalty due in respect of a Guild Offence, and to carry into effect the other Provisions of this Act with reference to the several Matters directed to be brought before him.

Procurator Fiscal to be Fiscal in Dean of Guild Court.

155. The Procurator Fiscal shall act as Fiscal in all Cases before the Dean of Guild for the Enforcement of the Provisions of this Act, and shall also in all Proceedings before him, where an Agent is required, represent the Board and any Officers appointed or acting under this Act.

Dean of Guild to have Jurisdiction although Proprietor resident furth of the Town.

156. The Dean of Guild shall have Jurisdiction and be a competent Judge in all Proceedings under this Act, although any Proprietor of Lands or Heritages or Person charged with a Guild Offence, or whom it is necessary to proceed against or to make a Party to Proceedings under this Act, shall reside furth of the Town or furth of *Scotland*; and the Office of the Town Clerk shall be held to be a Domicile whereat such Proprietor or other Person may be lawfully and effectually cited in such Proceedings, and any Citation or Service left or made at the said Domicile shall be equally valid and effectual as if such Proprietor or other Person actually resided within the Town, and had been personally served; and where any Notice, Citation, or Service is by this Act directed to be given at the Dwelling House of any Proprietor or other Person in respect to Proceedings before the Dean of Guild, the same shall be validly given at the Domicile constituted by this Act in case such Proprietor or other Person shall not actually reside within the Town: Provided always, that where the Address of any such Proprietor

prietor resident furth of the Town or of his Agent is known the Procurator Fiscal shall transmit by Post a Copy of the Petition to such Address, and wherever the Address of any such Proprietors shall not be known then the Procurator Fiscal shall serve a Copy of the Petition on the Tenant in such Lands or Heritages, if there shall be any known Tenant.

Council of Dean of Guild.

157. The Dean of Guild shall be assisted in the Execution of his Duties by a Council consisting of Six Members annually chosen, who shall be styled Councillors of the Dean of Guild.

Qualification of Councillors.

158. Three of the Councillors of the Dean of Guild shall be Members of the Town Council, and the remaining Three shall be elective Members of the Board.

Powers and Duties and Quorum of Councillors.

159. The Councillors of the Dean of Guild shall have the same Powers and Duties as the Councillors of the Dean of Guild in any Royal Burgh in *Scotland*, and Three of their Number shall be a Quorum.

Election of Councillors.

160. At the same Time as the Dean of Guild is elected the Town Council shall choose and designate Three of their Number to be Councillors of the Dean of Guild for the ensuing Year, and at the First Meeting of the Board after the annual Election of elective Members the elective Members shall choose and designate Three of their Number to be Councillors of the Dean of Guild for the ensuing Year; and in case any of the Councillors shall die or resign during his Year of Office the Town Councillors or elective Members, according as the Councillor dying or resigning shall be a Member of the Town Council or an elective Member, shall choose and designate another in his Stead.

Procedure in Cases before the Dean of Guild.

161. The Procedure before the Dean of Guild in pursuance of this Act shall be in the Form and subject to the Regulations applying to the Proceedings before the Dean of Guild Court in Royal Burghs in *Scotland*, and his Judgments shall be subject to Review as the Judgments of such Deans of Guild are subject to Review: Provided always, that in any Case where a Claim of Compensation shall be brought before the Dean of Guild against the Board by any Person for any Proceedings of the Board under this Act, the Amount of which Claim shall not exceed One hundred Pounds, in case the Party making such Claim or the Board shall be dissatisfied with the Judgment of the Dean of Guild thereon, either Party shall have Right to appeal such Judgment to the Sheriff, and the Sheriff shall consider and decide such Appeal in a summary Way, and the Judgment thereon shall be final and not subject to Review in any Form, and the Sheriff shall have Power to decide all Questions of Expenses in such Appeals.

162. In

Proceedings for recovering Sums decerned for by Dean of Guild.

162. In all Cases not otherwise provided for where the Dean of Guild shall decern for any Sum of Money, whether on account of Expenses laid out and incurred by the Board under this Act, or for Expenses of Process, or for a Per-centage on the Principal Sums in lieu of Expenses or otherwise, or shall, under the Authority of this Act, impose any Fine or Penalty not otherwise provided for, the Sums so decerned for, or the Fine or Penalty imposed, if the same shall not be paid within Seven Days after the Date of Decerniture, or the Date on which the Fine or Penalty shall be imposed, may be recovered by the Procurator Fiscal on the Part of the Board according to the ordinary Procedure under Decrees pronounced by the Dean of Guild in a Royal Burgh.

XVI.—MASTER OF WORKS.

Duties of Master of Works.

163. It shall be the Duty of the Master of Works to act as Surveyor of the Board, and, under the Direction of the Dean of Guild or other proper Authority, to see to the Enforcement of the Provisions of this Act with respect to the Formation, Improvement, and Maintenance of Streets and Courts, the Construction and Repair of Sewers, the Erection and Alteration of Buildings, the Erection and Maintenance of public Baths and Wash-houses, and generally to execute and perform all Duties and Powers at Common Law, and all the Provisions of this Act, and of all Public Acts so far as not modified by this Act, relating to the said Matters or to the Structure of the Town.

Board may entrust to him additional Duties.

164. The Master of Works shall also perform any other Duties which he may be required to perform by the Board.

XVII.—OPENING OF STREETS AND THE MAINTENANCE OF STREETS.

Master of Works to make up a Register of Streets.

165. It shall be incumbent on the Master of Works, within Six Months after the passing of this Act, to make and complete a Register, to be called "The Register of Streets," in which he shall enter and describe, by a Reference to Numbers or Marks on a Copy of the Feuing Plan, the Streets and Courts existing at the Date of the passing of this Act, and he shall state in respect to each Street and Court whether the same is completed or uncompleted: Provided always, that wherever a Foot Pavement has been made of dressed Whinstone or Granite previous to the passing of this Act, the same shall be held to be a sufficient Implement of the Obligation of Proprietors to make Foot Pavements under this Act.

Feuing Plan and Book of Levels.

166. Whereas in the Year One thousand eight hundred and seventeen a Plan of the Town as then existing was made by *David Reid*, Land Surveyor in *Greenock*, showing the Lines of the Streets and Courts then opened, and also showing the Lines of intended Streets not then opened, but projected, which Feuing Plan was prepared on the Employment of, or was afterwards approved by, the Predecessors of the present Heirs of Entail of the Estates of *Greenock* and *Craufurdsburn*, who are the Superiors of the Ground on which the Town is built, in connexion with which Plan the Levels of the said Streets and Courts, both opened and unopened, so far as they extend over the Estate of *Greenock*, have since been taken by *Thomas Kyle*, Land Surveyor in *Glasgow*, and his Successors, and the said Levels have been laid down in a Book prepared by or on the Employment of the Trustees under the recited Act, with the Concurrence and Approbation of the present Heir of Entail of the Estate of *Greenock*, which Plan is herein designated the Feuing Plan, and which Book is designated the Book of Levels; and it is expedient that the Levels of the said Streets and Courts, so far as they extend over the Estate of *Craufurdsburn*, should be also taken and laid down in the Book of Levels: Be it enacted, That the Board shall, as soon as may be, cause the Levels of the said Streets and Courts, so far as they extend over the Estate of *Craufurdsburn*, to be taken and laid down in the Book of Levels: Provided always, that the Levels of the said Streets and Courts, so far as they extend over the Estate of *Craufurdsburn*, shall be taken with the Concurrence of the Heir of Entail for the Time being of the Estate of *Craufurdsburn*; and in case of Difference in Opinion between the said Heir of Entail and the Board in reference to the said Levels or any of them, such Levels shall be fixed by an Engineer to be mutually chosen by the said Heir of Entail and the Board, or if they shall not agree in naming an Engineer such Levels shall be fixed by an Engineer to be named by the Sheriff on Application of either Party; and the Expense attending the taking and laying down of such Levels shall be paid by the Board.

Proprietors on Streets already opened, or who have erected Buildings before the passing of Act, may object to Book of Levels.

167. Any Person who, prior to the Date at which this Act shall come into operation, shall be Proprietor of Lands and Heritages on the Line of any Street already opened, or any Proprietor who, prior to the Date at which this Act shall come into operation, shall have erected a House or Building on the Line of any Street not already opened, and who shall be dissatisfied with the Level of any such Street opened or unopened as laid down in the Book of Levels, shall be entitled to object to such Level at any Time within Six Months after the Date at which this Act shall come into operation in so far as regards any Street extending over the Estate of *Greenock*, and within Six Months after the Book of Levels shall be completed in so far as regards the Streets extending over the Estate of

of *Craufurdsburn*; and in case such Proprietor and the Board shall not be able to agree upon the proper Level of such Street, opened or unopened, then the same shall be fixed by an Engineer to be mutually chosen by such Proprietor and the Board, or if they shall not concur in naming an Engineer such Level shall be fixed by an Engineer to be named by the Sheriff on the Application of either Party after Intimation to the other; and the Sheriff shall have Power to hear Parties on all Questions regarding the Expense occasioned by such Proceedings, and to determine the same; and in order to fix the Date of Completion of the Book of Levels so far as regards the Streets extending over the Estate of *Craufurdsburn*, the Board shall give Notice in some Newspaper published in the Town of the Date of Completion of the Book of Levels as regards such last-mentioned Streets, from the Date of which Notice the Term for Objection shall run: Provided always, that if any Proprietor shall object to the Book of Levels under this Provision, the Heir of Entail of the Estate of *Greenock* or of *Craufurdsburn*, as the Case may be, shall be entitled to appear and be heard in regard to such Objections.

Streets to be laid out and Buildings to be erected in conformity with the Book of Levels.

168. After the Date at which this Act shall come into operation, subject to the Provisions of this Act, no public Street shall be opened or extended, and no Building shall be erected, in the Town, except in accordance with the said Book of Levels in respect to Levels, unless the Permission of the Board shall be previously obtained to any Alteration, and which Permission shall only be obtained on Application by the Party requiring the same, and on Cause being shown, and after hearing the Master of Works, where that Officer is not himself the Applicant: Provided always, that if the Levels of the Streets and Courts extending over the Estate of *Craufurdsburn* shall not be taken and laid down in the Book of Levels at the Time this Act shall come into operation, then till such Levels shall be so taken and laid down the Levels of any Streets or Courts on the said Estate which may be opened in the Interval shall be ascertained and fixed in the Manner after provided for fixing the Levels of new Streets to be made by Agreement with any Person through the Lands of such Person.

Superiors not to be bound to act on Feuing Plan.

169. Nothing in this Act contained shall be held to require the Heirs of Entail of the Estates of *Greenock* and *Craufurdsburn* respectively, without their own Consent, to open or extend any Streets laid down on the said Feuing Plan not already opened, nor shall prevent the said Heirs of Entail respectively from granting Feus of any Parts of the said Estates without reference to, and although the same shall not be in accordance with, the Feuing Plan, nor from opening additional Streets or Courts not shown on the Feuing Plan, the Levels thereof being first agreed upon with the Board, or otherwise ascertained in

manner

manner after provided, without Prejudice to the proper lining and clearing of Streets and Courts in manner after provided.

Board to make Compensation on altering Levels of opened Streets.

170. If the Board shall propose to alter the Level of Streets opened prior to this Act coming into operation, any Proprietor on the Line of such Street shall be entitled to object to such Alteration by Appeal to the Dean of Guild; and if the Level shall be allowed by the Dean of Guild to be altered, then such Person shall have Right to Compensation, or otherwise to have made up to him any Damage which may thereby be caused to his Lands and Heritages; and the Right to Compensation and the Amount thereof, as well as all other Questions in this Matter, shall be considered and decided by the Dean of Guild, subject to Review or Appeal as before provided.

Feuing Plan and Book of Levels to be authenticated.

171. In order to authenticate the said Feuing Plan and Book of Levels a Copy of each shall be docqueted and subscribed by the Provost of *Greenock*, the Clerk, and the Master of Works, and by the Surveyors of the Heirs of Entail in possession of the Estates of *Greenock* and *Craufurdsburn*, if they shall be willing to authenticate the same, at some monthly Meeting of the Board as soon as convenient after this Act coming into operation, which Copies shall remain in the Hands of the Clerk, and shall be the Feuing Plan and Book of Levels referred to in this Act, and Copies thereof shall be kept by the Master of Works for Inspection of any Person interested, for which Inspection no Fee shall be charged.

Proprietors not to be relieved of Obligations to complete Streets or Courts.

172. And whereas Streets and Courts have been opened, and have been maintained by the Trustees for carrying into effect the recited Act, or by other Body or Person, although such Streets and Courts have not been completed, and new Streets and Courts may hereafter be opened, which the Board may allow temporarily to remain uncompleted, and which the Board or other Body or Person may temporarily maintain in that State: Nothing in this Act shall be held to relieve Proprietors of Lands and Heritages bound in Terms of this Act to complete such Streets or Courts of such their Obligations, nor shall such Proprietors be relieved of such their Obligations till such Streets and Courts have been entered in the Register of Streets herein provided for as completed.

Errors in Register or relative Plan may be corrected by the Dean of Guild.

173. The said Register when completed shall be delivered by the Master of Works to the Clerk, and shall at all reasonable Times be accessible to any Proprietor of Lands or Heritages; and if any existing Street or Court be not entered therein as a completed Street or Court, it shall be lawful for the Proprietor of any Lands or Heritages adjoining such Street or Court at any Time not later than Twelve Months after the passing of this Act to apply to the Dean of Guild to cause the said

said Register to be amended or corrected in this respect if erroneous, and the Dean of Guild shall thereupon grant Warrant to cite the Master of Works and any other Person or Persons whom he may consider interested, or to cause Notice of the Application to be given in One or more Newspapers published in *Greenock*, and shall inquire into, try, and decide the Question raised in such Application, and may direct the Clerk to make any Alteration on the Register and relative Plan which he shall think proper, and may award Expenses to or against any of the Parties.

Clerk to make Entries in Register from Time to Time as directed by Dean of Guild.

174. It shall be the Duty of the Clerk, by Warrant from the Dean of Guild granted on the Application of the Master of Works or other Persons concerned, or without such Application of the Dean of Guild's own Motion, from Time to Time to enter in the Register of Streets and Courts, and to describe by a Reference to Numbers or Marks on the Feuing Plan, any Street or Court which after this Act coming into operation shall be opened, and in such Entry to set forth whether it is completed or uncompleted, and every other Particular which he is directed by the Dean of Guild to make or insert therein; and in the Case where a Street or Court shall be completed after it has been entered in the said Register as uncompleted, the Clerk shall, on a Warrant from the Dean of Guild granted on the Application of any Person interested, or by Direction of the Dean of Guild without such Application on his own Motion, make a new Entry setting forth that the same has been completed, and he shall affix a Date to all Entries to be made in the said Register after the same has been completed by the Master of Works; and the Entries in the said Register, and the relative Numbers or Marks on the Feuing Plan, shall be Evidence whether any Street is completed or uncompleted, and of the said other Particulars; and a certified Extract of any such Entry, and a certified Copy or Tracing of Lands or Heritages contained in any Portion of the said Plan on which any Number or Mark is made, shall, on Demand, be given by the Clerk to the Proprietor or Occupier of any Land or Heritage on Payment of a Fee of Two Shillings and Sixpence, and shall be received as Evidence in all Courts of such Entry, or that such Lands and Heritages are so marked on the Plan.

Plan and Sections to be made of underground Works.

175. The Master of Works shall lay down on a Copy of the Feuing Plan the Course of the existing public and common Sewers, the Course of the existing principal Water and Gas Pipes, and the Course of such private Sewers and of the Service Water and Gas Pipes as he shall think desirable, and such other Particulars as the Board may consider likely to be practically useful, and shall prepare Sections of the said public and common Sewers with reference to a common Datum Point, and to Bench Marks, which shall be placed at convenient Distances and Places in the Town, and shall from Time to Time make such

Corrections on or Additions to the said Plan and Sections as are necessary to show the underground Works within the Town at the Time; and such Plan and Sections, or a Copy thereof, shall be kept in the Office of the Master of Works, and shall at all reasonable Times be accessible to the Proprietor or Occupier of any Lands and Heritages within the Town without Charge.

Provisions for opening Streets.

176. Whereas it is expedient to make Provision for facilitating the opening and extending of Streets by the Board: Therefore, subject to the Provisions in this Act contained, where any Street is laid down on the Feuing Plan as projected, but has not yet been opened, or has only been partially opened, either in respect of Length or Breadth, it shall be in the Power of the Board, upon obtaining the Consent of the Proprietor as after mentioned, to open and extend such Street or Court in conformity with the said Feuing Plan and Books of Levels, and to declare the same a Street, and thereafter to compel the Feuars in Terms of this Act to complete the same so far as passing along the Lands feued to them respectively.

Notice of Resolution to open Streets to be given.

177. With a view to such opening it shall be in the Power of any Member of the Board to give Notice, in the Way in which Notices of Motions are usually given, at any monthly Meeting of the Board, of his Intention at a subsequent monthly Meeting, not being later than the Third monthly Meeting after that at which such Notice shall be given, to move a Resolution that any specified unopened Street or unopened Part of a Street already partially opened, either in Length or Breadth, shall be opened in conformity with the said Feuing Plan and Book of Levels.

Consent of Superior to be necessary.

178. The Board shall not entertain such Motion without the Consent of the Proprietor of the Lands through which such Street or the Portion of such Street to be opened or extended passes; but upon such Consent being given it shall be competent at any monthly Meeting of the Board thereafter, and not being later than the Third monthly Meeting after that at which Notice of Motion was given, to bring such Motion before the Board; and if the Board so resolve, such Street or Part of a Street shall be forthwith opened, subject to the Obligation of Proprietors of Lands and Heritages to complete the same in Terms of this Act; and it shall be competent to the Board to open any Street to a less Extent than is specified in such Notice of Motion, but not to a greater Extent.

Obstructions to be removed.

179. After such Resolution to open any Street shall have been passed, in case the Feuars on the Line thereof shall offer no Obstruction to the opening of the same, the Street shall be forthwith opened by the Board, but if any Feuar shall offer any Obstruction to such opening, or shall

shall not forthwith remove any Fence, Building, or Erection on the Line of the same, then the Procurator Fiscal shall present a Petition to the Dean of Guild craving Warrant to the Master of Works to enter upon the Street to be opened or extended, and to line off the same in conformity with the said Feuing Plan and Book of Levels, and to remove any Fence, Wall, Building, or other Obstruction of any kind standing or existing on the Line of the Street as laid down in the said Feuing Plan; and a Copy of such Petition, or of so much thereof as concerns each Proprietor of Lands and Heritages adjoining such Street, shall be delivered to or left at the Dwelling House or Place of Business of or sent by Post addressed to such Proprietor, if such Dwelling House or Place or Premises or the Address of such Proprietor be known, and if not, then such Copy shall be delivered to any Occupier of such Lands and Heritages, or any Part thereof, or shall be left for such Occupant within the Part of the said Lands and Heritages occupied by him (of which Service in any of such Modes a Certificate by the Procurator Fiscal endorsed on the said Petition shall be sufficient Evidence); and the Dean of Guild shall fix a Diet for hearing the Parties under the said Petition, and shall proceed with the Case, and shall grant the Warrant craved, subject to such Conditions in regard to the Time to be allowed for removing such Fence, Wall, Building, or other Obstruction, or the Compensation, if any, to be paid or made on account of such Removal, as he may think just: Provided always, that it shall not be competent to any such Person to make any Claim to the Part of the Line of Street so enclosed or covered, and that nothing herein contained shall confer upon any Person any Claim to Compensation which he does not otherwise possess by Law.

Dean of Guild may impose Conditions in the public Interest.

180. In so granting any Warrant for opening a new Street where the Street when opened to its full Breadth shall be under Thirty Feet in Breadth, the Dean of Guild may impose such Conditions as he may consider expedient with reference to the following Matters; namely,

With reference to the Width of the Street relatively to the Height of the Buildings, or the Height of the Buildings relatively to the Width of the Street, so as to secure as far as possible that the maximum Height of the Front Walls of such Buildings on each Side thereof shall not exceed the Space between such Front Walls, except in the Case of public Buildings, the Height of which shall be in the Discretion of the Dean of Guild:

With reference to the Level of the Street, if the same be not fixed in Terms of this Act, and its Suitableness for the Construction of a public Sewer:

And every such Condition shall be enforceable and may be carried into effect by or at the Sight of the Master of Works.

181. Every

Notice of Intention to lay out new Streets to be given to Board, and as to fixing Levels.

181. Every Person who intends to make or lay out any new Street or Portion of Street which does not appear upon the Feuing Plan shall give Notice thereof to the Board in order that the Level of such Street or Portion of Street (as the Case may be) may be fixed, and thereupon the Level thereof shall be fixed in manner after provided with all convenient Speed after the Delivery of such Notice.

Levels, how to be fixed.

182. The Levels of such new Street shall be fixed by the Person proposing to lay out such new Street and the Board, or, in case of Difference, by an Engineer to be mutually chosen by such Person and the Board, and in the Case of their not agreeing in naming an Engineer, such Levels shall be fixed by an Engineer to be named by the Sheriff on the Application of either Party, and shall thereafter be followed by Parties building on such Street, and the Expense attending the fixing of such Levels shall be defrayed by the Board.

Board may agree as to the making of new Streets.

183. It shall be lawful for the Board to agree with any Person for the making of new Streets for the public Use through the Lands of such Person, and as to the Time and Manner of making the same, and to agree that such Streets shall become, and the same shall, on such Agreement, accordingly become, when completed, Streets to be maintained and repaired by the Board, and, unless otherwise agreed upon, such Streets shall be completed at the Expense of the Feuars in the Line thereof as by this Act provided in regard to Streets laid down on the Feuing Plan.

Formation of Foot Pavements and Causeways.

184. Where any Street shall not have been completed, it shall be competent to the Procurator Fiscal, by Direction of the Board, to present a Petition to the Dean of Guild craving Warrant to the Board to make or to finish Foot Pavements of dressed Flagstones or Granite, and Causeways of Whinstones or Granite, at the Expense of the Proprietors of Lands and Heritages adjoining such Street, such Expense including the whole of the Expense of making such Foot Pavement, and the Expense of making such Causeway to the central Line of the Street opposite to such Lands and Heritages; and a Copy of such Petition, or of so much thereof as concerns each such Proprietor, shall be delivered to or left for such Proprietor at his Dwelling House or Place of Business, or sent by Post addressed to such Proprietor, if such Dwelling House or Place of Business or the Address of such Proprietor be known, after due Inquiry, and if not, then by delivering such Copy to any Occupier of such Lands or Heritages, or any Part thereof, by leaving the same for such Occupier within the Part of such Lands and Heritages occupied by him (of which Service in any of the said Modes a Certificate by the Procurator Fiscal endorsed on the said Petition shall be Evidence), and the Dean of Guild shall fix a Diet for hearing the Parties under the said Petition: Provided always, that where the Expense of the Foot Pave-

ments

ments and Causeway of any Street which, when executed in the Way the Board shall prescribe, shall exceed the Sum of Six Shillings and Ninepence *per* Superficial Yard, the Excess of the Cost of such Work above the said Sum shall be defrayed by the Board out of the Rates.

Master of Works to make an Estimate and Allocation of Expense.

185. Along with such Petition the Procurator Fiscal shall produce an Estimate by the Master of Works of the Expense of executing the Work to be performed under such Requisition, and stating and allocating the Proportion of such Expense effeiring to each of the Proprietors named in the Petition; and where any of the said Work is to be executed opposite to unfeued Ground, the Proportion of the Expense effeiring to such unfeued Ground shall be specified.

Objections which may be stated.

186. At the Diet for hearing on such Petition the Dean of Guild shall proceed with the Cause, and it shall not be competent to any such Proprietor to raise any Question or to state any Objection, except, 1st, that he is not the Proprietor within the Meaning of this Act of the Lands or Heritages to which such Requisition applies, if he shall allege that to be the Fact; or, 2nd, that the Proportion of Expense proposed to be charged against him is excessive; or, 3rd, with respect to the Time to be allowed for removing Obstructions on the Line of the Street, or the Right to Compensation, or other Mode of making up Damage, if any; and the Dean of Guild shall consider such Questions or Objections, if stated, and shall decide the same, and shall fix and ascertain the Parties to be charged, and the Proportions of Expense to be paid by such Parties respectively, and shall grant the Warrant craved, subject to such Conditions as he may think fit.

Board to make Foot Pavements and Causeways.

187. The Board shall thereupon make Foot Pavements of dressed Flagstones or Granite and Causeways of Whinstones or Granite in such Street, and otherwise carry out the Directions of such Warrant.

Board to be relieved of Expense.

188. The Proprietors of Lands and Heritages on both Sides of the Line of such Street shall severally be bound to pay and to relieve the Board of the Expense of making the whole of such Foot Pavements, and also of the Expense of making such Causeways to the central Line of the Street opposite to their respective Lands and Heritages, in proportion to the Length of Frontage to such Street of the respective Lands and Heritages, as compared with the total Length of the Street upon which such Expense shall be laid out and incurred by the Board at the Time, as such Proportion of Expenses shall be ascertained and decerned for by the Dean of Guild on the Application of the Procurator Fiscal: Provided always, that where the Lands or Premises of any Proprietor front or abut on any Street for a continuous Length exceeding One hundred Yards, and such Lands or Premises are unbuilt on, the Board shall only be entitled to recover One Third of the Expense of

making such Foot Pavements and Causeways on the Completion of such Foot Pavements and Causeways, and the remaining Two Thirds when such Lands and Heritages are actually built upon or laid out or used as a Garden or Pleasure Ground or Pertinent of a House, in case they shall be so built upon or laid out or used within Ten Years, and if not, then at the Expiry of Ten Years from the Completion of such Foot Pavements and Causeways, in whatever Condition such Lands and Heritages may then be.

Dean of Guild may decern for Expense.

189. Upon the Work mentioned in the said Petition and Estimate being finished the Procurator Fiscal shall lodge a Report in the Case stating that the Work has been finished, and craving Decree for the Amount effeiring to each Proprietor, with a Proportion to be fixed by the Dean of Guild of the Expenses of the Cause, if such Amount and Proportion of Expense have not been previously paid, and the Dean of Guild shall decern as craved, and the Dean of Guild shall also by his Decree fix and ascertain the Amount of the Expense of the Operations effeiring to unfeued Ground.

Causeways in Squares and at Corners of Streets.

190. The Proprietors of Lands and Heritages fronting any Square or other public Place of a Width exceeding Sixty Feet shall only be bound to make the Causeway therein to the Extent of One Half of the Breadth of the widest Street communicating with such Square or public Place; and where any Lands and Heritages are situated at the Corner of Two Streets, the Proprietor thereof shall only be bound to make Foot Pavements and Causeways in such Streets opposite to and at Right Angles with the Front of such Lands and Heritages towards each such Street; and the Board shall at their own Expense make the Causeway in the Remainder of such Square or public Place, so far as no other Proprietor of Lands and Heritages is bound in Terms of this Act to make such Causeway, and also in the Angle at the Corner of any Two Streets fronted by any Lands or Heritages.

Board may on Petition of Proprietors cause Streets to be macadamised.

191. Notwithstanding anything herein-before provided, it shall be lawful for the Board, on a Petition from the Proprietors of Lands and Heritages in any uncompleted Street, or a Majority of them in point of real Rental, instead of requiring that Foot Pavements and Causeways shall be made in manner herein-before provided, to resolve that such Street be laid with Gravel or with Stones in the Manner known by the Term "macadamised," or be performed in some other temporary Manner at the Expense of the Proprietors of Lands and Heritages on the Line of such Street, and to form such Street accordingly; and the said Expense shall be borne by such Proprietors, and shall be fixed and recovered in the same Way as the Expense of making Foot Pavements and Causeways in the Manner herein-before provided: Provided always, that although such Street should be so macadamised

or

or otherwise temporarily formed, the Board shall nevertheless have Power at any future Time, when they shall think fit, to require Foot Pavements and Causeways to be made in such Street at the Expense of the Proprietors of the Lands and Heritages therein, and otherwise to make the same a completed Street in the Mode and Terms herein-before provided.

Without Prejudice to Board subsequently requiring Foot Pavements and Causeways to be made.

192. It shall be lawful for the Board, after a Causeway has been made in any Street or any Part thereof in the Mode herein-before provided, to take up and remove such Causeway, and to cause such Street or Part of a Street to be macadamised or formed in some other Manner, but such Alteration, if made, shall be made, and the Street shall thereafter be maintained, at the Expense of the Board, and the Proprietors of Lands and Heritages on the Line of the same shall not be bound at any future Time to remake such Causeway.

Board may take up Causeways and form Street in some other Mode.

193. In all Cases where either Turnpike Roads or Streets are causewayed the Work shall include suitable and convenient Crossings for Foot Passengers.

Crossings to be made for Foot Passengers.

194. It shall be lawful for the Board, and for the Trustees of any Turnpike Road, to contract for the Maintenance and Repair by the Board of any Portions of such Turnpike Road within the Town on such Terms and Conditions, and during such Period, or terminable in such Event, as to them shall seem proper; and any Contracts which have been entered into between the Trustees under the recited Act and the Trustees of any such Turnpike Road for or with reference to the Objects and Purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same Manner as if such Contracts had been entered into between the Board and the said Trustees after this Act comes into operation: Provided always, that no such Contract hereafter entered into shall be valid or effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and (if such Contract be for a longer Period than One Year) 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 Provost, Bailie, Treasurer, Master of Works, or other Municipal Office in the Town shall be entitled to vote at any such Meeting in relation to any such Contract.

Power to Road Trustees and Board to contract for Maintenance of Roads.

195. The Master of Works may require any Proprietor of a Building or Part of a Building to which Access is obtained by means of a Common Stair to repair the Steps or Railings, or the Foot Pavement or Window, or the Jaw-boxes and Pipes of the said Common Stair, or the Doors leading therefrom, to his Satisfaction.

Common Stairs to be maintained by Parties interested.

196. The

Management of Streets.

196. The Management and exclusive Control of the Streets shall be vested in the Board, and in the Case of any Street which may be hereafter opened or partially opened whether in regard to the Length or the Breadth of the same, the Heirs of Entail of the Estates of *Greenock* and *Cartsburn* respectively, after they shall have given Consent to such opening in the Way in this Act provided, shall not be Parties to any Proceedings which may be necessary to effect or complete such opening; and from the Time such Consent shall be given the Management and Control of the Streets to be opened shall be vested in the Board, who by themselves alone shall have Power and be entitled to take any Proceedings necessary for effecting and completing such opening in the Way by this Act provided; and after any Street has been opened no Person shall have Power to build or set up any Erection thereon, either of a temporary or permanent Kind, or to allow any Building or Erection either of a temporary or permanent Kind to continue thereon, without the Warrant of the Dean of Guild: Provided always that in Matters of trifling Importance, and where the Operations are to be of a temporary Kind, it shall be in the Power of the Magistrates, on the Report of the Master of Works, to grant written Permission to perform such Operations without the Necessity of a Warrant from the Dean of Guild: Provided also, that nothing in this Act contained shall affect the Rights of any Party in the Property of the Ground over which the Streets within the Town pass.

Statute Labour Roads may be assumed by Agreement.

197. The Powers conferred on the Board and the Trustees of any Turnpike Road to contract for the Relinquishment by such Trustees, and the Assumption by the Board as Streets, of such Turnpike Roads, or Parts thereof by the 180th Clause of "The General Police and Improvement (*Scotland*) Act, 1862," herewith incorporated, shall extend and apply to all Roads maintained by the Conversion of Statute Labour, so far as situated in the Town, or any Part of such Roads; and the Mode of proceeding in regard to such Relinquishment and Assumption of Turnpike Roads prescribed by the said Clause shall extend and apply to the Relinquishment and Assumption of Roads maintained by Statute Labour Conversion Money hereby authorized: Provided always, that no Person qualified as a Trustee by holding the Office of Provost, Bailie, Treasurer, Master of Works, or other Municipal Office in the Town shall be entitled to vote at any Meeting in relation to the Relinquishment and Assumption of such Roads.

Every Person applying for Warrant to open a Street to call Master of Works.

198. Every Person who shall apply to the Dean of Guild for Warrant to open the Solum of any Street for any Purpose whatever shall be bound to call the Master of Works as a Party to such Application, and the Dean of Guild may on Hearing make such Order in the Application as he may deem just.

199. Every

Every Person who shall open a Street to be bound to fill up Opening.

199. Every Person who shall open the Solum of any Street or Court, whether under any Authority or Warrant or otherwise, shall be bound to complete the Work on account of which the said Opening shall be made with all convenient Speed, and to fill up the said Opening, and to replace to the entire Satisfaction of the Master of Works any Foot Pavement or Causeway of whatever Kind which shall have been disturbed in the course of his Operations, and also to make up all Damage done to, and to repair and leave in complete Order, any Pipe or Sewer or other Work or Construction taken up, opened, or otherwise affected in the course of his Operations.

Every such Person to keep Part opened in repair for Twelve Months.

200. Every such Person shall further be bound to keep up and maintain the Part of such Street or Court, or such Pipe or Sewer, or other Work or Construction, so taken up, opened, or otherwise affected, for the Period of Twelve Months after the Completion of the Work, and during such Period, when and so often as he shall be required by the Master of Works, he shall be bound to take up and relay such Foot Pavement or Causeway, and to repair such Pipe, Sewer, Work, or Construction, to the Satisfaction of the Master of Works; and in case such Person shall refuse or neglect or shall delay timeously to comply with the Requisition in any Notice given to him by the Master of Works to execute any Work or Operation under the Terms of this Section within the Time specified in such Notice, such Person shall be liable to a Penalty not exceeding Five Pounds; and it shall be competent for the Dean of Guild, on the Application of the Procurator Fiscal, to decern for the said Penalty, and at the same Time to authorize the Master of Works to execute or finish the Work specified in such Notice at the Expense of the Person bound to execute the same, and the Dean of Guild may thereafter fix and ascertain such Expense, and may decern therefor against such Person.

XVIII.—INCORPORATION OF LANDS CLAUSES ACTS.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

201. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be and the same are hereby incorporated with this Act: Provided always, that the taking of Lands under the said Acts otherwise than by Agreement shall apply only to the Lands by this Act authorized to be taken shown on the Plans and Sections deposited with reference hereto after mentioned.

XIX.—NEW WORKS; WIDENING AND IMPROVING OF STREETS; NEW STREET; SEA WALL AND ESPLANADE OR PUBLIC WALK; AND ACQUISITION OF PUBLIC PARKS.

Power to execute new Works;
To widen Delingburn Street;
East Quay Lane;
New Street;
Access to public Offices;
Sea Wall and Esplanade or public Walk.

202. And whereas in consequence of the Formation of the *Victoria* Harbour, and of the Goods Depôt of the *Greenock* Guaranteed Railway Company or the *Caledonian* Railway Company, the Traffic in *Delingburn Street* has greatly increased, and that Street is now insufficient to accommodate the Traffic therein, and the Traffic in *East Quay Lane* between the Steamboat Quay and the Railway Station of the said Companies has also greatly increased, and that Lane is now insufficient to accommodate the Traffic therein, and it would be advantageous to the public to widen, straighten, and otherwise improve the said Street and Lane: And whereas the Traffic connected with the West Harbour of *Greenock* has greatly increased of late, and the Access to the said Harbour by *West Quay Lane* is insufficient to accommodate such Traffic, and such Traffic will be further increased on the Completion of the new Harbour at *Albert Quay* presently in course of Construction, and it is necessary for public Convenience and Safety that a better Access to the West Harbour should be provided, and a new Communication be opened up between the said West Harbour and the new Harbour at *Albert Quay*: And whereas there is no suitable Access to the Town Hall and Police Office and other public Offices, and it would conduce to the public Convenience, and be also advantageous in a sanitary Point of View, if such Access were obtained by Removal of various Properties adjoining to the said Buildings: And whereas it would greatly conduce to the Accommodation of the Inhabitants of *Greenock*, and the Health and Recreation of the Community, if, instead of *Clyde Street*, a public Walk or Esplanade were made and constructed along the Shore of the River *Clyde*, with a Sea Wall towards the said River, beginning at a Point at or near to *Bay of Quick*, and along and covering and including the Line of *Clyde Street* to a Point on the Road leading to *Gourock* at the East Boundary of *Fort Matilda*: And whereas Plans and Sections of the said several Works, and a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands and Houses that may be taken or interfered with, have been deposited with the Sheriff Clerk of the County of *Renfrew* at his Offices at *Greenock* and *Paisley* respectively: It shall be lawful for the Board, subject to the Provisions of this Act, to make, construct, and maintain the said several Works in the Lines and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon and compulsorily take and use such Lands and Premises for such Purposes accordingly.

203. The

Description of Works.

203. The Works so to be made and maintained shall be the following, *viz.*:

1. The widening, straightening, and improving of *Delingburn Street* commencing at a Point situated at the Junction of *Carnock Street* and *Delingburn Street* on the East Side of the last-mentioned Street, proceeding thence in a Northerly Direction, and terminating at a Point on the South Side of *Rue-end Street* about Ten Yards East of *Delingburn Street*, all in the Town of *Greenock* and Parish of *Greenock*, or East Parish of the same:
2. The widening, straightening, and improving of *East Quay Lane* commencing at a Point at the Junction of *Cathcart Street* and *East Quay Lane*, and terminating at a Point about Twenty-seven Yards South-west of the South-west Corner of the Custom House, all in the Town of *Greenock* and Parish of *Greenock*, or New or Middle Parish thereof:
3. A new Street commencing at a Point on the West Side of *West Quay Lane* about Fifty Yards North-west of *Dalrymple Street*, and terminating at or about the East End of *Clyde Street*, all in the Town of *Greenock* and Parish of *Greenock*, or West Parish thereof:
4. A new Entrance or Access to the Town Hall and public Offices commencing at a Point on the North Side of *Hamilton Street* about Thirty Yards West from the West Side of *Cathcart Square*, and terminating at the South End of the Town Hall also commencing at a Point at or near the North-west Corner of *Cathcart Square*, and terminating at a Point about Twenty Yards South-west of the South-west Corner of the Town Hall, all in the Town of *Greenock* and Parish of *Greenock*, or New or Middle Parish thereof:
5. A Sea Wall and public Walk or Esplanade to be constructed on and adjoining to the Shore of the Frith of *Clyde* commencing at a Point on the *Low Gourock Road* about Seventeen Yards East of the East Boundary of *Fort Matilda*, and terminating at the North-end of *Campbell Street*, all within the Town of *Greenock* and Parish of *Greenock*, or West Parish thereof:

Provided always, that it shall be lawful to the Board to execute the Works second before described for widening, straightening, and improving *East Quay Lane* on the West Side only of the said *East Quay Lane* as delineated in the Plans and Sections deposited as before mentioned, but not on the East Side of the said Lane: Provided also, with regard to the Sea Wall and public Walk or Esplanade fifth before described, that the Board shall provide and maintain, for the free Use of the Public, Stairs and other Conveniences for landing or embarking in Boats at such and so many Places between *Fort Matilda* and *Campbell Street* as the Board of Trade may from Time to Time direct.

204. If

Errors and Omissions on Plan, &c. may be corrected by the Sheriff, who shall certify the same.

204. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, Houses, and Property, or of the Owners, Lessees, or Occupiers of any Lands, Houses, and Property, described on the Plans of any of the said Works, or on the Plan of the Main and Branch Culverts and Sewers herein-after authorized, or in the Books of Reference to any such Plans, the Board, after giving Ten Days Notice to the Owners, Lessees, or Occupiers of the Lands, Houses, or Property affected by the proposed Correction, may apply to the Sheriff for the Correction thereof; and if it shall appear to the Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Sheriff Clerk of the County of *Renfrew* at *Greenock*, and also at *Paisley*; and such Certificate shall be kept by such Sheriff Clerk along with the other Documents to which it relates, and thereupon such Plans and Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Board to make the Works in accordance with such Certificate.

Certificate to be deposited.

Power of Deviation.

205. It shall be lawful for the Board in executing any of the said Works, and also in executing the Main and Branch Culverts or Sewers herein-after authorized, to deviate laterally from the Lines hereof delineated on the said Plans and on the Plans of the said Culverts or Sewers to any Extent within any Limits of Deviation defined in the said Plans respectively, and vertically from the Levels thereof as defined in the deposited Sections to any Extent not exceeding Five Feet: Provided always, that the Tenement of Workshops and other Premises situate within the Limits of Deviation of the new Street from the *West Quay Lane* to *Clyde Street*, as laid down on the deposited Plans, and numbered 11, of the West Parish of *Greenock*, shall not be taken or interfered with without Consent of the Owner thereof.

Powers for compulsory Purchases limited.

206. The compulsory Powers of taking and acquiring Lands for Execution of the Works before specified, or of the Main and Branch Culverts or Sewers after described, shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period for constructing Works limited.

207. After the Expiration of Ten Years from the passing of this Act the Powers by this Act or the Acts incorporated herewith granted to the Board for executing the Works before specified, and the Main and Branch Culverts and Sewers after described, shall cease to be exercised, except as to so much thereof as shall then be completed.

Board may enter upon and use Property.

208. It shall be lawful for the Board, in so far as may be requisite for carrying into execution the Purposes of this Act in the Execution of

of the Works before specified, and the Main and Branch Culverts or Sewers after described, but subject always to the Provisions hereof and of the Acts incorporated herewith, to enter upon, take, and use the Lands, Roads, Railways, Footpaths, Streets, Quays, and other Property described in the said Plans and Sections, and to break open and use all such Lands, Roads, Railways, Footpaths, Streets, or other Property, and to shut up all Roads, Footpaths, Streets, or Quays, so far and for such Length of Time as may be required for the Execution or Repair of the Works: Provided always, that in the Exercise of the Powers hereby conferred on them the Board and their Officers shall do as little Damage as may be, and shall be bound to rebuild, repair, and restore all Lands, Roads, Railways, Footpaths, Streets, or other Property which may be taken down in whole or in part, or be interfered with in the course of their Operations.

Works on the Shore of the Sea, &c. not to be constructed without Authority of the Commissioners of Woods, &c. and of Board of Trade.

209. The Board shall not construct any Works by this Act authorized on any Part of the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and in so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues and of the Board of Trade, to be signified in Writing under the Hand of the Secretary of the Board of Trade, and then only according to such Plan, and under such Restrictions and Regulations, as the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and the said Board of Trade, approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed with such Consent as aforesaid, the Board shall not at any Time alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consents or Approvals; and if any such Work shall be commenced or completed without such Consent and Approval, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, or the said Board of Trade, may abate and remove the same, and restore the Site thereof to its former Condition, at the Costs of the Board, and the Amount of such Costs shall be a Debt due to the Crown, and recoverable against the Board accordingly.

Access to Shore, &c.

210. During the Construction of any Works by this Act authorized on, over, or through any Tidal Water or Lands, and during the Execution of Repairs thereon at all Times thereafter, the Board shall make and maintain and allow to be used by all Persons at all Times, free of Toll or other Charge, all such Footways and Carriageways over or across the Works or on a Level therewith as the Board of Trade may from Time to Time direct or approve.

Abatement of Works abandoned or decayed.

211. If any of the Works by this Act authorized in, over, through, or across any Tidal Lands or Tidal Water be abandoned or suffered to fall into Decay, the Board of Trade may abate and remove the Work or any Part of it, and restore the Site thereof to its former Condition, at the Expense of the Board, and the Amount of such Expense shall be a Debt due from the Board to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Board.

Survey of Works by Board of Trade.

212. If at any Time the Board of Trade deem it expedient for the Purposes of this Act to order a Survey and Examination of any Work constructed by the Board on, in, over, through, or across Tidal Lands or Tidal Waters, or of the intended Site of any such Work, the Board shall defray the Expense of the Survey and Examination, and the Amount thereof shall be a Debt due from the Board to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Board.

Alteration of Water and Gas Pipes, &c.

213. It shall be lawful for the Board, for the Purpose of constructing, maintaining, or repairing any of the Works under this Act authorized, to raise, sink, or otherwise alter the Position of any of the Sewers, Drains, Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses or Places adjoining or near to the said Works, and also the Mains and other Pipes laid down by the Town Council and the Board for furnishing the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, Maintenance, or Repair, so as the same respectively be done with as little Detriment and Inconvenience to the Inhabitants or others concerned as the Circumstances will admit, and be done under the Superintendence of the Trustees, or Persons to whom such Water Pipes and Gas Pipes belong, or of their Surveyor, if they or he think fit to attend after receiving not less than Forty-eight Hours Notice for that Purpose; but all such Operations shall be performed under Warrant of the Dean of Guild on the Application of the Procurator Fiscal, and after hearing all Parties interested who shall desire to be heard: Provided always, that such Alteration be not such as permanently to injure such Works belonging to other Persons, 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 reasonable Compensation for every Damage done thereby, shall be paid by the Board, as well to the Persons to whom such Pipes or Works belong as to all other Persons, and may be recovered as Damages.

Board not to disturb Pipes until they have laid down others.

214. The Board shall not remove, displace, or alter any Drains or Sewers, or any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works for supplying Water and Gas to the Town,

Town, or do anything to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Drains, Sewers, Mains, and Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced shall, at the Expense of the Board, have been first made and laid down in lieu thereof, and be ready for Use in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction, Maintenance, or Repair of the Works by this Act authorized, and to the Satisfaction of the Persons having Right thereto, or, in case of Disagreement between such Persons and the Board, as the Dean of Guild shall direct.

Pipes not to be laid contrary to Acts of Parliament, and Eighteen Inches Surface Road to be retained.

215. It shall not be lawful for the Board to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Supply of Water or Gas; and if they shall lower any Road for the Purposes of this Act they shall also lower the Mains and Pipes so as to leave a Covering of not less than Eighteen Inches from the Surface of the Roads over such Mains or Pipes.

Board may agree with Proprietors in Clyde Street for Adjustment of Line.

216. And whereas the Proprietors of Lands and Heritages on the Line of *Clyde Street* have built Walls and erected Fences and Buildings on and covering Parts of the Line of *Clyde Street* as laid down in the Feuing Plan, and the Southern Boundary of the existing Road or Passage along the Shore is irregular, and it is desirable that the same should be brought to a uniform Line corresponding more or less directly with the Curves of the River: It shall be in the Power of the Board to agree with such Proprietors of Lands and Heritages for adjusting the Boundaries of their respective Lands and Heritages to form the Southern Boundary of the said public Walk or Esplanade in a suitable Line, and to make such Arrangements as they may think fit in reference to such Portions of the Solum of *Clyde Street* as may be beyond the Southern Boundary of the Esplanade, on such Terms and subject to such Conditions as may be agreed on.

Board to frame Regulations for the Use of the Esplanade.

217. The Board shall have Power to make Byelaws and Regulations for the Use of the Esplanade by the Public, and in order to secure the full Advantage of the same as a public Walk the Board may altogether exclude wheeled Vehicles therefrom, or may allow wheeled Vehicles to use the same or any Part thereof, subject to such Restrictions and Conditions as the Board may think fit.

Providing Funds for Execution of Esplanade.

218. And whereas the Feuars on the South Side of *Clyde Street* are, under the recited Act, bound to pay their several Proportions of the Expense of making, levelling, and causewaying the said Street opposite to their respective Houses, Buildings, Grounds, and other Tenements

Tenements to the Extent of One Half of the Breadth of the said Street, and to make level and pave the necessary Sideways or Footpaths with flat hewn Stones or otherwise, and it is just and expedient that the Expense which they are so bound to pay should be applied in and towards the Construction of the Sea Wall and Esplanade by this Act authorized: And whereas the Expense of executing such Works in the said Street is estimated to be equal to a Sum of Eleven Shillings and Threepence for each Lineal Foot of Frontage of the Lands and Heritages of such Feuars: Be it enacted, That for the Purpose of the Execution of the said Sea Wall and Esplanade the said Feuars shall be bound to pay and relieve the Board of, and to contribute a Sum equal to, Eleven Shillings and Threepence for each Lineal Foot of Frontage to the Line of *Clyde Street* of their several Lands and Heritages, which Sums shall be ascertained and decerned for by the Dean of Guild, and recovered as by this Act provided in regard to the Proportions of Expenses of making Foot Pavements and Causeways in any uncompleted Street: Provided always, that such of the said Feuars as shall have already paid or subscribed under Agreement a Proportion of the Expenses of making the said Sea Wall and Esplanade shall not be liable in the Relief and Payments hereby imposed on the Feuars aforesaid.

Board to make up Deficiency.

219. The Board shall pay and contribute from the Funds at their Disposal under this Act such further Sum as shall be necessary for the Execution of the said Sea Wall and Esplanade.

Future Feuars to contribute.

220. Where Ground on the Line of the said Esplanade shall be still unfeued when this Act shall come into operation, any Person who shall thereafter take in Feu any Part of such unfeued Ground shall be bound to free and relieve the Board, and to make Payment to the Board of a Proportion of the Expenses which the Board shall contribute towards forming the Esplanade at the aforesaid Rate of Eleven Shillings and Threepence for each Lineal Foot of Frontage to the Line of *Clyde Street*, or as nearly as possible to the Line of *Clyde Street* as may be, of the Ground feued by him, as such Proportion of Expense shall be ascertained and decerned for by the Dean of Guild, and recovered in manner before provided.

Trustees of Port and Harbours to contribute.

221. In respect of the Advantages to be derived by the Trustees of the Port and Harbours of *Greenock* from the Execution of the said Sea Wall and Esplanade, and particularly in consequence of the Advantage arising from the Site or Line of the same being used for the Deposit of the Materials removed by the said Trustees from the Docks in course of Execution by them at *Albert Quay*, it shall be lawful to the said Trustees and they are hereby required, out of the Revenues of said Port and Harbours of *Greenock*, or other Funds vested in them as Trustees aforesaid, to pay over to the Board, towards Reimbursement of the

Sums

Sums to be advanced by the Board in the Construction of the said Sea Wall and Esplanade, the Sum of Three thousand Pounds, which Contribution shall be made and paid within Three Months after the coming into operation of this Act.

Disposal of superfluous Lands.

222. It shall be lawful for the Board to sell and dispose of all Lands acquired by them under this Act for the Purpose of widening, straightening, and improving *Delingburn Street* and *East Quay Lane*, and for making the new Street from *West Quay Lane* to *Clyde Street*, and for making the new Entrance or Access to the Town Hall and public Offices, and which shall be superfluous for such Purposes, to such Party or Parties as shall be willing to treat for the Purchase thereof, either by Conveyance for Prices to be paid, or for such annual Ground Rents to be preferably secured over the Lands to be so sold or disposed of, or in such other Way and Manner as shall be agreed upon, and the Payments to be received for such Lands so disposed of shall be applied by the Board to the Purposes of this Act.

Wellpark and Wellington Park to be taken over by the Board.

223. And whereas by Feu Charter granted by Sir *Michael Robert Shaw Stewart* of *Greenock* and *Blackhall*, Baronet, he conveyed to the Provost, Magistrates, and Town Council of the Burgh of *Greenock* certain Lands and Heritages within the Town called the *Wellpark* and the *Wellington Park*, to be kept and used as public Parks for the Benefit of the Community of *Greenock*, of which the Provost, Magistrates, and Town Council of the said Burgh of *Greenock* have received Possession, and which have been improved at the public Expense, and have been laid out as public Parks, and have been for some Time used and enjoyed as such by the Community: And whereas it is expedient that the said Lands and Heritages should be vested in and maintained at the Expense of the Board: Therefore it shall be lawful for the said Sir *Michael Robert Shaw Stewart* and the Heirs of Entail succeeding to him in his said Estates, or for the Provost, Magistrates, and Council, to grant to the Board, and for the Board to accept, a proper Feudal Title to the said Lands and Heritages on the same Trusts, and for the same Purposes, and with the same Right of Relief from Feu Duty and other Burdens, and generally with the same Rights and Privileges, and otherwise subject to the same Conditions, and to be held in the same Manner, as such Lands and Heritages are or could have been taken, possessed, used, and held by the said Provost, Magistrates, and Town Council; and the Board shall have Power to impose, collect, recover, and apply all Assessments necessary for so maintaining such Lands and Heritages according to the Law applicable to such Cases.

XX.—SEWERS AND CULVERTS, &c.

Public Sewers to be made and maintained by Board.

224. The Board shall make Provision for draining the Streets in a suitable Manner, and may with that Object construct or continue in or under any of the said Streets One or more ordinary or special public Sewers, and may from Time to Time alter, renew, or add to such Sewers as to them shall seem proper, and may carry and continue the said Sewers into or through any Lands or Heritages within the Town, and may repair, maintain, and cleanse the said Sewers: Provided always, that they shall make reasonable Compensation to the Proprietors and Occupiers of such Lands and Heritages for any Damage which may be done by reason of the Exercise of the Powers hereby conferred, and such Compensation shall be fixed and ascertained by the Dean of Guild on the Application of either Party; provided also, that no Drains or Sewers shall be made by the Board in any unfeued Lands, or on the Site of any unopened Street, without the Consent of the Proprietor thereof.

Cost of constructing ordinary public Sewers to be paid by adjoining Proprietors.

225. The Proprietors of Lands and Heritages adjoining any Part of a Street in which no ordinary public Sewer previously existed, and whether the Lands and Heritages adjoining such Street shall comprehend back Tenements having no Street Frontage or not, shall severally be bound to pay and to relieve the Board of the Expense of constructing an ordinary public Sewer for the Drainage of such Lands and Heritages in proportion to the Length of Frontage to the Street of their respective Lands and Heritages as compared with the total Length of the Sewer upon which such Expense shall be laid out and incurred by the Board at the Time, as such Proportion shall be ascertained and decerned for by the Dean of Guild on the Application of the Procurator Fiscal, in the same Way as Proprietors of Lands and Heritages are bound to pay and to relieve the Board of the Expenses of making Foot Pavements and Causeways: Provided always, that where the interior sectional Area of such Sewer exceeds Seven and a Half Square Feet, the Board shall contribute the extra Expense of constructing the same; provided also, that where Lands and Heritages are situated at the Corner of and have a Frontage of Two Streets, such Lands and Heritages shall be bound to pay a Proportion of the Expense of making a Sewer in that One of the Two Streets in which a Sewer shall first be formed according to the full Length of the Frontage of such Lands and Heritages to such Street; but when a Sewer shall come to be made in the other Street to which such Lands and Heritages shall have a Frontage, such Frontage shall only be calculated at One Half of its Length in fixing the Proportion to be paid for making a Sewer in such last-mentioned Street.

226. In

Drainage of back Properties.

226. In case any Lands and Heritages shall not have a Frontage to a Street, but shall be wholly situated behind other Lands and Heritages possessing such Frontage, and shall not be owned as Part of Lands and Heritages possessing such Frontage, then the Proprietors of such Lands and Heritages possessing no such Street Frontage shall be bound to pay a Proportion of the Expense of constructing an ordinary public Sewer in the Street into which such Lands and Heritages may in the Opinion of the Master of Works be most conveniently drained; and in order to ascertain the Proportion of making such ordinary Sewer effeiring to the Proprietor of such Lands and Heritages, such Lands and Heritages shall be held, in so far as regards Drainage, to have a Frontage to the Street into which it can most conveniently be so drained, and such Frontage shall be held where such Land or Heritage is rectangular to be the Mean between its longest and shortest Dimensions taken together, and where it is of an irregular Shape then such Frontage shall be held to be the Length of One of the Sides of a Square composed as near as may be of the total Area of such Land or Heritage.

Proceedings in forming Sewers.

227. Before beginning to construct such Sewers the Procurator Fiscal shall present a Petition to the Dean of Guild craving Warrant to execute the Work, which Petition shall be delivered to or left for, or sent by Post addressed to, all the Persons named therein against whom a Claim is to be made for a Proportion of Expense of executing such Work, in the same Way as is herein-before provided with regard to a Petition with respect to Foot Pavements and Causeways in Streets, and the other Proceedings in the Case shall be the same, *mutatis mutandis*, as in the Case of making such Foot Pavements and Causeways; and the Dean of Guild shall ascertain the Expense of constructing such Sewers and the Proportions thereof effeiring to the several Proprietors of Lands and Heritages liable to bear a Proportion of such Expense, and shall decern against them for such Proportion due by them respectively, in the same Way and to the same Effect as he is authorized under this Act to ascertain and decern for the Proportion of the Expense incurred by the Board in making Foot Pavements and Causeways in Streets; and the Sums so decerned for shall be recoverable in the same Way as the Expense of making Foot Pavements and Causeways in Streets under this Act: Provided always, that the Board shall bear the Expense of a public Sewer for that Portion of the same which runs across any Street, as well as the Expense of Gratings and public Street Cesspools.

Common Sewers.

228. The Board may require the Proprietors of Lands and Heritages adjoining to or having Right of Access by a private Court or Passage, common to more than One Proprietor, to construct, in so far as not already done, and from Time to Time to alter, renew, add to, repair,

repair, and maintain, a common Sewer in such Court or Passage, and to connect the same with a public Sewer to the Satisfaction of the Master of Works.

Power to Board and Proprietors to contract for Construction or Maintenance of common Sewers.

229. In case any One or more of such Proprietors shall fail to construct such common Sewer within the Time required by the Board, it shall be lawful for the Board, jointly with any One or more of such Proprietors, or in case all of such Proprietors shall fail to construct such common Sewer within the Time required by the Board, it shall be lawful for the Board, under Warrant of the Dean of Guild, themselves, to construct, alter, renew, add to, or repair any common Sewer in such private Court or Passage, and the Cost of such Work shall be paid by the Proprietors of Lands and Heritages adjoining to and having a Right of Access by the said private Court, according to the Length of their respective Frontages to such private Court or Passage, in the Way and on the Principle herein-before provided with respect to public Sewers; and the Board shall be relieved thereof by such Proprietors, and the same shall be ascertained and decerned for by the Dean of Guild, and be recoverable by the Board, in the Manner herein-before provided with respect to the Expense of the Construction of public Sewers.

Proprietors of Lands and Heritages to construct private Sewers.

230. The Board may require the Proprietors of all Lands or Heritages adjoining or near to any Street or Court, so far as not already done, to construct on such Lands or Heritages in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, One or more private Sewers for the Purpose of draining such Lands or Heritages or any Lands and Heritages adjoining or near thereto, and also to construct in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, Rhones or pipes for conveying into such private Sewers the Roof or Waste Water from any Buildings on the Lands or Heritages belonging to him, and may also require any Proprietor of Lands or Heritages adjoining any such Street or Court to connect such private Sewer or Sewers with the public or common Sewers, and by these Means, so far as consistent with the Levels, effectually to drain the said Lands and Heritages to the Satisfaction of the Master of Works.

Special public Sewers may be constructed.

231. Where in the Opinion of the Board the Refuse of any Trade or Manufacture is of such a Nature that, if suffered to flow either directly or indirectly into any ordinary public Sewer, it will cause or be likely to cause of itself, or by Admixture with other Matters therein, noxious or offensive Effluvia, they may, under Warrant from the Dean of Guild, and at the Expense of the Occupier of any Lands or Heritages in which such Trade or Manufacture is carried on, construct a special public Sewer for the Purpose of carrying off such Refuse,

Refuse, and may require the Occupier of the Lands or Heritages on which such Trade or Manufacture is carried on, and the Occupier of any other Lands or Heritages in the Vicinity of such Sewer from which Refuse of a like Nature is produced, to construct in a suitable Manner, and from Time to Time to alter, renew, add to, repair, and maintain, a private Sewer, and to connect such private Sewer with the said special public Sewer, so that the whole of such Refuse, or so much thereof as the Board may from Time to Time direct, shall be effectually drained into such special public Sewer to the Satisfaction of the Master of Works: Provided always, that if any Occupier to whom such Notice is addressed shall consider himself aggrieved by the Requisition therein contained, he may within Six Days thereafter appeal to the Dean of Guild, who shall grant Warrant to cite the Master of Works, and shall thereupon inquire into, try, and decide the Questions raised in such Application, and may award Expenses to or against any of the Parties, and the Decision of the Dean of Guild shall be final, and shall not be subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution.

Cost thereof to be paid by Persons using the same.

232. The Occupier or Occupiers of Lands or Heritages bound to use any special public Sewer shall severally be bound to relieve the Board from the Expenses of constructing the same; and the Proportion of such Expense effeiring to every such Occupier shall be paid in One single Payment, unless, within Fourteen Days after Notice given to him by the Board, such Occupier shall declare his Option to pay his Proportion of such Expense by annual Payments; and the Amount of such single Payment or of such annual Payments, as the Case may be, and the Duration thereof, may be settled by Agreement between the Board and any such Occupier, or, in case of Dispute, shall be settled by the Dean of Guild, and shall be decerned for by him in the same Manner as is herein-before provided with regard to the Expense of public Sewers.

To prevent the Contamination of Rivers and Streams.

233. Every Person who directly, or by means of any private Sewer, suffers the Refuse of any Trade or Manufacture, or any Sewage or other Matter, to flow from any Lands or Heritages occupied by him into any Stream at a Point where, in the Opinion of the Board, such Refuse, Sewage, or other Matter will injuriously pollute the Water therein, shall be liable to a Penalty not exceeding Five Pounds for each Day or Part of a Day during which such Refuse, Sewage, or other Matter shall so flow, after such Persons shall have been required by the Board to prevent such Pollution; and if in the Opinion of the Board any such Refuse, Sewage, or other Matter cannot be conveniently carried into any public or common Sewer so as to leave such Stream unpolluted, it shall be lawful for the Master of Works to require the Occupiers of such Lands or Heritages to construct in a suitable Manner,

and from Time to Time to alter, renew, add to, repair, and maintain, One or more special private Sewers for the Purpose of carrying such Refuse, Sewage, or other Matter either into the Sea, or into such Stream at a Point where, in the Opinion of the Board, it will not be injurious, or into any public or common Sewer; and it shall be in the Power of the Board to contribute to the Expense of constructing or of maintaining any such special private Sewer such Sum as they shall think fit, and, by Agreement with the Proprietors of the Lands and Heritages on the Line through which such special private Sewer is constructed, or of such of them as possess the major Part of the Frontage thereto, to obtain, as a Condition of such Contribution, a Right to use it as a public Sewer; and in case any One or more or all of such Occupiers shall fail to construct such special private Sewer within the Time required by the Board, it shall be lawful for the Board, jointly with any of such Occupiers, under a Warrant from the Dean of Guild, or by themselves, to construct such special private Sewer, and to maintain the same at the Expense of such Occupiers, and to recover such Expense all in the Mode herein-before provided with respect to the Construction in the like Case of the common Sewers by the Board.

Master of Works to have Right to enter Lands and Heritages for the Performance of his Duty.

234. It shall be lawful for the Master of Works, or any Person authorized by him, having written Authority from the Dean of Guild, at all reasonable Times, after giving at least Twenty-four Hours Notice in Writing to the Proprietor, to enter all Lands and Heritages within the Town for the Purpose of inspecting and to open up and inspect any common Sewer or private Sewer; and any Person who shall wilfully obstruct or delay the Master of Works, or any Person authorized by him, in so doing, shall be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Proprietors relieved of Maintenance on Completion.

235. On the Completion of Streets by making Foot Pavements and Causeways, and by constructing public Sewers therein in the Mode and at the Expense of the Proprietor of Lands and Heritages as herein-before provided, the Board shall be bound to maintain and shall make Provision for maintaining in a suitable Manner, and for altering, repairing, and renewing, such Foot Pavements, Causeways, and public Sewers, and on an Entry of such Completion being made in the Register of Streets such Entry shall relieve the Proprietors of Lands and Heritages on the Lines of such Streets from Liability for the future Maintenance or Renewal of the said Foot Pavements, Causeways, and public Sewers, and an Extract of the said Entry shall be given by the Clerk to any Proprietor, if required, without Payment of any Fee.

Power to construct Culverts and Sewers.

236. And whereas the Eastern Line of Waterfalls or Watercourses belonging to the *Shaws Water* Joint Stock Company discharges the Water flowing through the same into the Sea by Two Branches,

Branches, One of which passes down *Delingburn Street*, and discharges into the South-east Corner of the *East India Harbour*, and the other passes down *East Stewart Street*, and thence by *Rue-end Street* to the *Cartsburn*, by which it discharges into the Sea a little Way above the Mouth of the *Victoria Harbour*, and the Water so discharged carries with it a Quantity of Silt and Deposit, and the Effect of the Discharge of such Water at the Points specified is to fill up with such Silt and Deposit and otherwise to injure both of the said Harbours, and it is expedient to provide another Outlet for the Water so discharged at a Point where it will do less Injury to the Harbours of *Greenock*, and such Objects may be accomplished by the Construction of Works, which will also serve as Sewers in the Streets through which they pass, consisting of a Main and Branch Culvert and Sewer as after described: And whereas a Plan and Section of such Main and Branch Culvert and Sewer, with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands and Houses that may be taken or interfered with for the Execution of the said Works, have been deposited as before mentioned with the Sheriff Clerk of the County of *Renfrew* at his Offices at *Greenock* and *Paisley* respectively: It shall be lawful for the Board to make, construct, and maintain the said Works in the Lines and on the Levels and upon the Lands delineated on the said Plan and Section, and described in the said Book of Reference, and to enter upon and compulsorily take and use such Lands for such Purposes accordingly.

Description of Works.

237. The Works so to be made and maintained shall consist of,—

A Culvert and public Sewer beginning at a Point in *East Stewart Street*, about Seven Yards North of *Springkell Street*, in the Parish of *Greenock* or East Parish thereof, and terminating at a Point on the Steamboat Quay about Fifty Yards North-east of the North-east Corner of the Custom House in the Parish of *Greenock* or New or Middle Parish thereof; and a Branch Culvert and public Sewer commencing at a Point about Forty-three Yards North of the Junction of *Carnock Street* and *Delingburn Street* in the Parish of *Greenock* or East Parish thereof, and terminating by a Junction with the Culvert and public Sewer in *Rue-end Street* aforesaid at a Point Thirty-six Yards South-east of the South-east Corner of *Victoria Harbour* in the Parish of *Greenock* or East Parish thereof.

Restrictions as to Execution of other Works to apply.

238. The Restrictions by this Act imposed on the Board in the Execution of the other Works, consisting of the widening of Streets and Accesses, and making a new Street and Sea Wall and Esplanade or public Walk, shall apply to the Execution of the Main and Branch Culvert and Sewer hereby authorized.

239. The

Water may be intercepted, and Works to serve as Sewers.

239. The Board, on the Execution of such Main and Branch Culvert and Sewer, may thereby, and by such Works in connexion therewith as shall be necessary, intercept and divert the Water flowing in the Eastern Lines of Falls or Watercourses of the *Shaws Water* Joint Stock Company, and may discharge the same into the Sea at the Termination of the said Main Culvert or Sewer at the Steamboat Quay, and the said Works shall also serve as and be public Sewers along the Lines occupied by them: Provided always, that the Water so intercepted shall remain the Property of the *Shaws Water* Joint Stock Company.

Assessment for Main and Branch Culvert and Sewer.

240. And whereas under the recited Act and this Act the Proprietors whose Properties shall derive Benefit by the Construction of Drains and Sewers thereby and hereby authorized are liable in the Expense of the Construction of the same, and it is equitable and expedient that the Proprietors whose Properties will be drained into the said Main and Branch Culvert and Sewer should be liable in such Expense as they would have been liable to had the said Main and Branch Culvert and Sewer been Sewers of the average and ordinary Size: And whereas such average Size is Seven and a Half Square Feet, and the Expense of constructing the same is estimated to be equal to the Sum of Six Shillings and Eightpence *per* Lineal Foot: Be it enacted, That the Proprietors of Lands and Heritages liable in Terms of this Act for the Cost of a public Sewer along the Lines of the said Main and Branch Culvert and Sewer shall pay towards the Expense thereof at the Rate before specified in proportion to the Length of Frontage of their respective Lands and Heritages along the Line before specified, and shall relieve the Board of such Expense to that Extent, and the Sum for which such Proprietors shall be so liable shall be fixed by the Dean of Guild, and recovered by the Proceedings and otherwise in the same Way as if such Culvert were an ordinary public Sewer: Provided always, that the Proprietors of Lands and Heritages who have already contributed to the Expense of forming a Sewer along any Part of the said Lines shall not be liable to pay any Part of the Expense of making the said Main and Branch Culvert and Sewer.

Board to make up Deficiency.

241. The Board shall pay and contribute from the Funds at their Disposal under this Act such further Sum as shall be necessary for the Execution of the said Main and Branch Culvert and Sewer.

Trustees of Port and Harbours relieve Board.

242. In respect of the Advantages to be derived by the Trustees of the Port and Harbours of *Greenock* by Execution of the said Main and Branch Culvert and Sewer, the said Trustees shall be bound to free and relieve the Board of the Expense of Execution of the said Works, in so far as not paid by the Proprietors of Lands and Heritages drained into the said Main and Branch Culvert and Sewer, when and so soon as

as the said Works shall be executed, and the said Balance of Expense ascertained, and to pay to the Board such Balance.

Public Sewers to vest in Board.

243. All public Sewers and Drains within the Town, whether existing immediately prior to the Commencement of this Act or made at any Time thereafter, shall vest in and belong to and be entirely under the Management and Control of the Board.

Foot Pavement and Causeways opposite unfeued Ground and Sewers and Drains to be made by the Board.

244. And whereas Parts of the Ground on the Line of Streets and Squares already opened have not been feued out by the Superiors of the Ground, and in opening new Streets it will happen that Part of the Ground on the Line of the same will remain for a Time unfeued: The Superiors shall not be bound to make Foot Pavements or Causeways, or to macadamise any Street, or to make Drains or Sewers, or common Sewers or private Sewers, or to relieve the Board of the Expense of making the same, opposite to such unfeued Ground, but it shall be lawful for the Board to make Foot Pavements and Causeways and Sewers and Drains in the Manner herein-before provided opposite to such unfeued Ground, and to advance and pay *ad interim* the Expense of so doing in so far as effeirs to such unfeued Ground, subject to the Right of Relief from the Feuars of such unfeued Ground when the same shall come to be feued; and so soon as any Part of such Ground shall be feued, the Board shall charge the Expense so advanced by them so far as effeirs to such unfeued Ground (but without any Interest prior to the Date of feuing) against the Persons taking such Part of the Ground in feu in proportion to the Length of Frontage to such Street of the successive Parts of the unfeued Ground as they shall come to be feued; and the Dean of Guild shall thereupon, on the Application of the Procurator Fiscal, fix and determine the Proportion or Amount of such Expense falling to such Feuar or other Person; and such Persons shall be bound to make Payment to the Board of such Expense as the same shall have been so fixed and ascertained by the Decerniture of the Dean of Guild within Thirty Days after the same has been so fixed and decerned for; and in case any such Person shall refuse or shall neglect to make Payment of such Expense within the said Term, the Sum so unpaid may be recovered in the Mode herein provided for recovering Sums decerned for by the Dean of Guild.

XXI.—NOTICE OF WORKS.

Particulars to be stated in Notice, and Relief of Proprietor

245. Where by the Terms of this Act the Board has Right to require any Proprietor, Occupier, or other Person to execute any Work or Operation, and shall intend to require such Work or Operation to be executed, the Board shall give Notice thereof to such Proprietor,

who pays his Share of Cost.

prietor, Occupier, or other Person, and shall in every Notice so given describe the Work required to be executed either directly or by a reference to Plans, Sections, or Specifications, or to a Specimen stated as deposited in the Office of the Board for Inspection, and shall specify the Period allowed for the Execution of such Work, and the Board shall state the estimated Expense of executing the same; and where such Notice is given to several Proprietors, Occupiers, or other Persons, and shall require them to execute the same Work, the Board shall also state the Proportion of such Cost effeiring to the Proprietor to whom it is addressed; and such Proprietor may, by paying the Amount so stated to the Treasurer within Ten Days after such Notice, or thereafter with Concurrence of the Board, relieve himself from Liability for the Proportion of such Cost effeiring to him, unless the Work specified in such Notice is afterwards varied or altered, or the Notice cancelled, in which Case any Sum that may have been paid to the Board by such Proprietor shall be repaid to him.

Power to Proprietor to lodge Objections to Notice.

246. If any Proprietor, Occupier, or other Person to whom such Notice shall be given shall consider himself aggrieved by the Requisition therein contained, he may within Six Days thereafter appeal to the Dean of Guild by delivering to the Clerk written Objections signed by him, which Objections the Dean of Guild shall dispose of and decide, and he may cancel or vary such Requisition, or impose such Conditions, as he may think fit.

Penalty for failure to comply with Notice.

247. Every Proprietor, Occupier, or other Person to whom such Notice shall be given who shall not relieve himself from Liability in manner herein-before provided shall be bound to comply with the Requisition therein contained, and subject to any Alterations or Conditions made or imposed by the Dean of Guild under any Appeal to him; and if any such Proprietor, Occupier, or other Person shall fail to comply therewith before the Expiry of the Period specified in such Notice, or allowed by the Dean of Guild, he shall be liable to a Penalty not exceeding Ten Shillings for every Day or Part of a Day thereafter during which the Work specified in the said Notice shall not be executed, or shall not be performed as required by the said Notice, without Prejudice to the Powers herein-after conferred on the Board to execute the Work so specified as on the Failure of the Person so required to execute the same.

Claim of Relief by Proprietor who complies with Notice.

248. If any Proprietor, Occupier, or other Person shall execute the whole Work specified in such Notice within the Period specified therein, or allowed by the Dean of Guild, to the Satisfaction of the Master of Works, and which Work by the Terms of this Act is to be executed jointly by several Proprietors, Occupiers, or other Persons, the Board shall pay to the Person so executing the Work the

Sums,

Sums, if any, which they have received from any other Proprietor, Occupier, or other Person liable to them for such Work; and the Proprietor, Occupier, or other Person so executing such Work shall be entitled to recover from all Proprietors, Occupiers, or other Persons liable to the Board who have not settled and obtained Relief from their Liability their Proportions of the Expense of the said Work as Damages.

Procedure on Failure of all the Proprietors to comply with Notice.

249. If any Proprietor, Occupier, or other Person to whom Notice shall have been given by the Master of Works requiring him to perform any Work under the Provisions of this Act, or of any Act incorporated herewith, and who has not relieved himself from Liability in manner herein-before provided, shall fail to comply as aforesaid with the Requisition contained in such Notice, it shall be lawful for the Procurator Fiscal to apply to the Dean of Guild for a Warrant to execute the Work therein specified, and to fix the Proportion or Amount of the Expense thereof for which each Proprietor, Occupier, or other Person shall be liable; and the Dean of Guild shall hear the Parties if they desire to be heard, and shall grant a Warrant to execute such Work, subject to such Conditions as he may think fit, and shall thereafter ascertain and fix the Expense thereof, and decern against the Proprietors, Occupiers, or other Persons to whom Notice was given, or such of them as shall not have relieved themselves from Liability in manner herein-before provided for the Proportions of such Cost due by them, and may award Expenses to or against any of the Parties to such Application, but no such Application shall operate as a Relief from Liability for any Penalties incurred previous to the Date thereof.

XXII.—CLEANING STREETS AND SEWERS.

Foot Pavement of Streets and Roads to be kept clean.

250. The Foot Pavement of Streets and Turnpike Roads within the Town opposite to all the Lands and Heritages shall once in every Day (*Sundays* excepted) be swept and cleansed before Nine o'Clock in the Morning by the Occupier of such Lands and Heritages, if there be only One Occupier, and if there be more Occupiers than One, then by the Occupiers of the Ground or Street Floor of any Building situated in such Lands and Heritages, and if there shall be no Occupier on the Ground or Street Floor of such Building, then by the Occupier of the next higher Floor on which there shall be an Occupier, or if there is no Occupier, then by the Proprietor of such Lands and Heritages, under a Penalty not exceeding Five Shillings for each Offence.

Power to Road Trustees and

251. It shall be lawful for the Board and for the Trustees of every Turnpike Road and Statute Labour Road to contract for the sweeping, cleansing,

Board to contract for cleansing Roads.

cleansing, and watering by the Board of any Portion of such Turnpike Road or any Statute Labour Road within the Town on such Terms and Conditions, and during such Period, or terminable in such Event, as to them shall seem proper; and any Contracts which shall have been entered into between the Trustees under the recited Act and the Trustees of any such Turnpike Road for or with reference to the Objects and Purposes aforesaid, or any of them, shall be and remain valid and effectual, and may be implemented and enforced in the same Manner as if such Contracts had been entered into between the Board and the said Trustees: Provided always, that no such Contract hereafter entered into shall be valid or effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and (if such Contract be for a longer Period than One Year) 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 Provost, Bailie, Treasurer, Master of Works, or other Municipal Office in the Town shall be entitled to vote at any such Meeting in relation to any such Contract.

Occupiers to use best practicable Means for preventing Effluvia.

252. The Occupier of all Lands or Heritages on which any Trade or Manufacture is carried on shall, previous to suffering the Refuse therefrom to flow either into an ordinary or a special public Sewer, use the best practicable Means for preventing the Production of noxious or offensive Effluvia therein; and any Occupier who refuses or neglects to use such Means shall be liable to a Penalty not exceeding Five Pounds for each Day during which such Refusal or Neglect continues; and if within Six Months he is twice found liable in a Penalty for the said Offence, it shall be lawful for the Dean of Guild, on the Application of the Procurator Fiscal, to interdict him from suffering the Refuse from his Trade or Manufacture to flow into any public Sewer.

Penalty for using any public Sewer except in pursuance of Notice or by Leave.

253. Every Proprietor or Occupier who shall connect any private Sewer passing in or through any Land or Heritage belonging to him, or who shall suffer such private Sewer to be connected with any public Sewer, or who shall suffer any Water or other Thing to flow from such Lands and Heritages into any public Sewer, except in pursuance of a Notice by or with the Consent of the Board, or otherwise than according to Plans, Sections, and Specifications to be furnished or approved of in manner herein-before mentioned, shall be liable to a Penalty not exceeding Five Pounds for each Day during which such unauthorized Connexion or Flow of Water continues.

Penalty on Proprietors for not keeping common Sewers clean.

254. If any common Sewer now existing, or which may hereafter be constructed in any private Court or Passage, be not kept effectually cleansed, every Proprietor of Lands or Heritages adjoining to and having a Right of Access by such private Street or Court shall be liable to

to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings in respect of every Day during which such common Sewer shall not be so cleansed after the Imposition of the first-mentioned Penalty.

Penalty on Proprietors for not keeping private Sewers clean.

255. If any private Sewer now existing, or which may hereafter be constructed, be not kept effectually cleansed, every Proprietor of Lands and Heritages in or through which it is made shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings in respect of every Day during which such private Sewer is not so cleansed after the Imposition of the first-mentioned Penalty.

Board may clean common or private Sewer on default of Proprietor at his Expense.

256. In case a Proprietor of Lands and Heritages bound under this Act to keep any common or private Sewer clean shall fail to do so to the entire Satisfaction of the Inspector of Nuisances, the Board may keep such Sewer clean for any Period they think fit at the Expense of such Proprietor, and such Proprietor shall be bound to repay to the Board the Expense so laid out by them; and if any such Proprietor shall fail so to repay such Expense within Seven Days after he shall have been required on behalf of the Board to do so, it shall be competent to the Procurator Fiscal to present a Petition to the Dean of Guild craving him to decern against such Proprietor for the Amount so due by him at the Time; and upon a Report by the Inspector of Nuisances, and upon hearing the Proprietor, if he shall desire to be heard, in reference to the Amount claimed, the Dean of Guild shall decern for such Sum as he shall think just, with Expenses: Provided always, that the Board shall not take such Proceedings before the Dean of Guild against any One Proprietor oftener than twice in One Year.

Recovery of Penalties.

257. All Penalties in respect to the Construction, Maintenance, cleaning, and using of public, common, or private Sewers may be recovered before and decerned for by the Dean of Guild on the Application of the Procurator Fiscal, or of any Person interested with Concurrence of the Procurator Fiscal.

Duties of Inspector of Cleansing.

258. The Inspector of Cleansing will be responsible to the Board for the proper State of Cleanliness of the Streets and Sewers, and for the Enforcement of the Provisions herein contained with respect to cleansing Roads and Courts and Sewers within the Town, for the regular Collection and Removal of the Town Manure, for the good Conduct of the Scavengers and other Persons appointed by the Board, and generally for the complete State of Efficiency of his Department.

XXIII.—BUILDINGS, THEIR ERECTION AND ALTERATION, AND SANITARY PROVISIONS IN REGARD TO THE SAME.

Application to be made to Dean of Guild before any Building is erected or altered.

259. Every Person who shall intend to erect any Building within the Town (not expressly authorized by Parliament), or to alter any such Building of which he is not the sole Proprietor, or to alter any such Building of which he is the sole Proprietor, in a Manner which will affect the exterior Walls thereof, or to alter any Apartment which is registered in pursuance of the Provisions herein-after contained, shall make Application to the Dean of Guild for a Warrant to do so, and shall therein set forth his Title generally, and produce along with such Application a Plan and Sections of each Storey of the Building which he intends to erect or to alter, and of the intended Alterations thereon, and a Plan and Sections of the Land on which such Building is or is intended to be situated, and of any adjacent Turnpike Road or Street or Court adjoining, and of the Sewers in such Road, Street, or Court, and of the private Sewers formed or intended to be formed and connected therewith, and shall state in such Application whether any Apartments in the said Building so intended to be erected or to be altered, and, if any, which Apartments, are not intended to be let or used for the Purpose of sleeping in, and shall distinguish such Apartments on the said Plan; and the Dean of Guild shall cause the Master of Works and any other Person whom he shall consider interested to be cited, and allow them Time to examine the said Plan and Sections, and shall proceed to inquire into and dispose of the said Application, and may award Expenses to or against any of the Parties: Provided always, that this Enactment shall not apply to the first Erections or Buildings to be erected on Ground feued but not built upon or unfeued at the passing of this Act, except the Provisions for securing the Stability of the Buildings and the Safety of the Public while the Buildings may be in course of Erection.

Penalty for erecting or altering any Building without applying to Dean of Guild.

260. Any Person who shall erect or who shall alter in any of the respects herein-before mentioned any Building or Wall within the Town, or who shall convert any Apartment which has been so stated to be an Apartment not intended to be let or used for sleeping in into an Apartment to be let or used for that Purpose, without a Warrant, or otherwise than in conformity with a Warrant, of the Dean of Guild, shall be deemed guilty of a Guild Offence, and be liable to a Penalty not exceeding Fifty Pounds, besides being bound, if and in so far as required by the Dean of Guild, to take down and remove the said Building or Wall, or to restore it to the State it was in previously to the Alterations thereon, or to alter it in such Way as the Dean of Guild shall direct so as to make it in conformity with his said Warrant, and the

the Dean of Guild may grant an Interdict to prevent any such Erection or Alteration till his Warrant shall be obtained for the same: Provided always, that this Enactment shall not apply to the first Erections or Buildings to be erected on Ground feued but not built upon or unfeued at the passing of this Act, except the Provisions for securing the Stability of the Buildings and the Safety of the Public while the Buildings may be in course of Erection.

Restraining Erections within a certain Distance of Roads.

261. It shall not be lawful for the Dean of Guild to grant a Warrant to erect any Building, except a Stone or Brick Wall not exceeding Six Feet in Height, within Twenty Feet of the Centre of any Portion of a Statute Labour Road within the Town, or within Thirty Feet of the Centre of any Portion of a Turnpike Road within the Town, which is relinquished by the Trustees thereof, and is assumed by the Board as a Street under the Powers of this Act, unless the said Building could have been erected within a less Distance of the Centre of such Turnpike Road without contravention of the Acts relating to the said Road.

Dean of Guild not to grant a Warrant till satisfied on certain Points.

262. It shall not be lawful for the Dean of Guild to grant a Warrant to erect any Building unless or until he is satisfied and find that the Plan and Sections which are signed with reference to such Warrant, and which shall be permanently kept by the Clerk of Court, and be accessible to all Parties, make satisfactory Provision with respect to the several Matters following; *viz.*,

That the Outer Walls and the Party Walls, or separate Side or End Walls, and the Joisting and principal Timber Work, as shown on the Plan, are of sufficient Strength and Stability:

That the Level of the lowest Story in the Building is such as to admit of complete Drainage into an adjoining public or common Sewer:

That ample Ashpit and Watercloset or Privy Accommodation is shown on the Plan, or exists in connexion with the Lands and Heritages:

That proper Ventilation is secured by the Plan:

That in the Case of a Hotel, or of a Theatre, or other Building intended for holding large Numbers of People, the Doors and Passages are so planned as to admit of easy, quick, and safe Entrance and Exit:

That the Plan does not contemplate the raising or lowering of any Article from Windows or Openings towards any Turnpike Road or Street or inhabited Court:

That the Plan does not show any Passage forming Part of a Court, and leading through the Building, of less Width than Five Feet, or any Passage forming Part of a private Street, or Communication for Foot Passengers or Carriages, and leading through the Building, of less Width than Ten Feet, or any Common Stair of

less

less Width than Three Feet Nine Inches when finished, and that the Dimensions of every such Passage, Entry, or Stair are adequate for the Traffic:

That every Chimney-head is so planned and so placed as to be secure, and to have a Stone Cope into which Cans may be safely inserted:

That every Apartment, except those distinguished on the Plan as not intended to be let or used for sleeping in, is of such Size, and has One or more Windows with such free Space in front of every Window thereof, as to be in conformity with the Provisions herein-after contained:

That the Plan provides for an adequate Supply of Water, or that such Supply exists in connexion with the Lands or Heritages; but this Provision as to a Supply of Water shall not apply to the first Erections or Buildings to be erected on Ground feued but not built upon or unfeued at the passing of this Act:

And the Erection or Alteration of any Building in conformity with the Warrant of the Dean of Guild may take place at the Sight of the Master of Works; but neither the Warrant of the Dean of Guild nor the Superintendence of the Master of Works shall imply, or shall relieve the Proprietor or any other Person concerned from, any legal Responsibility in respect of the said Building.

Dean of Guild may authorize the temporary Occupation of Portions of any Road, Street, or Court during Execution of Work.

263. The Dean of Guild, on granting a Warrant to erect or alter any Building, may enable the Person who shall have made Application for the same to enclose and use any Portion of a Turnpike Road within the Town, or of a Street or Court, which shall appear to him necessary to facilitate the Work, during such Period and on such Conditions as he may think reasonable; but the Provisions of the "General Police and Improvement (*Scotland*) Act, 1862," incorporated with this Act, in reference to such Matters, shall in all Cases be observed, and the Warrant of the Dean of Guild shall be presumed to be granted, subject to such Provisions, unless specially discharged by him.

Bond of Caution may be required from any Person obtaining a Warrant to erect or alter a Building.

264. The Dean of Guild may, on granting a Warrant to erect or alter any Building, or to enclose or use any Portion of a Road, Street, or Court, require that a Bond be previously granted, with sufficient Caution, to secure that the Conditions specified in such Warrant and the Provisions of the incorporated Act and this Act shall be fulfilled, that in the Erection of Scaffolding and otherwise Precautions shall be taken to the Satisfaction of the Master of Works to guard against Accidents, and that Compensation shall be made, so far as the Public is concerned, for any Damage or Injury which may result from the Insufficiency of such Precautions; but unless such Bond be declared forfeited by the Dean of Guild on the Application of the Master of Works, and unless the Sum contained therein have been paid to and accepted

accepted by the Master of Works in satisfaction of all Claims so far as the Public is concerned against the principal Party thereto with respect to the Matters therein referred to, it shall not be competent to plead the same in bar of any Proceeding before the Dean of Guild or Magistrate for the Recovery of Penalties, or otherwise with respect to such Matters: Provided always, that nothing herein contained, or the Forfeiture of such Bond and the Payment of the Sum due under the same, shall be held to relieve any Proprietor or other Person concerned of any Responsibility he may incur for Damage done to the Property or Person of any private Party; provided also, that this Section shall not apply to the first Erections or Buildings to be erected on Ground feued but not built upon or unfeued at the passing of this Act, but the Dean of Guild shall be entitled to interdict or otherwise to enforce the Conditions of the Warrant he may have granted in reference to Buildings to be erected on such Ground feued but not built upon or unfeued at the passing of this Act.

Adequate Dungstead, Ashpit, and Privy Accommodation to be provided.

265. The Board may require any Proprietor of Land or Heritages to which no adequate Dungstead, Ashpit, or Privy Accommodation is attached, or to which such Accommodation is attached, but is defective, or is so constructed or situated as to be offensive to Persons using any Turnpike or Statute Labour Road or Street or Court, or to Persons residing in the Neighbourhood, to provide and construct in a sufficient Manner and in a suitable Place, and from Time to Time to alter, renew, add to, repair, and maintain, a Dungstead, Ashpit, Watercloset, or Privy, as the Case may be, for the Use of the Occupiers thereof, or if there be a Building on such Lands or Heritages used as a Schoolhouse, Factory, or Workshop, or occupied by Persons of both Sexes, and above Twenty in Number, One or more Waterclosets or Privies for the Use of each Sex, and in every Case to the Satisfaction of the Board: Provided always, that this Section shall not apply to Farmsteadings or unfeued Lands not built upon.

No Apartment to be let or used for sleeping in unless as provided.

266. Except as after mentioned, it shall not be lawful for any Proprietor to let, or for any Person to take in Lease, or to use or suffer to be used, for the Purpose of sleeping in, any Apartment unless One Third at least of its Height is above the Level of the Turnpike or Statute Labour Road, or public or private Street or Court adjoining or near to it, and unless there be in front of at least One Third of every Window of such Apartment a free Space equal to at least One Half of the Height of the Wall in which it is placed, measuring such Space in a straight Line from and at Right Angles to the Plane of the Window, and measuring such Wall from the Floor of the Apartment to the Ceiling thereof.

Penalty for letting or taking on

267. Any Person who shall let or take on Lease any Apartment for the Purpose of sleeping in which is not in conformity with the last-

Lease or using such Apartment.

last-mentioned Provision, or which shall not fall within the Exceptions herein-after specified, shall be liable to a Penalty not exceeding Five Pounds; and any Person who shall use or suffer to be used for the said Purpose any such Apartment shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which any such Apartment is so used or suffered to be used.

Exceptions from Prohibitions.

268. The said Provisions shall not apply to the following Cases; *viz.*,

To any Apartment in a Building at the Corner of a Turnpike or Statute Labour Road or Street, and of another Road or Street, provided such Apartment be wholly above the Level of the said Road and Street, and provided the Building in which it is situated do not extend along the narrower of them for a greater Distance than Fifty Feet:

To any Apartment under the Level of a Turnpike or Statute Labour Road or Street or Court, the Window of which looks towards the same, provided there be an open Area or Space along the whole Length of such Apartment between it and such Road, Street, or Court which is Six Inches deeper than the Floor of such Apartment, and is as broad as the Portion of the Height of such Apartment below the Level of the said Road, Street, or Court:

To any Apartment which, previous to the passing of this Act, shall have been let in Lease, until the Expiry of such Lease:

To any Apartment which, in any Part of the Three Years preceding the Term of *Martinmas* One thousand eight hundred and sixty-four, was used for the Purpose of sleeping in, if the Proprietor of such Apartment desire to retain the Power of so letting or using it, and register it in pursuance of the Provisions herein-after contained.

Register of certain excepted Apartments to be prepared.

269. For the Purpose of making up the Register of such Apartments the Board shall, on or before the First Day of *October* One thousand eight hundred and sixty-five, direct the Master of Works or appoint some competent Person to perform the Duties herein-after mentioned, and shall fix such reasonable Remuneration for any Person so appointed for the Performance of the said Duties as they think proper, and the Sum so fixed shall be paid by the Board.

Claims to be advertised for.

270. The Person so appointed shall, on or before the First Day of *November* One thousand eight hundred and sixty-five, by Advertisement inserted in One or more of the Newspapers published in *Greenock*, and by a circular Letter sent by Post to the Address as entered in the last completed Valuation Roll of every Proprietor of Lands or Heritages within the Town, require such Proprietor to send in a Claim to him in Writing on or before the First Day of *December* One thousand eight

eight hundred and sixty-five, in such Form and stating such Particulars as he may direct, of any Apartment which such Proprietor may desire to retain the Power of letting or using for the Purpose of living or sleeping in, and which could not be so let or used in conformity with the Provisions herein-before contained unless so used for the Three Years preceding the Term of *Martinmas* One thousand eight hundred and sixty-four.

An Interim Register and relative Plan to be prepared from Claims.

271. The Person so appointed shall, as soon as practicable after the First Day of *December* One thousand eight hundred and sixty-five, and not later than the First Day of *January* One thousand eight hundred and sixty-six, arrange the said Claims with reference to the Localities or Districts of the Town to which they refer, and if he shall not be the Master of Works he shall afford the Master of Works an Opportunity of examining them, and the Master of Works may object to any such Claim on the Ground that the Apartment referred to in it is not sufficiently specified, or was not let or used for the Purpose of sleeping in in some Part of the Three Years preceding the Term of *Martinmas* One thousand eight hundred and sixty-four; and the Person so appointed shall, not earlier than the First Day of *February* One thousand eight hundred and sixty-six, proceed in such Order and according to such Rules and Regulations as to the Course of Procedure as he shall think proper to receive Evidence in support of or in opposition to or otherwise satisfy himself in regard to the Claims so objected to, and not later than the First Day of *April* One thousand eight hundred and sixty-six shall consider, determine upon, and finally dispose of all the Claims lodged with him, and prepare an Interim Register in such Manner that every Building in which any Apartment specified therein is situated shall be described by a Reference to some Number or Mark on a Copy of the Feuing Plan of the Town herein-before referred to.

Errors in Interim Register may be corrected.

272. The said Interim Register and relative Plan shall remain in the Custody of the Person so appointed until the First Day of *May* One thousand eight hundred and sixty-six, and shall at all reasonable Times be accessible to any Proprietor of Lands or Heritages; and it shall be lawful for any such Proprietor whose Claim shall have been rejected, or whose Apartment shall not be correctly described in the said Register, or by a Reference to the said Plan, to appeal at any Time before the Fifteenth Day of *May* One thousand eight hundred and sixty-six to the Dean of Guild, who may, if he see Cause, within Ten Days thereafter correct the said Register or the Reference therein to the said Plan, and the Register and Plan as so corrected shall be deemed the completed Register and Plan.

Completed Register and Plan to be delivered

273. The said completed Register and Plan shall, on the Twenty-sixth day of *May* One thousand eight hundred and sixty-six, be delivered to and shall thereafter be kept in the Office of the Clerk, and shall

to and kept by Clerk.

shall at all reasonable Times be accessible to the Public without Charge; and a certified Extract of any such Entry shall, on Demand, be given by the Clerk to any Person without Charge, and shall be received as Evidence in all Courts.

Dean of Guild may in a certain Event cancel an Entry in the Register.

274. If after the Completion of the said Register Application be made to the Dean of Guild by the Proprietor of any Apartment which shall be entered therein for a Warrant to alter any Part of the Building in which such Apartment is situated, it shall be lawful for the Dean of Guild, if he see fit, to grant such Warrant on condition that the Exception in favour of the said Apartment from the Provisions hereinbefore contained shall cease, and to direct the Clerk to make a Memorandum thereof, and the Clerk shall thereupon make a Memorandum thereof in the Register, which shall have the Effect of cancelling the Entry of the said Apartment therein.

No Apartment to be let or used for sleeping in except as provided.

275. After the Twenty-sixth Day of *May* One thousand eight hundred and sixty-six it shall not be lawful for any Proprietor to let, or for any Person to take in Lease, or to use or suffer to be used, for the Purpose of sleeping in, any Apartment in which there is not at least One Window, or in which each Window is not so constructed or hung as that at least One Third of it may be conveniently and easily opened, or in which the Sash of such Window, or the Sashes of the several Windows therein, are not of the Dimensions herein-after provided; *viz.*,

If the said Apartment contain less than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a Superficial Area in the Proportion of One Foot for every Hundred of such Cubic Feet:

If the said Apartment contain more than Two thousand five hundred Cubic Feet of Space, unless the said Sash or Sashes give a Superficial Area in the Proportion of One Foot for every One hundred and fifty of such Cubic Feet.

Fixing minimum Cubic Contents of small Dwelling Houses.

276. After the Twenty-sixth Day of *May* One thousand eight hundred and sixty-six it shall not be lawful for any Proprietor to let, or for any Person to take in Lease, or to use or suffer to be used as a separate Dwelling House, any Building or Part of a Building which, exclusive of Lobbies, Closets, or Presses, is not at least of the following Dimensions; *viz.*,

If such Dwelling House consist of only One Apartment, and shall have been used as a separate Dwelling House previous to the passing of this Act, unless it contain at least Seven hundred Cubic Feet of Space, or if it shall not have been so used, unless it contain at least Nine hundred Cubic Feet of Space:

If such Dwelling House consist of only Two Apartments, and shall have been used as a separate Dwelling House previous to the passing

passing of this Act, unless it contain at least Twelve hundred Cubic Feet of Space, or if it shall not have been so used, unless it contain at least Fifteen hundred Cubic Feet of Space:

If such Dwelling House consist of only Three Apartments, and shall have been used as a separate Dwelling House previous to the passing of this Act, unless it contain at least Eighteen hundred Cubic Feet of Space, or if it shall not have been so used, unless it contain at least Two thousand Cubic Feet of Space.

Penalty for letting or taking on Lease or using any Apartment or House prohibited.

277. Any Person who shall let or take in Lease any Apartment for the Purpose of sleeping in, or any Dwelling House which shall not be in conformity with the said Provisions, shall be liable to a Penalty not exceeding Five Pounds; and any Person who, after the Twenty-sixth Day of *May* One thousand eight hundred and sixty-six, shall use or suffer to be used for the said Purpose any such Apartment or Dwelling House, shall be liable to a Penalty not exceeding Five Shillings for every Day during which it is so used or suffered to be used.

Power to Board to mark on small Dwelling Houses their Size and the Number who may live therein.

278. It shall be lawful for any Person appointed by the Board from Time to Time to enter any Dwelling House which shall consist of not more than Three Apartments for the Purpose of measuring in Cubic Feet the Space contained therein, exclusive of Lobbies, Closets, or Presses, and to mark on or over the Outside of the Door of any such Dwelling House if the Cubic Contents thereof do not exceed Two thousand Feet, or to affix thereto a Ticket on which are marked, in such Position and Style as the Board shall see fit, the Number of such Cubic Feet, and the Number of Persons exceeding the Age of Eight Years who, without a Breach of the Provision next herein-after contained, may sleep therein, and from Time to Time to renew such Marking or Ticket; and any Person who shall obliterate, deface, remove, or alter such Marking or Ticket shall be liable to a Penalty not exceeding Ten Shillings.

Penalty for exceeding such Number.

279. If, after the Twenty-sixth Day of *May* One thousand eight hundred and sixty-six, any Dwelling House which may consist of not more than Three Apartments is used for the Purpose of sleeping in by a greater Number of Persons than in the Proportion of One Person of the Age of Eight Years or upwards for every Three hundred Cubic Feet of Space, or of One Person of an Age less than Eight Years for every One hundred and fifty Cubic Feet of Space contained therein, exclusive of Lobbies, Closets, and Presses, or by a greater Number of Persons than is marked thereon, in pursuance of the Provisions herein-before contained, every Person so using or suffering it to be used shall be liable to a Penalty not exceeding Five Shillings for every Day or Part of a Day during which it is so used or suffered to be used by him.

XXIV.—NOTICES.

Form of Notice under this Act.

280. Every Notice given in pursuance of this Act may be in Writing, or partly in Writing and partly in Print, and shall be signed by the Person giving the same; and any Person who shall counterfeit such Signature, or who, without Authority, shall give any such Notice, shall be liable to a Penalty not exceeding Ten Pounds, or to Imprisonment for a Period not exceeding Sixty Days.

Power to cancel or vary Notice.

281. It shall be lawful for the Person sending such Notice to cancel it, or to give a new Notice to the same or to any other Person in respect of the Matter or for the Enforcement of the Obligation referred to in it.

Notice to be given of taking of Houses of Labouring Classes.

282. The Board shall, not less than Eight Weeks before they take in the Town or the Parish of *Greenock* Houses amounting to Fifteen in Number or more, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Board shall not take any such Houses until they have obtained the Certificate of a Justice of the Peace that it has been proved to his Satisfaction that the Board had made known their Intention to take the same in manner herein-before provided.

XXV.—RELIEF OF PERSONS JOINTLY INTERESTED.

Joint Proprietors or Occupiers to relieve each other rateably.

283. Where several Persons are interested jointly as Proprietors or as Occupiers of the same Lands or Heritages, they shall relieve each other from any Liability imposed on them by this Act, and from any Expense incurred in the Fulfilment of such Liability, according to the Extent of their respective Interests therein.

Claim of Relief to be fixed by Valuation Roll as regards Works in a Street.

284. Where any Work in, under, or upon a Street shall be by this Act directed to be executed, maintained, or cleansed by any Proprietor or Occupier of Lands or Heritages adjoining it, and where there are several Proprietors or Occupiers who, in respect of Flats or Portions of the same Building or otherwise, are jointly interested in the said Work, and might be called on to fulfil the said Liability, and there shall be no special Provision or Agreement with respect thereto, all of such Proprietors or Occupiers, as the Case may be, shall relieve each other from the Expense incurred in the Fulfilment of such Liability, according to the Extent of their respective Interests,

as shown by the last completed Valuation Roll at the Date when the Expense shall have been incurred.

Claim of Relief to be fixed as regards Works in private Lands and Heritages.

285. Where any Work in, under, or upon any Lands or Heritages is by this Act directed to be executed, maintained, or cleansed by any Proprietor or Occupier thereof, and where there are several Proprietors or Occupiers who, in respect of Flats or Portions of the same Building or otherwise, are jointly interested in the said Work, or in the Solum in, under, or upon which it is to be executed, maintained, or cleansed, and might be called on to fulfil the said Liability, and there is no special Provision or Agreement with respect thereto, all of such Proprietors or Occupiers, as the Case may be, shall relieve each other from the Expense incurred in the Fulfilment of such Liability, according to the Extent of their respective Interests therein, as shown by the last completed Valuation Roll at the Date when the Expense was incurred.

Principle of apportioning other Claims of Relief.

286. Every other Liability imposed by this Act with respect to which there shall be no special Provision or Agreement shall in any Question of Relief be equitably apportioned among the several Persons on whom the Obligation shall be laid.

How Claims of Relief to be enforced.

287. Every Claim of Relief under the foregoing Provisions may be made and sued for as Damages.

Power to Board to recover Sums due by Proprietor from Occupier.

288. Where the Proprietor of any Lands or Heritages shall be liable to the Board, or to any Officer on behalf of the Board, in any Sum due in pursuance of the Provisions of this Act, it shall be lawful for the Board or for such Officer to recover the Amount from the Occupier of such Lands or Heritages to the Extent of the Rent due by such Occupier at the Date when Notice of the said Claim shall be given in manner herein-before provided, or which thereafter from Time to Time shall become due by him to such Proprietor; and the Occupier shall, after such Notice, be bound to retain and account to the Board or to such Officer for any Rents due by him, and shall be entitled to an Abatement from his Landlord corresponding to the Sums so retained and accounted for, without Prejudice to the other Rights, Powers, and Securities conferred upon the Board by this Act for or in regard to any Sum due to them by such Proprietor.

XXVI.—LIGHTING OF TOWN.

Parties to Agreement to supply

289. The Board as in place of the Trustees under the Acts recited in the recited Act, and the Provost, Magistrates, and Town Council of

Gas at certain Prices.

of *Greenock* as in room of the Bailies, Treasurer, and Councillors of *Greenock*, Parties to the Agreement in regard to the Supply of Gas confirmed by the recited Act as before mentioned, (which Board and the said Provost, Magistrates, and Town Council shall be called in this Act "the Parties to the Agreement,") shall have Right to sell and supply Gas for Consumption within the Town as the Limits of the same now stand, or may be extended in the present or in any future Session of Parliament to all Persons who choose to purchase such Supply, at such Rates or Prices as may be agreed on: Provided always, that the Price to be charged for Gas so supplied shall not exceed Five Shillings for every One thousand Cubic Feet, and so in proportion for any lesser Quantity; provided also, that nothing herein contained shall entitle the Board to light the Streets or public Places within the Limits, for Police Purposes, of the Burgh of *Port Glasgow*, or to supply Gas to the Inhabitants, Houses, Buildings, and Premises within the said Limits, as the same at present stand, or may be extended in the present or any future Session of Parliament.

Consumers to provide private Pipes.

290. Every Person requiring a Supply of Gas for private Consumption shall be bound at his own Expense to provide the necessary Pipes, in this Act denominated private Pipes, and other Apparatus for taking the same from the Building Line of the Street nearest the House, Building, or Place into which the private Pipe is to be introduced, and the Parties to the Agreement shall be at the Expense of laying a Service Pipe from the Main Pipe, which, with all other Pipes laid by the Parties to the Agreement, shall be denominated public Pipes to such Building Line: Provided always, that no Person shall be entitled himself to connect any private Pipe with any public Pipe, but all Operations in connecting private Pipes with public Pipes shall be performed by the Parties to the Agreement at the Expense of the Person receiving the Supply of Gas; and such Expense shall be fixed and ascertained by the certified Account of the Manager of the Gasworks in place of all other Proof, and shall be recoverable in the same Manner as and along with the Price of Gas supplied.

Power to carry private Pipe across intervening Building.

291. Where any Building belongs in Portions to different Proprietors, the Proprietor of any Portion shall be entitled to carry a Pipe for supplying such Portion with Gas across or along any other Portion of such joint Building where such Supply cannot be otherwise obtained: Provided always, that where any Damage shall be caused by such Operation the Person performing the Operation shall be bound to pay such Damage, as the Amount thereof shall be fixed and ascertained by the Manager of the Gasworks, whose Decision in reference thereto shall be final and binding on both Parties.

292. The

Parties to Agreement to supply Meters at certain Rates.

292. The Parties to the Agreement may supply sufficient Gas Meters to all Persons consuming Gas at the Expense of such Person at such Rate of Hire or Purchase as may be agreed on.

Meters hired to remain Property of the Parties to Agreement.

293. The Meters with the corresponding Cocks, Pipes, and other Apparatus, the Use of which shall be hired for an annual or other Payment, shall be and remain the Property of the Parties to the said Agreement, and shall not be liable to Hypothec for Rent, nor to Attachment for the Debts of the Hirer, nor shall they pass to any Trustee on the Bankruptcy of the Hirer, but may at any Time be taken away and removed by the Parties to the Agreement.

Parties to the Agreement may require Security for Meter.

294. The Parties to the Agreement may require Security for the safe Keeping and Return of any Meter when hired, and for that Purpose the Hirer shall be bound, if demanded, to deposit in the Hands of the Parties to the Agreement a Sum sufficient to cover the Value of the Meter, which Sum shall be retained, if the Parties to the Agreement think proper, till the Meter shall be returned, and during such Period Interest at the Rate of Four *per Centum per Annum* shall be allowed on the Sum deposited, and Credit for said Interest shall be given in the Account for Gas supplied; the Deposit Money shall be returned when the Supply of Gas is discontinued, provided the Meter be also returned in good Order, and any Sum due for Gas at the Time be paid; but the Parties to the Agreement may deduct from the Amount of Deposit Money any Sum for Gas supplied remaining unpaid, or the Value of the Meter or Cost of repairing the same if not returned in good Order.

Application of Acts for regulating Measures used in Sales of Gas.

295. The Act passed in the Twenty-second and Twenty-third Year of the Reign of Her present Majesty, Chapter 66, intituled *An Act for regulating Measures used in Sales of Gas*, as amended by an Act of the last Session of Parliament, Chapter 96, in so far as applicable and as is not otherwise provided in this Act, shall apply to the Town of *Greenock* within the Limits of this Act.

Parties to the Agreement to provide model Gasholder.

296. The Parties to the Agreement shall forthwith provide a Copy of the model Gasholder to be made under Section 3rd of the said Act "for regulating Measures used in Sales of Gas," with proper Balances, Indices, and Apparatus verified and stamped at the Office of the Comptroller-General of the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, and shall deposit the same with the Inspector of Meters to be appointed under this Act, which Copy Model, Balances, Indices, and Apparatus shall be the Property of the Parties to the Agreement, and shall be returned to them by the Inspector of Meters, or may be taken possession of by the Parties to the Agreement, at any Time they may think proper.

Inspector of Meters.

297. The Parties to the Agreement shall appoint some qualified Person to be Inspector of Meters, and no Maker, Repairer, or Seller of Meters or of Gas, or Person employed in the making, repairing, or selling of Meters or Gas, shall be an Inspector of Meters under the Provisions of this Act.

Proceedings to be taken in case of Defect in Meter.

298. If any Person shall have reason to suspect that, from Defect in the Meter furnished to him, the same does not afford an accurate Measure of the Quantity of Gas passing through the same, he shall forthwith give notice thereof to the Manager of the Gasworks, or other proper Officer employed by the Parties to the Agreement, and also to the Inspector of Meters; and the Inspector of Meters shall thereupon examine such Meter, and shall certify whether the same correctly indicate the Quantity of Gas passing through the same or not, and if he shall be of opinion that such Meter do not correctly indicate such Quantity, he shall at the same Time certify what in his Opinion is the real Quantity supplied and remaining unpaid, and the Decision of the Inspector of Meters in such Questions shall be final and conclusive, and his Certificate shall be received as the sole Evidence therein, and no Objection to the Charge made by the Parties to the Agreement for Gas supplied shall be competent or be entertained where such Proceeding has not been taken.

The Parties to the Agreement may examine Meter.

299. The Parties to the Agreement shall have Right to examine the Meter belonging to any Person receiving a Supply of Gas at all reasonable Times, either to ascertain the Quantity of Gas consumed, or that the Meter is in proper working Order.

Accounts.

300. The Parties to the Agreement shall furnish Accounts for Gas supplied as often and at such Times as they shall think fit, and the Persons contracting for or using or liable for the Expense of the Gas so supplied shall be bound to make Payment of the Sums charged to them in such Accounts within Three Days after the Account has been delivered to them, or left at their Dwelling Houses or Places of Business, or sent to them by Post.

Recovering of Accounts.

301. In case any Person to or for whom such Account shall have been so delivered, or left or sent by Post, shall fail to make Payment of the Sum therein charged within the Time before specified, the Collector employed by the Parties to the Agreement, who shall be styled the Gas Collector, or any other Officer of the Parties to the Agreement, may recover the same in his own Name, either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff or from any One of the Magistrates of *Greenock* a summary Warrant to recover the same from the Person liable in Payment thereof, with the Addition of Ten *per Centum* thereon in lieu of any Costs which

which have been or may require to be incurred, which Warrant the Sheriff or Magistrate shall grant on Production of a certified List by such Collector or other Officer setting forth the Names of the Persons indebted, the Amount due by them, and that the Accounts have been delivered or left or sent by Post in manner before provided at least Three Days previously, and that the Sums due have not been paid, which certified List and Warrant and the subsequent Proceedings on such Warrant shall be in the Form and subject to the Conditions herein-before provided with respect to the Recovery of the Police Assessment.

Power to stop Supply of Gas.

302. The Parties to the Agreement shall have Power at any Time to stop the Supply of Gas to any Person if either, first, such Person shall be indebted to the Parties to the Agreement in any Sum on account of Gas supplied, and remaining unpaid for Three Days after an Account thereof shall have been furnished and Payment demanded, or, second, if the Meter, Gas Pipes, Gas Cocks, or other Machinery or Apparatus used by such Person shall be leaky or otherwise defective or in bad Order, of which the Parties to the Agreement shall be the sole Judges; and in all Cases where it shall be lawful in Terms of this Act to stop the Supply of Gas, it shall be lawful for the Parties to the Agreement, upon giving Six Hours previous Notice to the Occupiers, to enter into any House, Building or Place between the Hours of Nine in the Forenoon and Four in the Afternoon, and to remove or carry away any Pipe, Meter, Cock, Branch, or Apparatus therein, the Property of and belonging to the Parties to said Agreement.

10 & 11 Vict. c. 15. incorporated.

303. The Provisions of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Waste or Misuse of Gas, shall be and the same are hereby incorporated with this Act.

XXVII.—SUPPLY OF WATER.

Power to supply Water.

304. The Board shall have the Right and Power to collect and convey Water to supply the Inhabitants of the Town, possessed by the Trustees under the recited Act for such Purpose, and under and subject to the Agreement between the Predecessors of the said Trustees and the *Shaws Water* Joint Stock Company confirmed by the said Act; and the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," and of the "Lands Clauses Acts Amendment Act, 1860," shall, as regards the taking of Lands by Agreement, apply to the Powers so to be exercised by the Board.

XXVIII.—RECOVERY OF DAMAGES, AND EXPENSES OF ACT.

Recovery of Damages.

305. All Claims recognised in this Act as Damages may be recovered according to the ordinary Procedure before any competent Court, or summarily before the Sheriff, whose Decision shall be final, and not subject to Suspension, Reduction, Advocation, or Appeal, or to any other Form of Review or Stay of Execution.

Procedure in Cases for Recovery of Damages.

306. Every summary Proceeding before the Sheriff for the Recovery of Damages shall be subject to the following Rules and Regulations:

It shall commence by an Application in Writing, or partly in Writing and partly in Print, at the Instance of the Clerk, or of the Treasurer representing the Board, or of the Person making the Claim:

The Sheriff shall grant Warrant for citing the Person against whom the Claim is made:

The subsequent Steps may be either in Writing or *vivâ voce*, as the Sheriff shall think expedient:

The Sheriff may award Expenses to or against either the Pursuer or Defender:

The Provisions herein-before made applicable to the Case of Persons resident furth of the County or furth of *Scotland* shall apply to all Proceedings before the Sheriff for Recovery of Damages.

Expenses of Act.

307. The Charges and Expenses attending the obtaining and passing of this Act and incidental thereto shall be paid out of the Police Assessment.

SCHE-

SCHEDULES.

SCHEDULE (A.)

FORM OF VOTING PAPER.

Election of Greenock Police Trustees, 1865.

Names of Persons voted for.

_____

_____

_____

Signature of Elector _____

SCHEDULE (B.)

CERTIFICATE BY COLLECTOR AND APPLICATION TO SHERIFF OR MAGISTRATES, AND SUMMARY WARRANT TO BE GRANTED THEREON.

(1.) Certificate by Collector and Application.

I, *A.B.*, Collector of Police Assessments for the Town of Greenock, do hereby certify that the preceding List is a true Extract from the Roll of the said Assessments made up in pursuance of the Provisions of "The Greenock Police and Improvement Act, 1865," according to which Assessment Roll the Police Assessments are leviable from the Persons and others therein named for the Year from to and that the said Assessments became due and payable on the Day of and that the Persons and others assessed in the said Roll, and specified in the Extract therefrom hereunto prefixed, having failed to pay the said Assessments due by them respectively, notwithstanding of the same

same having been demanded from them by Notice served on them respectively, and, on Failure to pay, by Second Notice to make Payment within Fourteen Days, and that the said Period has expired, and the said Amounts have not yet been paid, but are still truly due, and I therefore crave 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 due by them respectively, all in Terms of the said Act of Parliament.

A.B., Collector.

(2.) Warrant.

[*Place and Date*] The Sheriff or Substitute [*or* Magistrate, *as the Case may be*,] having considered the foregoing Certificate and Application, with relative List or Extract, grants Warrant as craved, with the Powers and subject to the Conditions and in Terms of the said Act of Parliament.

(Signed) *C.D.*

SCHEDULE (C.)

Form of Bond of Annuity.

By virtue of "The Greenock Police and Improvement Act, 1865," we, the Board of Police constituted by the said Act, in consideration of the Sum of paid to our Treasurer by *A.B.* of for the Purposes of the said Act, bind ourselves to pay to the said *A.B.*, and his Executors, Administrators, and Assignees, an Annuity of Pounds *per Annum* during the Life of the said *A.B.* [*or*, for the Period of Years from and after the Term of One thousand eight hundred and *as the Case may be*], payable half-yearly by equal Portions at the Terms of Whitsunday and Martinmas in each Year, and in case of Failure in punctual Payment of any such Annuity we bind ourselves to pay Interest at the Rate of Five Pounds *per Centum per Annum* on each Term's Payment until paid; and we grant and assign unto the said *A.B.* and his foresaids such Portion of the Police Assessment authorized by the said Act as the said Sum of does or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Assessment, to be held by the said *A.B.* and his foresaids until the said Annuity and all Interest that may become due thereon shall be fully paid and satisfied; declaring that the said Annuity shall cease and determine at the Term of Whitsunday or Martinmas immediately preceding

ceding the Death of the said *A. B.*, or at the Term of One thousand eight hundred and as the Case may be; and on Payment of the Annuities due at and preceding that Term, with any Interest that may have accrued thereon, the said Assessment shall be redeemed and freed of the Annuity hereby granted in all Time thereafter. In witness whereof [*insert Testing Clause according to the Law of Scotland*].

L.S.

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