ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 68.

An Act for paving, lighting, cleansing and watching the Burgh of *Kilmarnock*, and Suburbs thereof; for regulating the Police and Markets; and for other Purposes therein mentioned.

[18th *May* 1810.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for opening several new Streets in the Town of* Kilmarnock *and County of* Ayr; *for altering and widening some of the Streets, Lanes and Passages within the said Town; for building Two new Bridges over the Water of* Kilmarnock; *for removing the present Slaughterhouses in the said Town, and building new ones, and a Town Hall and Guardhouse; for enlarging or repairing the Gaol or Tollbooth; for enlarging the Burial Ground of the said Town; for paving the said Town and Places adjoining thereto, and removing Nuisances and Annoyances therein, and for extending the Jurisdiction of the said Town over certain adjacent Lands*: And whereas Provision was thereby made for paving the Sides of the Streets of the said Town, but no Power was given for causeweying or paving the Centre of the said Streets: And whereas, from the flourishing State of Trade and Manufactures in the said Burgh of *Kilmarnock* and Suburbs thereof, the Number of Inhabitants has greatly increased, and it would tend much to their Accommodation, and 42 G. 3. c. 48.

to that of Perſons reſorting thereto, and be of great public Utility, if the Streets, Lanes and Paſſages already formed or to be formed within the ſaid Burgh, were ſufficiently cauſewayed in the Centre, as well as paved on the Sides, and properly watched, lighted and cleanſed; if a proper Supply of Water was obtained, by means of Pumps and Wells, for the Uſe of the Inhabitants thereof; if the ſaid Burgh and Suburbs were divided into Wards, and Commiſſioners appointed over the ſame; if a public Waſhinghouſe was erected, and if certain Rules were eſtabliſhed for conducting and regulating the ſame, and the Police and Markets of the ſaid Burgh and Suburbs, and for procuring and maintaining Fire Engines for the Uſe of the ſaid Burgh: May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Owners and Proprietors of all Houſes and Buildings, or of Gardens or Grounds adjoining to and fronting any Street, Square or public Place, or Lane, or Paſſage, already formed or to be formed within the ſaid Burgh and Suburbs, ſhall at his, her or their Expence, and in Proportion to the Extent of the Fronts of their reſpective Properties, or the Rents of their Houſes, as after mentioned, cauſe the whole of the ſaid Streets, Squares or other public Places, and Lanes and Paſſages, to be well and ſufficiently paved or cauſewayed with Whin or other Stone, of ſuch Breadth and in ſuch Manner and Form as the Commiſſioners appointed in Manner hereinafter mentioned (after viſiting the Grounds and hearing the Parties) ſhall direct and appoint, and ſhall thereafter, from Time to Time, as Occaſion requires, repair and uphold, and maintain in repair the ſaid Streets, Squares, public Places, Lanes and Paſſages: It being hereby declared, that nothing herein contained ſhall be conſtrued to interfere with thoſe Streets, Squares, Lanes and Paſſages, which are to be formed and maintained by the Truſtees appointed by the ſaid recited Act.

Streets to be paved.

Commiſſioners may pave at the Owners' Expence if not done in a certain Time.

II. And be it enacted, That in caſe any ſuch Owner or Proprietor ſhall refuſe or neglect to cauſe ſuch Streets, Squares, public Places, Lanes or Paſſages to be paved or cauſewayed in the Manner aforeſaid, within ſuch Time as he or ſhe ſhall be required ſo to do, by an Order from the ſaid Commiſſioners, after having viſited and inſpected the ſame, and heard the Party concerned, it ſhall and may be lawful to the ſaid Commiſſioners to cauſe the ſame to be done at the Expence of ſuch Owner or Proprietor; and in caſe any ſuch Owner or Proprietor ſhall refuſe or neglect when required to pay the Expence of making the ſaid Cauſeways, or repairing and upholding the ſame, it ſhall and may be lawful to any One or more of the Baillies of the ſaid Burgh, if the Premiſes be therein, or of the Juſtices of the Peace for the County of *Ayr*, if in the Suburbs, and without the Juriſdiction of the ſaid Baillies, upon Complaint being made to him or them, to decern ſuch Charges, together with the Expence of recovering the ſame, to be paid by ſuch Owner or Proprietor, either to the Tradeſman doing the Work, or to any Perſon authorized to receive the ſame in Manner hereinafter mentioned: Provided always, that in every Caſe where ſuch Owner or Proprietor ſhall be unable to pay the Charges of making

ſuch

ſuch Cauſeways, or repairing and upholding the ſame, in one Sum, the ſaid Commiſſioners may receive the ſame by ſuch Inſtalments and at ſuch Periods as to them ſhall ſeem proper; and in the Event of the ſaid Owners or Proprietors not reſiding within the ſaid Burgh or Suburbs, Notice of the Complaint, or of the Order of the Commiſſioners, being ſerved on the Occupier or Tenant, ſhall be held as valid and effectual as if ſerved on the Owners or Proprietors perſonally, and as if they reſided within the ſaid Burgh.

In caſe of more Proprietors than One.

III. And be it enacted, That when any Houſes or Buildings belong to more Proprietors than One, the ſeveral Proprietors of the ſame Houſe or Building ſhall cauſe the Ground before their reſpective Premiſes to be paved or cauſewayed, and the Pavements or Cauſeways to be kept in repair in Manner aforeſaid, the Expence being defrayed by ſuch Proprietors, in proportion to the Rents of the reſpective Parts of the Houſe or Building belonging to each of them, as the ſame ſhall at the Time ſtand rated in the Rent Roll herein after mentioned, or in proportion to the Extent of the Fronts of thein reſpective Premiſes; and in caſe any Diſpute or Difference ſhall ariſe among the ſeveral Proprietors of the ſame Houſe or Building relative to their Proportions of the ſaid Expence, it ſhall and may be lawful to the ſaid Commiſſioners to fix and aſcertain the ſame, according to the Rate of ſuch Rents in the ſaid Roll, or otherwiſe; and in caſe of any Difference between the ſaid Commiſſioners and the Proprietors of ſuch Tenements, either with reſpect to making or keeping in Repair ſuch Pavements or Cauſeways, or the Expence of the ſame, it ſhall and may be lawful to the ſaid Baillies or any One of them, if the Premiſes be within the ſaid Burgh, or of the ſaid Juſtices or any one of them, if without the Juriſdiction of the ſaid Baillies, on a Complaint being made to them, (after viſiting the Premiſes and hearing the Parties concerned) to determine any ſuch Difference, which Determination ſhall be final and binding on all Parties.

Tenants to pay Rates and deduct them out of Rents.

IV. And be it enacted, That the Tenants or Occupiers of the Houſes or other Buildings belonging to ſuch Owners and Proprietors, (in default of the Proprietors paying ſuch Expences) in caſe he, ſhe or they ſhall pay the Expences aforeſaid, (which they are hereby authoriſed and required to do, to the Amount of the Rents payable by them reſpectively,) ſhall be at Liberty, and they are hereby empowered to deduct and retain out of his, her or their Rents, ſuch Sums of Money as they ſhall reſpectively pay on Account thereof, for their reſpective Landlords, Owners or Proprietors, who are hereby required to allow ſuch Payments accordingly, any Leaſe or Contract to the contrary notwithſtanding.

Bye-Laws for preventing Nuiſances.

V. And be it enacted, That a Majority of the ſaid Commiſſioners preſent at any Meeting called for the Purpoſe, ſhall have full Power and Authority from Time to Time to make Rules, Regulations and Bye-Laws, conſiſtent with this Act and the Laws of *Scotland*, for the better Execution of this Act, for removing Obſtructions and preventing Nuiſances of every Kind on the Pavements, Streets and other Places within the ſaid Burgh and Suburbs, and in general for all other Purpoſes

Purpoſes connected with the Preſervation of Peace and good Order, and the general Safety and Comfort of the Inhabitants; and from Time to Time, as Occaſion may require, to repeal, add to, amend and alter ſuch Regulations, or any of them, and to enforce the ſame by ſuch pecuniary Penalties as they ſhall think proper, not exceeding in any Caſe the Sum of Five Shillings Sterling for each Offence: Provided always, that none of the ſaid Regulations ſhall become valid or take Effect, until they ſhall be regiſtered in the Police Books, printed and circulated and put upon the principal Doors of the Pariſh Churches of the ſaid Burgh and Suburbs: and ſhall be ſubject to Appeal in Manner hereafter mentioned.

Preventing Nuiſance by Steam Engines.

VI. Provided always, and be it enacted, That the Proprietors, Owners or Occupiers of all Cotton Works, Founderies, Mills, Diſtilleries, Smithies or other Works already erected or to be erected in the ſaid Town or Suburbs, the Machinery whereof is driven by Steam, or the Smoke ariſing wherefrom is conſidered noxious or injurious to the Neighbourhood, ſhall conſtruct the Furnaces or Flues of their ſaid Works in ſuch Manner as to conſume their own Smoke; and in caſe they refuſe ſo to do when required by the ſaid Commiſſioners, the ſaid Baillies or Juſtices of the Peace, or any Two of them, ſhall have full Power, and they are hereby authorized and empowered to cauſe the ſame to be done in ſuch Manner as to them ſhall ſeem beſt calculated to prevent ſuch Conſequences in Time coming, at the Expence of the ſaid Proprietors or Occupiers; and the ſaid Baillies and Juſtices are hereby further authorized and empowered, on the Complaint of the ſaid Commiſſioners, to prevent all Perſons from charring Coals within the ſaid Burgh and Suburbs; and in caſe any Perſon or Perſons ſhall do ſo after One Intimation, to impoſe a Fine on the Perſon or Perſons offending, not exceeding Twenty Shillings Sterling for each Offence.

Diſtillers to conſtruct Reſervoirs to depoſit the Refuſe.

VII. And be it enacted, That the Proprietors, Owners or Occupiers, of Diſtilleries and other Works, ſhall dig, make and conſtruct Siſt Pools or Reſervoirs within their own Ground, or as near their Works as poſſible, for receiving and depoſiting their Refuſe, to prevent offenſive or dangerous Conſequences to the Health of the Inhabitants, by its running into any Burn, River, Ditch or Sewer; and if they refuſe ſo to do when thereto required by the ſaid Commiſſioners, the ſaid Baillies or Juſtices of the Peace or any Two of them, are hereby authorized and required to cauſe the ſame to be done at the Expence of the Owners or Occupiers of ſuch Diſtilleries.

For preventing Miſchief by Gunpowder.

VIII. And be it enacted, That no Shopkeeper or other Perſon or Perſons, ſhall keep at the ſame Time in any Shop, Cellar or Warehouſe, or other Apartment within the ſaid Burgh and Suburbs, more than Ten Pounds Weight of Gunpowder, but ſhall carry or cauſe to be carried all the Gunpowder belonging to him or them exceeding that Quantity, to ſuch Magazine or Place as may hereafter be provided and appointed by the ſaid Commiſſioners, and every Perſon or Perſons ſo offending, neglecting or failing, ſhall for every Offence forfeit and pay any Sum not exceeding Three Pounds Sterling, to be levied in Manner hereinafter directed, beſides forfeiting all the Gunpowder which ſhall be in his,

his, her or their Houſes, Shops, Cellars, Warehouſes or other Apartments, exceeding the aforeſaid Quantity: And the ſaid Commiſſioners ſhall not only have Power to provide ſuch a Magazine, but to exact from the Dealers in Gunpowder Five Shillings for each Barrel lodged by them therein, and the Dealers ſhall be obliged to depoſit their Gunpowder in the ſaid Magazine and no where elſe, with the Exception of what they are allowed to keep within their Shops or other Places as above mentioned: And it ſhall be lawful for any one of the ſaid Magiſtrates or Two Commiſſioners, to ſearch the Houſes and Shops of the Dealers in Gunpowder, for the Purpoſe of aſcertaining what Quantities may be therein at any Time they may think proper.

Gunpowder to be kept ſeparate.

IX. And be it enacted, That the Gunpowder allowed to be kept in Shops, Cellars, Warehouſes or other Apartments as aforeſaid, ſhall be depoſited in a Place by itſelf, ſeparate from all other Goods and Commodities, and ſhall be ſecured by Lock and Key under a Penalty not exceeding One Pound Sterling, to be paid for each Offence by the Occupier of the Houſe, Shop, Cellar, Warehouſe or other Apartment in which the ſame ſhall be kept: And it ſhall not be lawful to the ſaid Shopkeeper, or other Perſon or Perſons, to ſell or diſpoſe of any Quantity of Gunpowder before or after Day-light on any Account, or for any Purpoſe whatever, under a Penalty not exceeding One Pound Sterling for each Offence: Provided always, that it ſhall be lawful for the commanding Officer of any of His Majeſty's Troops quartered in the ſaid Burgh or Suburbs, to keep in any Place or Places ſituated therein, and appointed by the ſaid Baillies or Juſtices, any Quantity of Gunpowder he may think neceſſary for exerciſing the ſaid Troops, or for other military Purpoſes.

For licenſing Hackney Coaches, &c.

X. And be it enacted, That it ſhall and may be lawful to the ſaid Baillies within the Burgh, and to the ſaid Juſtices within the Suburbs, in caſe the ſame are without the Juriſdiction of the Baillies, and they are hereby reſpectively authorized and empowered to make ſuch Rules, Regulations and Bye-Laws as they may think fit, for licenſing and regulating Hackney Coaches, Sedan Chairs, Carts and Porters plying for Hire within the Burgh and Suburbs; for trying, judging and puniſhing the Miſbehaviour of Coachmen, Chairmen, Carters and Porters according to Law; for fueing and altering their Stands; and for aſcertaining what Rates and Fares, as to Diſtance and Time, they ſhall be allowed to take, and to what Diſtances and under what Penalties they ſhall drive, come in and through the ſaid Burgh and Suburbs, not exceeding Two Miles for Sedan Chairs, and Four Miles for Coaches, Carts and Porters; and from Time to Time repeal, alter or amend the Rules, Regulations and Bye-Laws ſo to be made by them; and ſhall ſet down what Penalties ſhall be incurred by Perſons breaking or evading the ſame, or any of them, not exceeding the Sum of Forty Shillings for any one Offence: Provided always, that ſuch Rules, Regulations and Bye-Laws, as the ſame ſhall from Time to Time be made, altered or varied, ſhall not be repugnant to the Law of *Scotland*, and ſhall be put up either in Print or Writing, on ſuch Place or Places as the ſaid Baillies or Juſtices reſpectively ſhall think proper, and at all Times to remain and be in the ſaid Place or

Places; and ſhall be ſubject to Appeal in Manner hereinafter-mentioned: Provided always, that the Rates and Fares payable as aforeſaid ſhall be painted on a Board, and affixed on the Town Hall of the ſaid Burgh, and on ſuch other conſpicuous Places as the ſaid Baillies and Juſtices ſhall direct.

Cleaning the Streets.

XI. And be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to contract with and employ Scavengers or other Perſons to cleanſe and ſweep the Streets, Squares, Paſſages and other public Places and Lanes within the ſaid Burgh and Suburbs, and immediately to order all Soil, Dirt, Aſhes and Filth to be removed therefrom, and to collect the ſame into Heaps, and afterwards to carry them to ſuch Place or Places as the ſaid Commiſſioners ſhall appoint, and to ſell and diſpoſe of ſuch Soil, Dirt, Aſhes and Filth for Manure, to ſuch Perſon or Perſons as may be deſirous to purchaſe the ſame, the Money thence ariſing being always applied towards the Purpoſes of this Act: Provided always, that the Expence of the ſaid Scavengers or other Perſons ſhall be defrayed from the Funds to be levied in Manner hereinafter directed; and the ſaid Commiſſioners ſhall have Power to purchaſe a proper Place or Places whereon to lodge the ſaid Soil, Dirt, Aſhes and Filth until the ſame can be ſold.

Preventing Dung being laid in the Streets.

XII. And be it enacted, That all and every Perſon or Perſons who ſhall lay or cauſe to be laid on any of the Streets or publick Ways of the ſaid Burgh or Suburbs, any Dung for the Purpoſe of carrying the ſame to adjacent Grounds, ſhall remove and take it away, or cauſe the ſame to be removed before Sun-ſet of the ſame Day on which it is laid on the Street, and if any Aſhes or Dung of any Kind ſhall be allowed to remain upon any Part of the ſaid Streets or public Ways after that Time, except in Time of Froſt, and to prevent Accidents, it ſhall and may be lawful for the ſaid Baillies or Juſtices, or any One of them, to decern the Perſon or Perſons ſo offending to pay any Sum not exceeding Five Shillings Sterling for each Offence, to be levied and applied as hereinafter directed over and above the Forfeiture of the Dung, which ſhall be ſold, and the Price applied in Manner aforeſaid.

Street to be ſwept after carrying Dung.

XIII. And be it enacted, That the Perſon employed in carrying or wheeling the ſaid Dung to the Streets, ſhall be obliged to ſweep, ſcrape and cleanſe the Foot Pavements and Streets over which the Dung ſhall have been carried or wheeled, immediately after the Work ſhall have been finiſhed, under a Penalty not exceeding One Shilling Sterling, for each Offence.

Lamps.

XIV. And be it enacted, That it ſhall and may be lawful to and in the Power of the ſaid Commiſſioners hereinafter appointed, to cauſe the Streets, Lanes and Paſſages within the ſaid Town, to be ſufficiently lighted by means of Lamps, and to order the Lamp Irons and Lamps in the ſaid Burgh and Suburbs, or thoſe to be introduced therein, to be fixed upon the Walls of Houſes and other Buildings on the Sides of the Streets, on indemnifying the Proprietors or Occupiers for any

Damage

Damage thereby done to the ſaid Houſes and Buildings; the Expences attending all which ſhall be defrayed out of the Funds to be raiſed in virtue of the Powers hereinafter given to the ſaid Commiſſioners.

Penalty for breaking Lamps wilfully.

XV. And be it enacted, That if any Perſon or Perſons ſhall wilfully take away, break or throw down any Lamp or Lamps which now are or hereafter ſhall be ſet up within the Limits of the ſaid Burgh and Suburbs, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or damage the Iron or Appurtenances thereof, it ſhall and may be lawful to any Perſon who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon to aſſiſt in ſeizing, the Offender or Offenders, and by Authority of this Act without any other Warrant, to convey and deliver ſuch Offender or Offenders into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before One of the ſaid Baillies or Juſtices; and if the Party or Parties accuſed of ſuch Offence, whether apprehended as aforeſaid, or afterwards cited for the ſame, ſhall be convicted thereof, either by his, her or their own Confeſſion, or by the Oath of One or more credible Witneſſes, ſuch Offender or Offenders ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Three Pounds Sterling, and moreover ſhall make Satisfaction for the Damages done; and in caſe ſuch Offender or Offenders ſhall not immediately upon Conviction pay ſuch Forfeiture and make ſuch Satisfaction, ſuch Baillie or Juſtice is hereby empowered to commit him, her or them to the Common Gaol of the ſaid Burgh, or Workhouſe, for a Space not exceeding Two Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he is committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Penalty on breaking Lamps accidentally.

XVI. And be it enacted, That in caſe any Perſon or Perſons ſhall accidentally break, throw down or damage any of the ſaid Lamps, or the Irons or Appurtenances thereof, it ſhall and may be lawful for the ſaid Baillies or Juſtices to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Baillie or Juſtice ſhall think reaſonable, provided ſuch Sum ſhall not exceed the real Damage ſuſtained by ſuch Accident, beſides the Expences incurred in recovering the ſame; and in caſe of Neglect or Refuſal of the ſaid Perſon or Perſons to pay ſuch Sum or Sums of Money within Two Days after the ſame ſhall be demanded, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her or their Goods, and the Surplus, if any, to be paid to ſuch Perſon or Perſons.

Power to appoint Clerks.

XVII. And be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners hereinafter named, or a Quorum of them, and they are hereby empowered to appoint Clerks, Servants and other proper Officers during their Pleaſure, to act under the Authority and Orders of the ſaid Commiſſioners, or any One of them, for executing the Matters committed to them by this Act, and for regulating the Police, and for preſerving good Order and Peace in the ſaid Burgh and Suburbs.

XVIII. And

Power to appoint Watchmen.

XVIII. And be it enacted, That it shall and may be lawful for the said Commissioners in the said Burgh to appoint Persons for guarding and watching the same, and they are hereby authorized and required to appoint such a Number of Watchmen as they shall judge necessary for guarding, patroling and watching the Streets of the said Burgh and Suburbs, in such Manner and under such Rules and Regulations as to the said Commissioners shall appear proper and expedient.

Rates to be levied for paying Watchmen.

XIX. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to demand and levy yearly, and every Year, from all Householders and other Persons residing and carrying on Business within the said Burgh and Suburbs, the following Sums corresponding to the Rent of the Houses, Shops or other Buildings or Grounds occupied by them, *videlicet*, from Persons occupying Houses, Shops or other Buildings or Grounds yielding Three Pounds, and under Five Pounds yearly Rent, the Sum of Four pence per Pound; Five Pounds and under Fifteen Pounds yearly Rent, the Sum of Five pence per Pound; and from Fifteen Pounds yearly Rent and upwards, the Sum of Six pence per Pound; the Rents of which Houses, Shops or other Buildings or Grounds, to be fixed and ascertained by the Assessor to be named and appointed by the said Commissioners, and the Monies so levied shall be applied to the Payment and Cloathing of the Watchmen to be appointed as aforesaid.

Powers to give Salaries to Clerks, &c.

XX. And be it enacted, That it shall and may be lawful for the said Commissioners or a Quorum of them, and they are hereby authorized and empowered to order suitable Salaries or Allowances to be paid to the said Clerks, Servants and other Officers, and to pay the necessary Expences incurred by them in the Execution of the Duty of their respective Offices, and the other necessary Charges and Expences of the aforesaid Establishment, from the Assessments and other Funds hereinbefore and after appointed to be levied, and from no other Fund whatever.

Duty of Clerks, &c.

XXI. And be it enacted, That the Duty of the said Clerks, Servants, Watchmen and other Officers, shall be and they are hereby authorized and required, to aid and assist the Baillies of the said Burgh, and the Justices of the Peace for the said County in apprehending, detecting and bringing to Justice, Persons guilty of Street Robberies, Housebreaking, Assaults, Theft, Reset of Theft, Shoplifting, picking Pockets, Swindling and other Crimes, by causing the Parties accused to be apprehended and imprisoned upon legal Warrants, and proceeded against in Terms of Law; in apprehending and putting the Law into Execution against Vagabonds, Vagrants, public and sturdy Beggars, and other idle and disorderly Persons, who follow no lawful Employment or Occupation; in suppressing disorderly Public Houses, and other Houses frequented by Persons of the foregoing Description; in suppressing Mobs and Riots; in assisting to extinguish Fires; in putting the Laws into Execution by which Owners and Drivers of Carts, and other Carriages, are prohibited from leaving the same on the Streets,

Roads,

Roads and Paſſages, and riding on their ſaid Carts, and driving them, or Horſes or Cattle furiouſly and improperly, or for leaving Wheel or Hand Barrows, or any other Vehicles, in or upon which Goods or Proviſions are carried, upon the Streets or Pavements, or in the Cloſes or Paſſages after Day-light; in ſeeing that the ſaid Streets, Squares, Lanes, Paſſages and other Places, are properly lighted and cleaned; in keeping in good Order the public Markets of the ſaid Burgh and Suburbs, and the Perſons reſorting thereto and ſelling therein; in guarding, patroling, and watching the Streets; and, in general, in aiding and aſſiſting the Baillies and Juſtices in all Matters relative to regulating the Police; and preſerving good Order and Tranquillity in the ſaid Burgh and Suburbs, and to carrying the different Purpoſes of this Act into Execution.

Penalty on Perſons obſtructing them.

XXII. And be it enacted, That if any Perſon or Perſons ſhall at any Time obſtruct or moleſt any Officer, Watchman or other Perſon, who ſhall be employed in the Execution of his or their Duty under this Act, every Perſon or Perſons ſo offending ſhall, for every Offence forfeit and pay any Sum not exceeding Two Pounds Sterling; and if any Perſon or Perſons ſhall aſſault or ſtrike any ſuch Officer, Watchman or other Perſon employed, every ſuch Perſon or Perſons ſhall for every ſuch Offence: upon being convicted thereof by his, her or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, forfeit and pay a Sum not exceeding Five Pounds Sterling.

Obſtructions to be removed.

XXIII. And be it enacted, That in caſe any Hole or Opening ſhall be made in any of the Streets, Squares, Paſſages, Lanes or public Places in the ſaid Burgh and Suburbs or adjacent Streets, in digging Wells or Drains, or for other Purpoſes; or when any Houſes or Tenements fronting the ſame ſhall be taken down or unroofed, in order to be rebuilt or repaired, whereby Riſk ſhall ariſe of Stones, Slates, Timber or other Materials falling upon the Foot Pavements, the Perſon or Perſons making or cauſing the ſaid Holes or Openings to be made, and the Perſons employed and concerned therein, ſhall at his, her or their Expence, cauſe a ſufficient Rail or Fence of Ropes, or other Materials, to be put round the ſaid Holes or Openings, and ſhall cauſe a Lamp or Light to be affixed at or near the ſame, to be kept burning every Night the Holes or Openings ſhall remain unfilled up, from Sunſetting to Sunriſing; and in caſe any of the ſaid Perſons ſhall refuſe or neglect to affix and keep a Lamp or Light in Manner aforeſaid, it ſhall and may be lawful for the ſaid Baillies and Juſtices, or any One of them, to decern ſuch Perſon or Perſons to pay any Sum not exceeding Five Shillings Sterling weekly, ſo long as he fails to do ſo, while ſuch Opening ſhall remain unfilled up; and every Perſon or Perſons rebuilding or repairing Houſes or Tenements as aforeſaid, ſhall at his, her or their Expence, fence round, or cauſe to be fenced round, with a ſufficient Rail or other Fence, the Parts of the ſaid Foot Pavements oppoſite to the ſaid Houſes or Tenements rebuilding or repairing, or where other Works are carrying on, and ſhall uphold and keep in proper Repair and Condition the Rails or other Fences, during the whole Time the ſaid Works ſhall be going on; to prevent

Paſſengers from walking along thoſe Parts of the Foot Pavements; and it ſhall be lawful to and in the Power of the ſaid Baillies or Juſtices, or any One of them, to fine the Perſon or Perſons neglecting or refuſing ſo to fence round the ſaid Foot Pavements, in a Sum not exceeding Five Shillings Sterling for each Day's failure; and alſo to order the ſaid Foot Pavements and Openings ſo to be fenced in at the Expence of ſuch Perſon or Perſons.

Funds to be raiſed.

XXIV. And be it enacted, That the ſaid Commiſſioners to be appointed in Manner hereinafter directed, ſhall have Power, and they are hereby authorized and required at a General Meeting to be held upon the Firſt *Wedneſday* of *September* annually, during the Continuance of this Act, to fix, aſcertain and impoſe the following Rates and Aſſeſſments, (excluſive of the Rates for Watchmen,) to be raiſed and levied from the Occupiers, whether Owners or Tenants, of all Houſes, Shops, Cellars, Warehouſes, Cotton and other Works, Manufactories and Buildings within the ſaid Burgh and Suburbs, rented or valued, at from Three Pounds to Five Pounds yearly, an annual Aſſeſſment not exceeding Nine-pence in the Pound Sterling; and on the yearly Rent of the ſaid Subjects rented or valued at Five Pounds yearly and upwards, an annual Aſſeſſment not exceeding One Shilling in the Pound Sterling, and ſo in Proportion according to the ſaid Houſes, Shops and other Buildings, ſhall be rated and aſſeſſed in the Rent Roll and Valuation to be made annually by a Surveyor to be appointed by the ſaid Commiſſioners; and that the ſaid Rate or Aſſeſſment ſhall be aſſeſſed on and payable by the Tenants and Occupiers only, who are hereby required to pay the ſame, according to the true annual Rent or Value of the reſpective Houſes, Shops, Works and other Buildings, ſituated within the ſaid Burgh and Suburbs, and occupied by them; declaring always that the Suburbs ſhall extend for the Purpoſes of this Act, One *Engliſh* Mile in every Quarter and Direction beyond the Marches or Boundaries of the Burgh or Burgage Lands and Territories ſo called and known; the ſame being always within the Pariſh of *Kilmarnock*, and that the Juriſdiction of the Baillies of *Kilmarnock*, as at preſent exerciſed by them, ſhall for the Purpoſes of this Act extend to the ſaid Suburbs.

Mode of raiſing the ſame.

XXV. And be it enacted, That the ſaid Commiſſioners at their firſt or any ſubſequent Meeting for putting this Act into Execution, ſhall appoint a proper Perſon or Perſons for aſcertaining the free Rent of all ſuch Houſes, Shops, Cellars, Warehouſes, Cotton and other Works, if occupied by Tenants, and the Rents at which the ſame are worth to be let by the Year, if occupied by Proprietors or Life-renters, with Power to ſuch Perſon or Perſons to enter upon and ſurvey all ſuch Houſes, Shops and other Buildings, the ſaid Survey to be made between the Firſt Day of *June* and the Firſt Day of *September* yearly, and the Perſon or Perſons ſo to be appointed after making the ſame, ſhall leave for every Occupier at his or her Dwelling Houſe, or on the Premiſes ſurveyed, a Notice of the Rent for which ſuch Occupier is to be rated, and immediately after ſuch Survey ſhall be completed, the ſaid Surveyor or Surveyors ſhall depoſit with the ſaid Commiſſioners or their Clerk, a diſtinct Rent Roll or Return of the ſaid Rents

Rents for the ſeveral Wards hereinafter mentioned, agreeable to the Survey ſo made; and in caſe any Occupier ſhall think himſelf or herſelf overcharged in the ſaid Rent Roll or Return, it ſhall be lawful for ſuch Occupier within Fourteen Days after the Time fixed by the Commiſſioners for making the Survey as aforeſaid, to give Notice in Writing to the Clerk to the ſaid Commiſſioners of the Overcharge complained of; and the ſaid Commiſſioners ſhall meet upon the Second *Wedneſday* in the Month of *October* after making the ſaid Survey at Eleven of the Clock in the Forenoon, (with Power to adjourn if neceſſary,) for the Purpoſe of hearing the Parties, and finally fixing the Amount of the Rent according to which ſuch Occupiers ſhall be aſſeſſed; and in caſe the ſaid Commiſſioners or a Majority of them, ſhall at any of the ſaid Meetings think the Rent of any Occupier ſo given in by the Surveyor or Surveyors too low, they ſhall and may give ſimilar Notice to ſuch Occupier, and ſhall at a ſubſequent Meeting finally determine the Amount thereof, and that ſimilar Surveys ſhall be made and Meetings held, for correcting the Rent Roll in every Year, during the Continuance of this Act: Provided always, That the Surveys ſo to be made ſhall include all Houſes, Shops, Cellars, Warehouſes, Cotton or other Works actually inhabited, or in which any Furniture or Goods are depoſited at the Time; and that a ſecond Survey ſhall be made in Manner aforeſaid, in the Months of *December* or *January* annually, of ſuch Houſes and other Premiſes as were uninhabited, or in which no Furniture or Goods were depoſited at the Time of the firſt Survey; and if any ſuch Houſes or other Premiſes ſhall be inhabited or have any Goods or Furniture therein at the Time of ſuch ſecond Survey, the Rents thereof ſhall be added to the ſaid Rent Roll or Return, and aſſeſſed for One Half of the yearly Rate, which Half-yearly Aſſeſſments ſhall be paid in like manner as the other Aſſeſſments hereinbefore mentioned, and in caſe of Failure, recovered in Manner hereinafter directed.

Houſes under the yearly Rent of Three Pounds and Paupers exempted from Payment of Aſſeſſment.

XXVI. Provided always, and be it enacted, That all Houſes or Parts of Houſes, and other Buildings herein-before mentioned, occupied by any one Perſon, and rated under the yearly Rent of Three Pounds Sterling, and all Perſons receiving Alms from the Pariſh Funds or Poors Hoſpital of the ſaid Burgh or Suburbs, ſhall be, and they are hereby exempted from the Payment of any Aſſeſſment to be impoſed and levied by virtue of this Act.

Heritors and Life-renters to be liable only to pay for Houſes, &c. occupied by themſelves.

XXVII. And be it enacted, That all Houſes and other Buildings occupied by Proprietors or Life Renters ſhall be rated and aſſeſſed for the Duties hereby impoſed upon ſuch yearly Rent or Value as the ſame ſhall be rated and eſtimated by the Surveyor or Surveyors before mentioned, and approved of by the ſaid Commiſſioners, according to the beſt of their Judgement, and that ſuch Proprietors and Life Renters ſhall only be liable in Payment of the ſaid Aſſeſſments for Houſes and Buildings actually occupied by themſelves and their Servants, but not for thoſe occupied by their Tenants, from whom only the ſaid Aſſeſſments for their reſpective Poſſeſſions ſhall be levied and recovered, by virtue of this Act; and that all ſuch Proprietors and Life Renters ſhall only be entitled to vote for, or be elected Commiſſioners under this Act, according

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ing to the eſtimated Rents of the Houſes, Shops, Warehouſes, Cellars, or other Buildings, actually occupied by themſelves, without regard to the Rent of any other Houſes belonging to them in the Poſſeſſion or their Tenants.

Commiſſioners to give Relief from Aſſeſſment.

XXVIII. And be it enacted, That it ſhall be lawful to and in the Power of the ſaid Commiſſioners, to give ſuch Abatement or Relief from any Aſſeſſment to be made under the Authority of this Act, as the Circumſtances of any Perſon or Perſons applying for the ſame may to them ſeem to require; any Thing herein contained to the contrary notwithſtanding.

Aſſeſſment veſted in Commiſſioners.

XXIX. And be it enacted, That the Monies ariſing from the aforeſaid Aſſeſſments ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners hereinafter appointed; and that all ſuch Monies ſhall be applied, laid out, and expended in the firſt Place in paying the Expences to be incurred in paſſing this Act, and then in defraying the Expence of the aforeſaid Eſtabliſhment of Clerks, Servants, Watchmen, and other Officers, and for the other Purpoſes of this Act, and to no other Purpoſe whatever; and in caſe any ſurplus Monies ſhall remain after executing the Purpoſes aforeſaid, upon ſettling the Account thereof at the End of each Year, the ſame ſhall be applied towards the ſame Purpoſe for the Year following, ſo that the aforeſaid Aſſeſſments ſhall be thereby proportionably reduced.

Burgh to be divided into Wards.

XXX. And be it further enacted, That the ſaid Burgh ſhall be, and hereby is divided into the following Wards or Diſtricts, *videlicet*;

The Firſt Ward.—To comprehend thoſe Parts of the ſaid Burgh preſently known by the Names of *Townhead*, *Sowls' Croſs*, and *Back Quarters*, and *Cotton Street*:

The Second Ward.—To comprehend the *Mid* and *Brewland Quarters*:

The Third Ward.—To comprehend *Townend*, *Glebe*, and *Sandbed*, or *Bridge-end Quarters*:

And the Fourth Ward.—To comprehend *Holmhead* and *Nethertonholm Quarters*.

For altering Wards.

XXXI. Provided always, and be it enacted, That it ſhall be lawful to, and in the Power of the ſaid Commiſſioners hereinafter appointed, to alter, vary, enlarge, and diminiſh the ſaid Wards, or any of them, in ſuch Manner as the State of the Population thereof or other Circumſtances ſhall to them from Time to Time appear to require.

Commiſſioners to be elected in each Ward.

XXXII. And be it enacted, That Three Commiſſioners, reſiding in their own Diſtrict or Ward, within the ſaid Burgh, qualified and elected in Manner hereinafter directed, ſhall make, or cauſe to be made, Liſts of Perſons reſiding in their reſpective Wards; and ſhall have Power to take lawful Meaſures for preventing poor Perſons and Beggars from obtaining legal Settlements in the Burgh or Suburbs, ſo as to entitle them to the Benefits or Charities thereof; and ſuch Commiſſioners are hereby inveſted with the whole Powers known in the Law of *Scotland* to belong to the Office of Conſtable.

XXXIII. And

Mode of Election.

XXXIII. And be it enacted, That Twelve Commissioners for the said Burgh, or Three for each Ward, shall be elected on the First *Wednesday* of *August* after the passing of this Act, by a Majority of Votes of the Occupiers of Dwelling-Houses, Shops, Warehouses, and other Buildings within the said respective Wards, rated in Manner hereinbefore directed, at Four Pounds Sterling, or upwards, of yearly Rent, out of the Householders within the Districts or Wards respectively, whose Dwelling-Houses, exclusive of those Parts occupied as Shops or Warehouses, are rated in Manner aforesaid, at Eight Pounds Sterling or upwards of yearly Rent, the Three Commissioners so to be elected for each Ward being always Householders therein; Provided always, that in Wards where there are not Six Householders so qualified, the Commissioners thereof may be elected out of those whose Dwelling-Houses are rated in the said Rent Roll at Five Pounds Sterling or upwards of yearly Rent, and where Dwelling-Houses and Shops are contiguous, and are possessed by the same Person, that One Half of the Rent of the Whole shall be accounted House Rent, and the other Half Shop Rent.

How Votes are to be given.

XXXIV. And be it enacted, That the said Votes shall be given in each Ward separately by written Notes or Tickets, subscribed by the Voters, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of the Persons voted for, put into Boxes to be prepared for the Purpose on the Day appointed for the Election by the Baillies for the Burgh for the First Election, and the said Baillies and other Commissioners for the Time being for the Second and every subsequent Election, and which they are hereby authorized and required to prepare in such Form as to them shall seem expedient, and to put up One Box in a proper Place within each Ward, of which they shall give Eight Days previous Notice to the Inhabitants, either by Sound of Drum or printed Advertisement, in order that all concerned may have Access to put their Votes or Tickets in the Boxes between the Hours of Ten in the Forenoon and Four in the Afternoon of the Day of Election, at which last Hour the Election shall close; and the Boxes shall be removed and opened, the Votes scrutinized, and the Commissioners declared for the First Time by the said Baillies for the said Burgh, and by them and the other Commissioners for the Time being for the Second and every subsequent Election; who shall determine by a Majority of Votes at their own Meeting, in case of an Equality of Votes, for any Commissioner or Commissioners: Provided always, that no Person shall have more than One Vote, or shall vote in more than One Ward or District at any Election for Commissioners for the said Burgh or Suburbs.

Commissioners *ex officio*.

XXXV. And be it enacted, That the Baillies of the said Burgh, the Baron Baillie of *Kilmarnock*, the Town Treasurer, and the Deacon Convener of the Incorporated Trades for the Time being, shall be, *ex officio*, always Commissioners for the said Burgh.

Penalty on Persons obstructing Voters;

XXXVI. And be it enacted, That in case any Person or Persons shall at any Time obstruct or molest any Person or Persons qualified to vote in Manner aforesaid, in giving his or their Votes, or in putting the said Note or Ticket in the Box to be provided for that Purpose, every Person or

and on unqualified Voters;

Persons so offending shall forfeit and pay any Sum not exceeding One Pound Sterling for each Offence; and in case any Person or Persons, not qualified to vote in Manner aforesaid, shall vote, or attempt to vote, at the said Elections, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

and on Persons elected refusing to act.

XXXVII. And be it enacted, That if any of the Commissioners, named and elected in Manner aforesaid, shall die, or shall refuse or neglect to accept the said Office, and subscribe an Acceptance thereof, on being required so to do by the said Commissioners, or shall cease to reside in the Wards or District for which he or they shall have been elected, their Places shall become vacant, and shall be supplied by other Householders, qualified as aforesaid, to be elected in Manner hereinafter directed; and if any Person or Persons duly elected a Commissioner or Commissioners under this Act, shall, without assigning a just or reasonable Cause, refuse to act, it shall and may be lawful for the said Baillies or Justices of the Peace, or any One of them, to fine such Person or Persons in Payment of any Sum of Money not exceeding Five Pounds Sterling, to be applied for the Purposes of this Act: Provided, that the Person paying the same shall be exempted from acting as a Commissioner for the Three succeeding Years.

How Vacancies are to be supplied.

XXXVIII. And be it enacted, That when the Place of any of the said Commissioners shall become vacant, the remaining Commissioners shall, within Fourteen Days thereafter, give Notice thereof to the Inhabitants of the vacant Ward or Wards, and of the Time appointed by them for the Election of another Commissioner to be made in Manner aforesaid, within Eight Days after such Notice, to supply such Vacancy.

Disputes how to be settled.

XXXIX. And be it enacted, That in case any Dispute or Difference shall arise relating to the Qualifications of the Electors, or of the Persons elected, the same shall be determined by the said Baillies, within the said Burgh, for the first Election; and afterwards by them and the other Commissioners, for the Time being, or a Majority of those present, whose Determination shall be final and binding on all Parties concerned.

Elections, if not made, how to be supplied.

XL. And be it enacted, That in case the Electors of any Ward shall refuse or neglect to elect Commissioners for the same in Manner aforesaid, it shall be lawful for and in the Power of the said Baillies, and of the Commissioners who shall have been elected and accepted their Offices, to nominate and appoint Commissioners qualified as aforesaid, for the Wards in which Elections shall not have been made, and the Persons so nominated and appointed shall have the same Powers, and shall remain the same Time in Office, as if they had been elected by the Occupiers of Houses, Shops, Warehouses and other Buildings, within their respective Wards, in Manner herein-before directed.

Powers of Baillies and Commissioners.

XLI. And be it enacted, That the said Baillies, Baron Baillie, Town Treasurer, Deacon Convener, and Commissioners of the said Four Wards within the Burgh, shall be, and are hereby appointed Commissioners for assessing, levying and applying the Monies herein directed

to

to be raiſed for the Purpoſes aforeſaid; for naming and appointing the aforeſaid Clerks, Servants, Watchmen and other Officers, for fixing their Salaries; for regulating the watching, guarding and patroling of the Streets; for eſtabliſhing Rules and Regulations for theſe Purpoſes; and for executing the other Matters committed to them by this Act.

Four to go out annually for the firſt Four Years by ballot;

XLII. And be it enacted, That the Commiſſioners who ſhall be choſen for the ſaid Burgh, on the Firſt *Wedneſday* of *Auguſt* One thouſand eight hundred and ten, and thoſe choſen to ſupply Vacancies during the Firſt Year, ſhall remain in Office till the Firſt *Wedneſday* of *November* One thouſand eight hundred and eleven, on which Day Four of them, or of thoſe who may be elected to ſupply Vacancies during the ſaid firſt Year, within the ſaid Burgh, ſhall go out of Office by Ballot, and Four other Commiſſioners for the ſaid Burgh, qualified and elected in Manner aforeſaid, ſhall be choſen to ſupply their Places; and the remaining Eight Commiſſioners for the ſaid Burgh ſhall remain in Office until the Firſt *Wedneſday* of *November* One thouſand eight hundred and twelve, on which Day Four of them ſhall go out of Office by Ballot, and Four other Commiſſioners for the ſaid Burgh, qualified and elected in Manner aforeſaid, ſhall be choſen to ſupply their Places; and that the remaining Four Commiſſioners for the Burgh ſhall remain in Office till the Firſt *Wedneſday* of *November* One thouſand eight hundred and thirteen, when they ſhall from Seniority go out of Office, and Four other Commiſſioners for the ſaid Burgh, qualified and elected in Manner aforeſaid, ſhall be choſen to ſupply their Places; and that upon the Firſt *Wedneſday* of *November* One thouſand eight hundred and fourteen, and on the Firſt *Wedneſday* of *November* annually thereafter, Four of the Senior Commiſſioners for the ſaid Burgh ſhall go out of Office by Rotation, and Four other Commiſſioners qualified and elected in Manner aforeſaid, ſhall be choſen to ſupply their Places, ſo that there may be an Election of Four Commiſſioners for the Burgh each Year, and no more except for ſupplying Vacancies: Provided always, That the Perſons ſo going out of Office may be immediately re-elected, in which Caſe they ſhall come in as the youngeſt Commiſſioners, and ſhall be enrolled accordingly; declaring that ſuch Perſons ſo re-elected ſhall have Power to decline acting for one Year without paying any Fine; in which Caſe the Perſon who had the next greateſt Number of Votes on the Roll, ſhall be liable to ſerve.

then by Seniority.

Proviſo as to their being re-elected.

Names of Voters to be entered in a Book.

XLIII. And be it enacted, That the ſaid Commiſſioners of Wards reſpectively ſhall, and they are hereby authorized and required within a Month after their Election, to make or cauſe to be made exact Liſts of the Perſons in their reſpective Wards, qualified to elect or to be elected Commiſſioners, which Liſts ſhall be entered in Books kept for that Purpoſe, and ſhall be open and patent for the Inſpection of the Parties intereſted at reaſonable Times; and the ſaid Commiſſioners ſhall from Time to Time alter and amend the ſaid Liſts when neceſſary.

Liſts to be delivered.

XLIV. And be it enacted, That the ſaid Commiſſioners ſhall Ten Days previous to every Election after the Firſt in their reſpective Wards, deliver

deliver to the ſaid Baillies, or to any of them, for the ſaid Burgh, an authentic Liſt, ſubſcribed by them reſpectively, of the Perſons within their Wards qualified to elect or to be elected Commiſſioners.

Seven to be a Quorum.

XLV. And be it enacted, That any Seven of the ſaid Commiſſioners within the ſaid Burgh, ſhall be a Quorum for carrying the Purpoſes of this Act into Execution; but no Aſſeſſment ſhall be made or impoſed, nor any Servant, Clerk, Watchman or other Officer appointed, or their Salaries fixed by virtue of this Act, except at Meetings where a Majority of the Commiſſioners who have accepted their Offices are preſent: Provided always, that the whole Commiſſioners reſident in the Burgh or Suburbs at the Time ſhall be cited perſonally, or at their Dwelling Places, by written or printed Notices, to attend every Meeting of the ſaid Commiſſioners; and that the ſenior Baillie of the ſaid Burgh, or in his Abſence the junior Baillie preſent at any Meeting of the Commiſſioners for the ſaid Burgh, or in his Abſence the Baron Baillie of *Kilmarnock*, or in his Abſence the eldeſt Commiſſioner in Office then preſent, and in the Ablence of theſe any One of the Commiſſioners preſent to be choſen by the Meeting, ſhall preſide at the Meetings of the ſaid Commiſſioners, and ſhall have both a deliberative and caſting Vote in all Matters and Queſtions which ſhall come before them.

Quarterly Meetings to be held in each Year.

XLVI. And be it enacted, That Four Quarterly Meetings of the ſaid Commiſſioners ſhall be held annually on the Firſt *Wedneſday* in the Months of *February*, *May*, *Auguſt*, and *November*, at Twelve of the Clock at Noon, for putting this Act into Execution; the ſaid Meetings to be held in the Town Hall, or in ſuch other Place within the ſaid Burgh as ſhall be appointed by the ſaid Baillies; the Firſt of the ſaid Quarterly Meetings to be held on the Firſt *Wedneſday* of *Auguſt* after the paſſing of this Act; and that the ſenior Baillie, or in his Abſence the next Baillie of the ſaid Burgh for the Time, ſhall cauſe the Whole of the ſaid Commiſſioners reſident at the Time in the Burgh or Suburbs, to be ſummoned to attend the ſaid Quarterly Meetings, in Manner before-mentioned, Twenty-four Hours previous to the Time of Meeting.

Power of adjourning.

XLVII. And be it enacted, That the ſaid Commiſſioners, or a Majority of thoſe preſent at any of the ſaid Quarterly Meetings, may adjourn to ſuch Time and Place within the Burgh, as they may think neceſſary and proper for executing the Powers veſted in them by this Act.

Special Meetings how to be called.

XLVIII. And be it enacted, That the ſenior Baillie, or in his Abſence the next Baillie or the Commiſſioner who may have preſided at the laſt Meeting of the Commiſſioners for the Burgh as aforeſaid, ſhall when required ſo to do, by a Writing under the Hands of any Three of the ſaid Commiſſioners, appoint a ſpecial Meeting of the ſaid Commiſſioners to be held within Forty-eight Hours after ſuch Requiſition, and cauſe all the Commiſſioners to be ſummoned to ſuch Meeting in Manner aforeſaid; and it ſhall be in the Power of the ſaid ſenior Baillie, or in his Abſence the next Baillie of the ſaid Burgh, or other Commiſſioner as

as aforesaid, to appoint other Meetings of the said Commissioners, to be held at such Places and Times within the said Burgh as may to them seem necessary for the above Purposes, the whole Commissioners being in like Manner always summoned to attend the same.

How Assessments are to be made.

XLIX. And be it enacted, That the said Commissioners shall have full Power and Authority, and they are hereby authorized and required at their Quarterly Meeting, to be held upon the First *Wednesday* of *August* annually, to ascertain and impose the Assessment to be levied from the Renters, Occupiers and Possessors of the Houses, Cellars, Shops, Warehouses, Cotton Works and other Buildings before described, and also to ascertain the Sums of Money to be expended for the Purposes aforesaid for the current Year; and that it shall not be lawful to, nor in the Power of the said Commissioners or any Person or Persons acting under their Authority, to levy or expend any Monies by virtue of this Act, unless the same shall have been previously assessed, and the Application thereof ordered by the said Commissioners; and the said Commissioners within the said Burgh, shall be subject to and liable in Payment of the said Assessments for the Houses, Cellars, Shops, Warehouses, Cotton Works and Buildings rented or possessed by them.

Power to appoint Collectors, &c.

L. And be it enacted, That the Commissioners for the said Burgh shall have Power to appoint a Collector or Collectors, Treasurer or Treasurers, or other Officer or Officers for levying, receiving and applying to the Purposes of this Act, the Monies to be raised by the aforesaid Assessments, for keeping their Books and Records, and for the other Purposes aforesaid; and to provide One or more Office or Offices for holding their Meetings and transacting their Business; and to fix suitable Salaries to the Surveyor or Surveyors, to be appointed in Manner herein before directed, and to such Collectors, Treasurers, or other Officers, and to pay a reasonable Rent for such Office or Offices out of the said Funds; and that the said Collectors and Treasurers shall be bound and obliged to find Security to the said Commissioners for their respective Intromissions with the said Funds.

An additional Supply of Water may be procured within the Burgh and Suburbs.

LI. And be it enacted, That it shall and may be lawful for the said Commissioners to cause Wells to be dug, and Pumps to be erected, in any of the Streets, Lanes or Passages of the said Burgh or Suburbs they shall think most proper and advantageous, for obtaining an additional Supply of Fresh Water for the Use of the Inhabitants; the Expences of digging, making and maintaining such Wells, and erecting such Pumps, and of repairing and upholding in Repair the present Wells and Pumps within the said Town, being to be defrayed from the Funds to be levied by virtue of this Act.

Power to fine Persons injuring the Wells, &c.

LII. And be it enacted, That it shall and may be lawful to the said Commissioners to fine any Person or Persons who may be convicted of injuring or destroying the Pumps or other Materials erected upon the said Wells, or the Springs or Water Courses supplying the same, in any Sum not exceeding the Sum of One Pound Sterling for every Offence, and also the Amount of the Damages thereby sustained.

For erecting a Washing House.

LIII. And be it enacted, That the said Commissioners shall have Power, and they are hereby authorised and empowered to purchase a convenient Piece of Ground not exceeding Four Acres from any Person or Persons willing to sell the same, or from the Town Council of *Kilmarnock*, and to erect and build thereon a public Washing House, and to form a Green for bleaching and drying Cloaths on; and the said Commissioners are hereby authorised to appoint Keepers and other Persons for managing the said Washing House, or to let out the same at a yearly Rent, and also from Time to Time to make proper Rules and Regulations for the internal Government of the said Washing House, and to alter and amend the same as they shall see fit; which Rules and Regulations the said Keepers and other Servants shall punctually observe and obey.

Rate for Washing House.

LIV. And be it enacted, That the said Commissioners shall be entitled to levy and exact from Persons frequenting the said Washing House Two Shillings *per Diem*, and proportionally for the Time they occupy the same, the Commissioners being to furnish each Person with a sufficient Washing Tub and boiling Water.

In case of not making out Titles, or where Persons cannot be found.

LV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of the said recited Act or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages, be not known or discovered, then, and in every such Case, it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements or Heritages (*describing them*), subject to the Order, Controul, and Disposition of the Court of Session, in either Division thereof, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof by Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Mone y is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Banks as aforesaid.

In case of questionable Title.

LVI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks,

Banks, in pursuance of this Act, for the Purchase of any Lands, Tenements or Heritages, or of any Estate, Right or Interest in any Lands, Tenements or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in possession of such Lands, Tenements or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof, shall be paid, applied, and disposed of accordingly; unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Heritages, or to some Estate or Interest therein.

Court may order Expences of Purchases to be paid.

LVII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Heritages to be purchased under the Authority of the said recited Act, or of this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements or Heritages, to be settled to the like Uses, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act, or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to borrow Money.

LVIII. And be it further enacted, That the said Commissioners may, and they are hereby empowered to borrow any Sum or Sums of Money, not exceeding Three thousand Pounds *Sterling*, for the Purposes of purchasing the said Grounds, and erecting the said Washing-house, and other necessary Buildings, and for the other Purposes of this Act, and to assign over the Rates and Assessments hereby granted, to any Person or Persons from whom such Money may be borrowed, as a Security for the same.

Penalty on Persons harbouring Rogues, &c.

LIX. And be it enacted, That if any Person within the said Burgh or Suburbs, shall hereafter knowingly permit or suffer any Idler, Rogue or Vagabond to lodge or take Shelter in any House, Barn or Outhouse belonging to him, her or them, and shall not apprehend and carry such Rogue, Idler or Vagrant before One of the said Baillies or Justices of the Peace, or give Notice to some Constable or other Officer so to do, every Person so offending, upon being lawfully convicted, either by his own Confession, or by the Oath of One or more credible Witnesses before One or more of the said Baillies or Justices, shall forfeit a Sum not exceeding Five Shillings *Sterling* for each Offence, One Moiety there of to be paid to the Informer, and the other Moiety to be applied to the Purposes of this Act.

LX. And

Power to regulate Markets, &c.

LX. And whereas the Baillies and Town Council of the ſaid Burgh have, for the Accommodation of the Inhabitants, erected large and convenient Market-Places for the Sale of Meal, Butchers' Meat, Fiſh, and other Commodities and Articles, and a convenient Slaughterhouſe for killing Cattle, whereby they have incurred a large Expence; be it therefore enacted, that it ſhall and may be lawful to the ſaid Baillies and Town Council, in Council aſſembled, and they are hereby empowered and authorized, at any Time or Times, to make, ordain and eſtabliſh ſuch Rules, Orders and Regulations (not repugnant to the Law of *Scotland* or this Act), for the better regulating the ſaid Market-Places, Slaughterhouſes, and all other public Market-Places erected or which ſhall be erected within the ſaid Burgh, and for collecting the Dues in the ſaid public Markets, and in other Places within the Limits of the ſaid Burgh, as they ſhall judge fit and expedient; and alſo from Time to Time to repeal, vary and alter ſuch Rules, Orders and Regulations.

Fire Engines to be procured.

LXI. And be it enacted, That the ſaid Commiſſioners ſhall have Power to procure for the Uſe of the ſaid Burgh, Four Fire Engines, or as many as the Commiſſioners may judge neceſſary, the Expence of which, and of maintaining them in Repair, or replacing them when neceſſary, ſhall be paid out of the Funds to be raiſed by virtue of this Act.

Accounts to be kept.

LXII. And be it enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, wherein ſhall be fairly entered an Account of all Monies levied and paid by virtue of this Act, and how the ſame have been applied, and the ſaid Books ſhall be regularly ſettled and balanced yearly on the Firſt *Wedneſday* of *October* preceding the annual Election of Commiſſioners in *November*, the firſt Balance to be ſtruck on the Firſt *Wedneſday* of *October*, One thouſand eight hundred and eleven, from which a State of the Receipts and Diſburſements for the preceding Year ſhall be made out and printed on or before the laſt Day of *October* annually, after the Books are balanced, and a Copy thereof ſhall be delivered to each of the ſaid Commiſſioners, and to the Members of the Town Council, and lodged in the Council Chamber of the ſaid Burgh, where they ſhall remain Six Weeks for the Inſpection, without Fee or Reward, of all Perſons contributing to the aforeſaid Aſſeſſments.

Minutes to be kept.

LXIII. And be it enacted, That the ſaid Commiſſioners ſhall keep or cauſe to be kept, a Book or Books, in which ſhall be ingroſſed and written a Minute of all their Procceedings and Tranſactions, with an Account of the Salaries and Emoluments of Surveyors, Clerks, Servants, Watchmen, Collectors, Treaſurers and other Officers appointed by them; which Book or Books ſhall at all reaſonable Times, be open for the Inſpection of every Perſon contributing to the aforeſaid Aſſeſſments, who ſhall and may peruſe the ſame, without Fee or Reward;

Actions may be brought.

and it ſhall be competent to the ſaid Town Council to bring Actions againſt the ſaid Commiſſioners, or to the Commiſſioners for the Time being, or a Majority of them, to bring Actions againſt their Predeceſſors

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in Office, before any competent Court in *Scotland*, in caſe they ſhall embezzle, ſquander or miſapply any of the Funds veſted in them by virtue of this Act: Provided that ſuch Action or Actions ſhall be commenced within Twelve Calendar Months after the Time when the Offence ſhall have been committed.

The Baillies may levy all other Duties as heretofore.

LXIV. Provided always, and be it enacted, That the ſaid Baillies and Town Council may exact and levy the Duties in uſe to be exacted and levied in the ſeveral Market Places, and alſo all Mails, Duties, Cuſtoms and other Rates which were in uſe to be levied within the ſaid Burgh, for Behoof of the Community thereof in the ſame Manner as before the paſſing of this Act, and likewiſe all ſuch other Market Dues as the ſaid Baillies and Town Council may be legally entitled to impoſe.

In whoſe Name Actions are to be brought.

LXV. And be it enacted, That it ſhall be competent to the Procurator Fiſcal for the ſaid Burgh, with the Concurrence of any of the ſaid Commiſſioners for the Time being, or for any One or more of the ſaid Commiſſioners, to bring Actions, and Execution ſhall paſs at their Inſtance reſpectively, for Performance of the Obligations, and for levying and recovering the Penalties hereinbefore ſpecified.

Baillies or Juſtices may decern ſummarily for Penalties not exceeding Fifteen Shillings Sterling.

LXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Baillies or any One of them, to decern in a ſummary Manner for the ſeveral Penalties, Damages and Expences impoſed by this Act, (the Manner of levying and recovering whereof is not herein particularly before deſcribed); and in caſe the Penalty and Forfeiture be not immediately paid, the ſaid Baillies or any One of them, where the Sum decerned for does not exceed Fifteen Shillings Sterling, ſhall and they are hereby empowered to commit the Perſon or Perſons refuſing or neglecting to pay the ſame, to Priſon, for any Time not exceeding Ten Days, unleſs ſuch Penalties, Damages and Expences, and the Charges incurred in levying and recovering the ſame, ſhall be ſooner paid and ſatisfied.

Penalties exceeding Fifteen Shillings to be recovered by Diſtreſs and Sale.

LXVII. And be it further enacted, That where the Penalties, Forfeitures, Damages and Expences decerned for, exceed the Sum of Fifteen Shillings *Sterling*, it ſhall and may be lawful for the ſaid Baillies, or any One of them, or the ſaid Juſtices, if the Matter to which the ſaid Penalties, Forfeitures, Damages, and Expences refer, happened without the Juriſdiction of the ſaid Baillies, upon Conviction of the Offender or Offenders by their own Confeſſion or by legal Evidence, according to the Law of *Scotland*, in caſe the Offender or Offenders ſhall not immediately pay the Sums decerned for, to cauſe the ſame to be recovered by Diſtreſs and Sale of the Offender or Offenders Goods and Effects, by Warrant, under the Hand of any of the ſaid Baillies or Juſtices, and after deducting the Charges of ſuch Diſtreſs and Sale, the Surplus if any, ariſing from ſuch Sale, ſhall be paid to ſuch Perſon or Perſons; and in caſe ſufficient Goods and Effects ſhall not have been found, it ſhall be lawful for ſuch Baillie or Juſtice to cauſe ſuch Perſon or Perſons to be committed to the Common Gaol of the ſaid Burgh, therein to continue for a Space not exceeding Twenty Days, unleſs the Sums

of Money so decerned for, and all reasonable Charges incurred, shall be sooner paid and satisfied: Provided always, that the said Baillies and other Judges are in all Cases empowered to decern, not only for the Expence of any Works or Operations, or of any other Expences, Sums of Money, Damages or Penalties, under the Authority of this Act, but also for the Costs of Suit.

Power to mitigate Penalties.

LXVIII. And be it enacted, That it shall and may be lawful for the said Baillies or Justices, or any One of them from Time to Time, to mitigate and lessen any of the Forfeitures incurred under this Act, to any Sum not less than One Third of the said Forfeitures and Penalties, besides the Expences and Charges of sueing for the same.

Penalties to be applied to Purposes of this Act.

LXIX. And be it enacted, That the Whole of the pecuniary Penalties and Forfeitures herein-before authorised to be levied, shall, after deducting the necessary Charges of recovering the same, be paid to and make Part of the Funds to be applied under the Direction of the said Commissioners for the Purposes of this Act.

Actions to be commenced within Three Months.

LXX. And be it enacted, That when it is necessary to bring Actions for recovering any of the Forfeitures and Penalties imposed by virtue of this Act, Actions for Recovery thereof shall be commenced within the Space of Three Calendar Months from the Time the Facts by which they are incurred shall have been committed, and if not commenced within the aforesaid Space, the Person or Persons who shall have so offended shall not be liable to be prosecuted thereafter.

No Action to be commenced against Commissioners after Three Months.

LXXI. And be it enacted, That no Action shall be commenced against the said Commissioners or any other Person or Persons, for any Thing done in the Execution of this Act, after Three Calendar Months from the Time the Fact is discovered or known, and the Defender or Defenders in such Action or Process may produce this Act, and plead that the said Things were done by Authority and in virtue thereof, and if they shall appear so to be done, then and in that Case the Defender or Defenders shall be assoilzied from such Action or Process, and the Pursuer or Pursuers in such Action shall be found liable to pay to the said Defender or Defenders the whole Expences of Process incurred by him or them.

Appeal.

LXXII. And be it further enacted, That if any Person or Persons shall think him, her or themselves aggrieved by any Bye-law, Rule or Regulation, or by any Order or other Proceeding of the said Commissioners, or of the said Baillies, it shall and may be lawful for him, her or them to appeal to the Justices of the Peace for the County of *Ayr*, at their then next General Quarter Sessions assembled, who are hereby empowered to hear and determine the Matter in Dispute, and whose Order thereon shall be final and conclusive: Provided always, that Fourteen free Days shall intervene between the Date of the Order and the Meeting of the Quarter Sessions, and in case the same takes Place sooner, then the Appeal shall stand over until the following Quarter Sessions.

LXXIII. And

Saving the Right of the Sheriff and Justices of the County.

LXXIII. And it is hereby enacted and declared, That it shall be competent to the Sheriff and Justices of the Peace for the County of *Ayr* to exercise the same Powers and Jurisdictions within the said Burgh and Suburbs, as were competent to them before the passing of this Act, any Thing herein contained to the contrary notwithstanding.

Saving the Rights of the Baillies and Town Council.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge or diminish any Rights, Privileges, Jurisdictions or Powers which now belong to and are enjoyed by the Baillies and Town Council of the said Burgh, by virtue of former Acts of Parliament, or Charters, or of immemorial Usage.

Expences of Washing House how to be paid.

LXXV. And be it enacted, That the Charges incurred in erecting and maintaining the aforesaid Washing House, and of procuring Fire Engines, for the Use of the Burgh, shall be defrayed from the Funds to be levied under the Authority of this Act.

Expences of passing the Act to be advanced by the Burgh.

LXXVI. And be it enacted, That the Charges and Expences of passing this Act shall in the first Instance be advanced by the said Baillies and Town Council, out of the Funds of the Community of the said Burgh, and shall be repaid to them with Interest, from the respective Periods of advancing the same, out of the Monies arising from the Assessments aforesaid, under the Authority of this Act.

Justices, &c. to assist in putting the Act in Execution.

LXXVII. And be it enacted, That all Sheriffs, Justices of the Peace, Judges and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executors of the Law whomsoever, are hereby required to aid and assist in putting this Act into due and lawful Execution.

Publick Act.

LXXVIII. And be it enacted, that this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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