ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccvii.

An Act for amending the Acts relating to the Police and Improvement of the Burgh of *Kilmarnock;* and for other Purposes in relation thereto. [9th *July* 1847.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, 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 Slaughter Houses in the said Town, and building new ones, and a Town Hall and Guard House; for enlarging and repairing the Gaol or Tolbooth; 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 Magistrates of the said Town over certain adjacent Lands:* And whereas another Act was passed in the Fiftieth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for paving, lighting, cleansing, and watching the Burgh of* Kilmarnock *and Suburbs thereof;*

42 G. 3. c. 48.

50 G. 3. c. 68.

for regulating the Police and Markets; and for other Purposes therein mentioned: And whereas another Act was passed in the Fifty-third Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for altering and enlarging the Provisions of an Act of His present Majesty for improving the Town of* Kilmarnock *in the County of* Ayr: And whereas another Act was passed in the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and keeping in repair the Turnpike Roads in the County of* Ayr; *for making and maintaining certain new Roads; for rendering turnpike certain Parish Roads; and for regulating the Statute Labour in the County:* And whereas it is expedient that new and further Provision should be made for the Maintenance and Regulation of the Police of the said Burgh of *Kilmarnock*, for the Election of Commissioners of Police of the said Burgh, for erecting and maintaining a Court House, with suitable Accommodation for the Magistrates and Commissioners of Police of *Kilmarnock*, and the Sheriff of the County of *Ayr* and his Substitutes, and other Functionaries, and for erecting and maintaining Police Offices, Lock-up Houses and Watch-houses, and public Washing Houses within the said Burgh, and also for widening and improving the Streets and Passages within the same, and to enable the said Commissioners to collect the Statute Labour Conversion Money presently leviable within the said Bounds, and that the Acts before recited, so far as inconsistent with these Provisions, should be repealed: But as these Purposes 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 Parliament assembled, and by Authority of the same, That from and after the passing of this Act all the Real and Personal Estate acquired by the Commissioners acting under the Authority of the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third which shall be in their Possession or under their Control at the Time of passing this Act, and all Debts due to the said Commissioners, and all the Rates, Assessments, and Monies, Fines and Penalties, owing under the Authority of the said recited Act, and all the Arrears of the same, shall be vested in the Commissioners of Police for the Burgh of *Kilmarnock* herein-after appointed; and such Debts, Rates, Assessments, Fines and Penalties, and Arrears thereof, shall be payable to the last-mentioned Commissioners; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements made and entered into by the Commissioners acting under the Authority of the said recited Act to or with any Person according to the Provisions and Conditions of the said recited Act shall remain in full Force and Effect, and be and continue valid in Law, and available in all Courts, until the same are fully paid and satisfied, performed and discharged, and the same shall be charged and chargeable upon the Rates and Assessments to be levied and the Sums to be borrowed under the Authority of this Act; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements made or entered into by any Person to or with the Commissioners acting under the Authority of the said recited Act shall

53 G. 3. c. 8.

7 & 8 G. 4. c. 109.

Property acquired by Commissioners under Act 50 G. 3. c. 68. vested in Commissioners under this Act.

shall remain in full Force and Effect, and shall be and continue available to and in favour of the Commissioners herein-after appointed, until the same are fully satisfied and performed.

Limits of this Act.

II. And be it enacted, That the Powers and Provisions of this Act shall extend to and over and comprehend the whole Grounds and Buildings situate within the Limits of the Parliamentary Franchise Boundaries of the said Burgh, in so far as the same are situated within the Parish of *Kilmarnock*, and that the whole Powers and Jurisdiction, Privileges and Immunities of the Magistrates of the said Burgh of *Kilmarnock* shall, from and after the passing of this Act, be extended over the said Limits.

The Act 3 & 4 W. 4. c. 46. not to apply to this Act.

III. And be it enacted, That the Act passed in the Third and Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*, shall not extend to, and the Operation of the same is hereby expressly excluded from, the Limits of this Act.

Recited Act 50 G. 3. repealed, and recited Acts 42 & 53 G. 3. and 7 & 8 G. 4. partly repealed.

IV. And be it enacted, That from and after the passing of this Act the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third shall be and the same is hereby repealed, and that the said recited Acts of the Forty-second and Fifty-third Years of the Reign of His said Majesty, and of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth, shall be and the same are, in so far as inconsistent with the Provisions of this Act, also hereby repealed.

10 & 11 Vict. c. 16. incorporated with this Act.

V. And be it enacted, That "The Commissioners Clauses Act, 1847," is and shall be incorporated with this Act, in so far as applicable to and not expressly varied and altered by this Act, excepting in the Clauses and Provisions following; (that is to say,) with respect to the Election and Rotation of the Commissioners; with respect to the Meetings and other Proceedings of the Commissioners; with respect to legal Proceedings by or against the Commissioners, in so far as regards the preferring of Bills of Indictment; with respect to Mortgages, in so far as regards the paying off and Recovery of Monies borrowed, and Arrears of Interest, and Appointment of a Receiver; with respect to giving Notices and Orders; and with respect to the Recovery of Damages, not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff.

Board of Commissioners appointed.

VI. And be it enacted, That the Magistrates of the Burgh of *Kilmarnock*, and the Town Treasurer and Baron Bailie thereof for the Time being, shall *ex officiis* be Commissioners under this Act, and shall, along with the Commissioners of Wards herein-after authorized to be appointed, be and form a Board of Commissioners for carrying this Act into execution, under the Name and Style of "The Commissioners of Police of the Burgh of *Kilmarnock*;" and the Commissioners shall be vested with the whole Powers known to belong to the Office of Constable by the Law of *Scotland*.

VII. And

Division into Wards.

VII. And be it enacted, That the Lands and Buildings comprehended within the Limits of this Act shall be divided into Five separate Wards, which Wards shall be in all respects the same as the Wards into which the said Town of *Kilmarnock* is divided under the Authority of the Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns in* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs*, excepting that, in so far as regards Ward Fifth, the said Ward shall under this Act be held to comprehend only such Lands and Buildings as are situated within the Parish of *Kilmarnock* and Limits of this Act before defined.

Commissioners to be elected in each Ward.

VIII. And be it enacted, That on the first *Wednesday* of *November* after the passing of this Act Fifteen Commissioners shall be elected for the said extended Burgh, of whom Three shall be elected for each of the said Wards at a Meeting to be held as herein-after provided, and that by a Majority of Votes of all the Male Occupiers, being of lawful Age, of Dwelling Houses, Shops, Warehouses, and other Premises assessed under this Act, within any One Ward, at Three Pounds Sterling or upwards of yearly Rent, which Commissioners so to be elected shall be Householders, within the Districts or Wards respectively for which they may be elected, assessed under this Act at Eight Pounds Sterling or upwards of yearly Rent: Provided also, that it shall be lawful for any Elector to vote in Two or more Wards in respect of his Occupancy of Dwelling Houses, Shops, Warehouses, and other Premises of the requisite Rent in such Wards respectively, but that no Elector shall have more than One Vote in any One Ward in which he may be so qualified: Provided further, that in the Case of Companies any One Partner thereof shall be entitled to vote for a Company in respect of Premises occupied by his Firm, without Prejudice to any Two or more Partners of such Company possessing each a yearly Interest in the said Premises to the Amount of Three Pounds or upwards, being entitled to have their Names respectively inserted in the Surveyor's List of Persons qualified to elect, upon satisfying the said Surveyor or Committee of the said Commissioners appointed to revise the said List of their Right to be enrolled as Electors, and voting accordingly; and which Commissioners so to be elected shall come in the Room and Place of the Commissioners elected under the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third, whose Office and Functions shall, from and after such first Election under this Act, cease and determine, but the said existing Commissioners shall continue in Office and be entitled to exercise all their Functions until such Election under this Act.

One Third of Commissioners to go annually out of Office.

IX. And be it enacted, That upon the first *Wednesday* of *November* in the Year One thousand eight hundred and forty-eight, and in every succeeding Year, One third of the whole elected Commissioners shall go out of Office, and their Place shall be supplied by a Commissioner to be elected by each of the said Wards, and in the said Year One thousand eight hundred and forty-eight the Third who shall go out shall

shall consist of the Commissioners who had the smallest Number of Votes at the first Election of Commissioners under this Act, and in the succeeding Year the Third of the Commissioners first elected under this Act who shall go out shall consist of the Commissioners who at such first Election had the next smallest Number of Votes, the Majority of Commissioners always determining, when the Votes of any such Persons have been equal, who shall be the Persons to retire; and in all Years thereafter the Third of the Commissioners so annually to go out of Office shall always consist of the Commissioners who have been longest in Office: Provided that any Commissioner so going out of Office shall be capable of being re-elected, and that the Commissioners so retiring from Office shall be held to be out of Office on the Morning of the Day of Election of their Successors, and that in case of their Re-election they shall come in as junior Commissioners, in the same Way as Persons not previously in Office would be entitled to do.

No Person relieved from or in arrear of Assessment to vote.

X. And be it enacted, That no Person shall be eligible as a Commissioner, nor shall any Person be entitled to vote in the Election of Commissioners, who shall have been relieved, partially or wholly, with his own Consent, from the Assessments imposed by Authority of this Act for the Year immediately preceding, on the Ground of Inability to pay the same, or on any other Ground, or who shall be in arrear for any Part of such Assessments; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Relief having been granted, or of the Existence of such Arrears: Provided that no Person shall be deemed to be in arrear who shall have paid the Assessment for the preceding Year.

Surveyor to make Survey and prepare Lists of qualified Electors.

XI. And be it enacted, That the Surveyor who shall be appointed in manner herein-after provided for making up Lists of the Persons liable in Payment of the Assessments after-mentioned shall, Fourteen Days previous to the first Election of Commissioners, and also Fourteen Days previous to the annual Election of Commissioners in future Years, make up and deliver to the Clerk of the Commissioners exact Lists, to be certified by the Oath of the said Surveyor to be administered by the acting Chief Magistrate of the said Burgh, of the Persons in the respective Wards qualified in manner aforesaid to elect or to be elected Commissioners, that the same may be, as they are hereby directed to be, placed in the Hands of the Clerk, patent to all concerned, without any Fee for Inspection thereof, for Four Days after Deliverance of the same; and upon such Lists being so lodged the Clerk shall immediately give Notice thereof, and of their lying for Inspection as aforesaid, by Advertisement in One or more of the *Kilmarnock* Newspapers, or in the Event of there being no Newspaper published in *Kilmarnock*, then by printed Hand Bills posted and distributed through the Limits of the Burgh; and if any Person shall conceive himself entitled to a Place in the said Lists, or shall have any Objections to the same as made up, he shall state the same in Writing within the Period of Three Days after the Lapse of the said Four Days to the Surveyor, who shall report the same to a Committee of the Commissioners, to be appointed at a Meeting prior to the lodging of the Lists, which Committee shall, Four Days at least previous to the Election, dispose

of such Claim or Objections as to them shall seem just; after which the Lists shall be duly certified by the Committee as being finally correct, and shall be held to be conclusive of the Persons entitled to elect or be elected at the first ensuing annual Election, and also at any Elections which may take place for supplying occasional Vacancies as herein-after provided until the Lists be again adjusted as aforesaid: Provided that it shall be competent only to Parties enrolled or claiming to be enrolled in the said Lists to object to the Enrolment of any other Party whose Name may stand therein.

Qualified Electors to be convened for nominating Commissioners.

XII. And be it enacted, That the acting Chief Magistrate shall, previous to all Elections of Commissioners, convene the qualified Electors in the several Wards at such Places and Times as he may see fit, giving Notice thereof by causing to be affixed an Intimation thereof upon the most patent Door of the Court House, and by Tuck of Drum through the said respective Wards, and also by Advertisement in any One or more of the *Kilmarnock* Newspapers, or, should there be no Newspaper published in *Kilmarnock*, then by Hand Bills as before mentioned, at least Three clear Days before the Day appointed for such Meetings; and at such Meetings the Electors shall nominate and appoint Persons, qualified as aforesaid, to act as Commissioners for the said respective Wards.

If Nomination not unanimous, Poll to be taken if demanded.

XIII. And be it enacted, That at such Meetings the Chief Magistrate present, or, in the Absence of a Magistrate, the Commissioner who shall have had the greatest Number of Votes at the first Election, so long as he shall be in Office without Re-election, and thereafter the senior Commissioner, or he who had the greatest Number of Votes of the Three longest in Office, shall preside, and shall ascertain by a Show of Hands the Parties who are made Choice of as Commissioners for the several Wards, and shall declare the Election of such Parties accordingly; and if any such Election shall not be unanimous, and if a Poll shall be demanded at any such Meeting, such Magistrate or other Preses shall cause such Poll to be proceeded with in the Manner herein-after provided: Provided always, that no Person who has not been nominated at the said Election Meeting shall be capable of being voted for at the said Poll.

How Poll to be taken.

XIV. And be it enacted, That when such Poll shall be demanded the acting Chief Magistrate shall for that Purpose fix a Day and Place or Places for polling within the Ward or Wards in regard to which a Poll shall be demanded, and shall appoint a Clerk or Clerks if a Poll be demanded in more than One Ward, and also one of the Magistrates or other Party or Parties to preside at each Polling Place to take charge of the same, and that the Clerk or Clerks shall each have with him a certified Copy of the aforesaid List containing the Names of the qualified Electors in each such Ward, according to which the Votes shall be taken, and which Votes shall be entered in a Book or Books to be provided for that Purpose, and each Clerk shall subscribe his Name to each Page of such Book before any Entry shall be made on the succeeding Page; and it shall not be competent at such Poll to inquire into any other Facts than the Identity of the Party tendering a Vote, and whether the Person mentioned in such Register

Register still hold the Qualification there mentioned, and whether he shall not have previously voted at the same Election, which Facts shall be competently proved only by the Oath of the Party so tendering his Vote if required by any Voter on the Register of qualified Electors, and no other Oath shall be put at such Election, and which Oath shall be in the Form contained in Schedule (A) to this Act annexed: Provided always, that no Poll shall be open except between the Hours of Ten in the Morning and Three in the Afternoon of the Day fixed for the Poll, and that the Expence attending the Election in the respective Wards shall be defrayed out of the Police Rates to be levied under this Act.

Poll Books to be opened and Election declared.

XV. And be it enacted, That in all such Elections of Commissioners the Poll Books at the Close of the Poll shall be sealed up by the Persons who may have presided at such Elections and taken the Polls thereat, and shall be transmitted to the acting Chief Magistrate, who, at a Meeting of the existing Commissioners at the Time, to be called for the Purpose within the Court House or other public Building of the said Town or Burgh, to be held on the first lawful Day immediately after the Poll has taken place, shall open and break the Seals, and, with the Assistance of such Persons as he may think fit to employ, cast up the Votes given, and shall declare upon whom the Election has fallen by the Majority of Votes in the said respective Wards, and appoint a Day and Hour for the Attendance of the Commissioner or Commissioners so elected to declare his or their Acceptance of Office.

Penalty on Persons unqualified voting.

XVI. And be it enacted, That in case any Person not qualified to vote in manner aforesaid shall, in the Knowledge of his not being qualified, or by personating any Elector, vote or attempt to vote at any Election, he shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

Commissioner failing to declare Acceptance, &c. to be held as having declined.

XVII. And be it enacted, That in case any Person elected or nominated a Commissioner shall fail to attend on the Day appointed, and declare his Acceptance of Office, and make the Declaration required by the said Commissioners Clauses Act, he shall be held to have declined accepting such Office, unless he then transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance of the same.

Where double Return or Failure, new Election to be made.

XVIII. And be it enacted, That in case of a double Return the Chief Magistrate shall, within Four Days after such double Return, advertize, in manner before directed, an Election, to be made, after Nomination as aforesaid, in manner before appointed, not more than Four Days after the Publication of the Advertisements, at which Meeting the Electors present shall choose a Commissioner, qualified in manner aforesaid, for the Ward for which such double Return shall have been made.

How Vacancies by Non-acceptance, &c. can be supplied.

XIX. And be it enacted, That in case of any Vacancy occurring in the Office of a Commissioner by Non-acceptance, Death, Resignation, or otherwise, the Commissioners shall (except as herein otherwise provided) fill up and supply such Vacancy at their next Ordinary Meeting, and the Person elected by them shall hold Office until the next annual Election in *November*.

XX. And

Where Electors fail to elect.

XX. And be it enacted, That in case the Electors of any of the Wards shall refuse or neglect to elect Commissioners for the same, after any Election for such Ward shall have been advertized, and the other preliminary Steps taken in manner before directed, then and in every such Case it shall be lawful for the Board of Commissioners to nominate and appoint a Commissioner, qualified in manner before directed, for such Ward; and such Persons, when so nominated and appointed, shall have and enjoy the same Powers and Privileges as Commissioners, and shall remain the same Time in Office as if they had been chosen by the Electors of the respective Wards in the Manner herein directed; and if any Person so nominated shall refuse or neglect to accept the Office, the Board shall nominate and appoint again such Person, and so often as necessary until the Vacancy be supplied.

Quarterly Meetings to be held.

XXI. And be it enacted, That Four Quarterly Meetings, which shall be called "Ordinary Meetings" of the Board of Commissioners hereby appointed and authorized to be elected, shall be held within the Town Hall, or at such other Place within the Limits of this Act as shall be appointed by them, on the first *Thursday* in the respective Months of *January*, *April*, *July*, and *October*, for carrying this Act into execution; and that the first of such Quarterly Meetings shall be held on the first of the said Days that shall occur after the First Election of Commissioners under this Act, between the Hours of Ten Forenoon and Four Afternoon; and that the Clerk of the Commissioners shall cause all the Members to be summoned to attend all future quarterly Meetings by written or printed Summonses, delivered personally or left at their usual Places of Abode at least Twenty-four Hours previous to the Time of Meeting, specifying the Time and Place of such Meetings.

Special Meetings, how to be called.

XXII. And be it enacted, That it shall be in the Power of the Chief Magistrate acting for the Time, when he shall see Cause, and upon Requisition being made to him under the Hands of any Four of the Commissioners, to appoint Meetings, which shall be called "Special Meetings" of the Board of Commissioners, to be held within not less than Twenty-four Hours of such Requisition, and to cause all the Members of the Board to be summoned to attend such Meetings in manner aforesaid, the Nature of the Business for which such Meetings are called being stated in the Requisition and in the Notices calling the Meetings.

Ordinary and Special Meetings may be adjourned.

XXIII. And be it enacted, That the Commissioners, or a Majority of them, present at any such Ordinary or Special Meetings of the Board herein appointed to be held, may adjourn to the same or any other Place within the Limits of this Act which they may think necessary or proper, Notice being always given to each Member of the Board in Manner aforesaid of the Time and Place when and where the adjourned Meetings are to be held.

Occasional Meetings may be held.

XXIV. And be it enacted, That, besides the Ordinary and Special Meetings before mentioned, other Meetings of the Board, which shall be called "Occasional Meetings," may be held for the Purpose of ordering Payment of the Wages and Salaries of the inferior Officers and Servants appointed under this Act, for inquiring into their Conduct and Behaviour,

viour, and, if necessary, for reprimanding and dismissing or otherwise dealing with such of them as may have acted improperly, for inquiring into the State of the Lamps, and the Conduct of those employed in lighting the same, for hearing and giving Reports of the State of the respective Wards in point of Cleanliness, and for other Purposes connected with the general good Order of the Police within the Limits of this Act; and such Meetings may be held upon any Days which shall be appointed by the Board or by the Chief Magistrate, all the Commissioners being always summoned to attend such Meetings as aforesaid.

Who to preside at Meetings.

XXV. And be it enacted, That the Chief Magistrate present, and in his Absence the eldest Bailie present, whom failing the Commissioner who shall have had the greatest Number of Votes at the first Election, so far as regards all Meetings held while he shall be in Office without Re-election, and thereafter the senior elected Commissioner, that is, he of the Three longest in Office who had the greatest Number of Votes, shall preside at all Meetings of the Commissioners, and shall have a deliberative Vote, and a casting Vote in Cases of Equality, in all Matters and Questions which shall come before them, and that any Seven of the Board shall be a Quorum for transacting Business; but provided that no Money shall be assessed, and no Appointment of Superintendent, Lieutenant, Collector, Treasurer, Surveyor, or Clerk shall be made, and that no Salaries shall be fixed at such Meetings, unless there shall be present a Majority at least of the Members of the Board who have accepted of their Offices.

Vacancies in the Board.

XXVI. And be it enacted, That, notwithstanding any Vacancies in the Board arising from Death, Resignation, Disqualification, Non-acceptance, or any other Cause, it shall be lawful for the remaining Members of the Board to carry this Act into full Effect.

Board to appoint Committees.

XXVII. And be it enacted, That it shall be lawful to the Board of Commissioners, at any Ordinary or Special Meeting, and also at the Occasional Meetings, in so far as regards the proper Business of such Meetings, to appoint Committees of their own Number for carrying of the Purposes of this Act into execution, and from Time to Time to continue, alter, or discontinue such Committees.

Minutes of Proceedings &c. to be entered in Book.

XXVIII. And be it enacted, That the Commissioners shall cause to be kept a Book or Books, in which shall be engrossed Minutes of the whole Proceedings and Transactions of themselves and of their Committees at all Meetings, whether ordinary, special, or occasional, with the Resolutions, Orders, and Regulations agreed to by them from Time to Time, and also Notes or Copies, as the Case may require, of all Contracts entered into and of all Appointments made by them, with the Amount of the Salaries and Emoluments stipulated to be paid to the Superintendent of Police, and the whole Collectors, Surveyors, Clerks, Inspectors, Officers, Patrol, Watchmen, Firemen, Scavengers, Lamplighters, and other Servants employed in the said Establishment, and such other Matters as the Commissioners shall direct; and every such Entry, being signed by the Preses of the Meeting at which the

Matter in respect of which such Entries are made was moved and discussed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, or of the Signature of the Preses, all which last-mentioned Matters shall be presumed; and such Book or Books shall at all reasonable Times be open to the Inspection of the Commissioners and Creditors upon or Persons contributing to the Assessments, who shall and may peruse and inspect the same without Fee or Reward.

Appointment of Auditor.

XXIX. And be it enacted, That the Sheriff of the said County of *Ayr* shall annually appoint an Auditor for the Purpose of auditing the Accounts of the Commissioners under this Act; and in case the Office of such Auditor shall, before such Accounts shall be audited by him, become vacant by Death or from any other Cause, the Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

Power to purchase or lease Lands, and to erect or lease Buildings for Court House, &c.

XXX. And be it enacted, That the Commissioners shall have Power from Time to Time to purchase or take on lease Lands, and to erect Buildings thereon, or to take on lease Buildings, Tenements, and Apartments, in such convenient Situations within the aforesaid Limits as they shall agree upon, to be converted into and used as a Court House, with suitable Apartments for the Accommodation of the Magistrates and Commissioners and the Sheriff of the County of *Ayr* and his Substitutes, and the Officers of their Establishments; also to erect Police Offices, Lock-up Houses, or Watch Houses, and Places for securing Fire Engines, or to take upon lease Houses or Premises to be converted to such Uses; also to take upon Lease, or purchase from any Persons willing to sell or lease the same, any Piece or Pieces of Ground within the Limits of this Act or in the Neighbourhood, for the Purpose of a Depôt for Dung, Ashes, or Dust, and other Matters collected from the Streets and other Places, and for securing the Dung Carts and Water Butts belonging to them, and to erect on such Lands the necessary Sheds and other Buildings: Provided always, that it shall be lawful for the Commissioners to sell and dispose by public Roup or private Sale any Ground, Buildings, Feu Duties, or other Subjects vested in them, or which they may acquire, as shall not in their Opinion be necessary for the Purposes of this Act, and to apply the Monies to be received therefor towards the Purchase of other Grounds, Buildings, Feu Duties, or other Subjects, or for other the Purposes of this Act.

Assessment to be made for Expences of erecting of Court House, &c.

XXXI. And be it enacted, That for the Purpose of raising and accumulating a Fund for defraying the Expences of purchasing or leasing Lands, and erecting or leasing and converting the Court House, Police Offices, Lock-up Houses, Watch Houses, Engine Houses, and other Premises as aforesaid, and for purchasing or leasing Ground, and converting the same into a Dung Depôt, and also for the Purpose of purchasing or leasing Land, and erecting a Washing House or Washing Houses, and forming a Bleaching or Drying Green, and erecting public Baths, in manner after provided, or for any of the said Purposes, there shall be

be assessed and levied as an additional Assessment by the Commissioners, along with and over and above the other Assessments under this Act, in the Manner and by the Means herein provided, a Sum not exceeding Two-pence *per* Pound on the Rental of the Property within the said Limits rented at Three Pounds a Year and upwards in each of the first Ten Years after this Act comes into operation, and a Sum not exceeding Three Halfpence *per* Pound on the Rental on each Year thereafter and during the Currency of this Act, and which Sums, when levied, shall be applied by them at such Time and in such Manner as they shall deem proper for the said Purposes; and on the Security of the Sums so to be levied it shall be lawful to the Commissioners to borrow or take upon Loan such Sums of Money as may appear to them expedient, not exceeding in all at any One Time the Sum of Three thousand Pounds for carrying the said Purposes into effect: Provided always, that in the event of the Commissioners resolving, at any Meeting specially called for the Purpose, that it is inexpedient to lay on or levy, or to continue to lay on or levy, such additional Assessments in or for any One Year or Term of Years, the same shall be discontinued for such Period, except in so far as shall be necessary for discharging any Debt or other Obligation incurred by virtue of this Act; and provided further, that no Part of the aforesaid additional Assessments shall be imposed without the Consent first had and obtained of a Majority of the whole of the Commissioners.

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

XXXII. And be it enacted, That the Title Deeds and Rights of all Heritable Property to be acquired in the Execution of this Act by the Commissioners shall be taken to and in the Name of the Clerk of the Commissioners and his Successors in Office, and such Right shall be sufficient for vesting the Subjects so acquired in the Commissioners and their Successors in Office; and all Deeds constituting such Right shall be duly stamped, and may be according to the Form in Schedule (B.) to this Act annexed, or to the like Effect; and such Deeds shall and may, at any Time after Delivery thereof, be registered in the General or Particular Register of Sasines, and shall thereafter be as valid and effectual as if a formal Disposition had been executed, followed by a Sasine duly recorded in One or other of the said Registers.

Rights of Property acquired under this Act to be taken in the Name of Clerk.

XXXIII. And be it enacted, That the Owners and Proprietors of all Houses and Buildings or of Gardens or Grounds adjoining to or fronting any Street, Square, or public Place, or Lane or Passage, already formed or to be formed within the Limits of the said Burgh, shall, at his, her, or their Expence, and in proportion to the Extent of the Fronts of their respective Properties, or of the Rents of their Houses as after mentioned, cause the whole of the said Streets, Squares, or other public Places, Lanes, and Footpaths, and Passages, to be well and sufficiently paved, causewayed, or macadamized with Whin or other Material of such Breadth and in such Manner and Form as the Commissioners, after visiting the Grounds and hearing the Parties, shall direct and appoint, and shall thereafter, from Time to Time as Occasion may require, repair and uphold and maintain in repair the said Streets, Squares, public Places, Lanes, and Passages.

Streets to be paved.

XXXIV. And

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

XXXIV. 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, macadamized, 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 Causeway, or repairing and upholding the same, it shall and may be lawful to any One or more of the Magistrates of the said Burgh, upon Complaint being made to him or them, to decern for such Charges, together with the Expence of prosecuting and recovering the same, to be paid by such Owner or Proprietor, either to the Tradesman doing the Work or to any Person authorized to recover the same in manner herein mentioned: Provided always, that in every Case where such Owner or Proprietor shall be unable to pay the Charges of making 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 Limits of the said Burgh, Notice of the Complaint or of the Order of Commissioners being served upon 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.

XXXV. 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 their 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 Magistrates or any One of them, 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 Expences and deduct the same from Rents.

XXXVI. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings belonging to such Owners or Proprietors (in default of the Proprietors paying such Expences), in case he, she, or they shall pay the Expences aforesaid (which they are hereby authorized

rized 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.

Inhabitants to cause Foot Pavements to be cleaned.

XXXVII. And be it enacted, That so long as the said Commissioners shall not judge it expedient to take the cleaning of the Foot Pavements within the Limits of this Act under their own Management, which they are hereby authorized to do if they think fit, every Person who shall inhabit or possess the Ground Floor of any Dwelling House or any Shop or Building fronting the Foot Pavements shall cause the same, along the Front of their respective Houses, Shops, or Buildings, to be swept, scraped, and cleaned at least once every lawful Day, before the Hour of Ten in the Forenoon; and where there are no Occupiers of the Ground Floor, every Person who shall possess the next inhabited Floor of any such Dwelling House or Building shall cause such Pavement, and also the Pavement in front of the Entry or Passage to such Dwelling House or Building, and also the said Entry or Passage itself, to be swept, scraped, and cleaned at least once every lawful Day before the said Hour; and if any such Person shall fail to do so, it shall be lawful for the Magistrates, or any One of them, to decern in a summary Manner such Person to pay any Sum not exceeding Two Shillings Sterling for each Offence; and in case any Dispute shall arise amongst the Occupiers of the Houses, Shops, or Property adjoining to the said Foot Pavements, or the said Entries or Passages, relative to the cleaning, scraping, and sweeping the same, it shall be lawful to the Magistrates, or any One of them, to inquire into the Matter and determine the same, which Determination shall be final and binding upon all Parties.

Power to construct Common Sewers.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause Common Sewers, Drains, and Watercourses to be constructed in or under the Streets within the Limits of this Act, and also to cause any of the Common Sewers, Drains, and Watercourses which now are or shall hereafter be made within the same, to be altered, cleansed, and completed as to them shall seem necessary, and to carry and continue the same in and through any Lands within the aforesaid Limits; provided always, that if any Person interested in any such Lands shall be injured thereby the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him; and it shall also be lawful to the said Commissioners to construct and erect Urinals and Necessaries at such Places as shall seem to them most convenient, and to connect the same with such Sewers, Drains, or Watercourses.

Communication of private Drains with Common Sewers.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower and require any Person to make private Drains, and to deepen and cover any Side Sewer or Drain, and to carry the same into any Common Sewer, Drain, or Watercourse already made, or which shall be made by virtue of this Act,

according to such Plan and on such Terms as the Magistrates or any One of them shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, or Watercourse, without the previous Consent of or in any other Manner than as shall be directed by the Magistrates or any One of them, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Underground Drains to be formed.

XL. And be it enacted, That the Owners of any House or Lands from which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, or Watercourse shall repair and cleanse the same, when required, by and according to the Directions of the Magistrates or any One of them.

Power to order Removal of Obstructions under certain Penalties.

XLI. And be it enacted, That it shall be lawful for the Magistrates, or any One of them, upon Application being made to them by the Commissioners, to order (after inspecting the Premises and hearing the Parties concerned) the Proprietors of Houses or other Buildings fronting any of the Streets within the said Limits to remove and take away, within a reasonable Time, Outstairs, Outshots, Buildings, Projections, Sign Posts, and other Things whatsoever, which project upon or tend to obstruct the free Passage of the Streets and Foot Pavements, or which project or extend beyond the proper Line; and if within the Time specified in such Order the said Outstairs, Outshots, Buildings, Projections, Sign Posts, and other Things be not taken away, the Owner of the House or Building to which the same may be annexed or belong shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after such Order during which such Outstairs, Outshots, Buildings, and other Projections shall remain; and in case any such Obstructions shall not be removed within Three Calendar Months after such Order has been intimated to such Proprietor, then it shall be lawful for the Magistrates, or any One of them, to order the same to be removed *brevi manu*, due regard being had to the Safety of the Building and of the Public; and when such Outstairs, Outshots, Buildings, and Projections shall have been erected before the passing of this Act, the Expence attending the Removal thereof, and a reasonable Compensation for any Loss and Damage occasioned to the Proprietor, shall be defrayed from the Police Funds of this Act, such Loss and Damage to be ascertained and fixed in such Manner as shall be agreed upon by the said Commissioners and the Party suffering the same; and failing such Agreement the said Party shall and may, if he shall judge proper, be entitled to bring the Question of the Amount of such Loss or Damage before the said Magistrates, and the Decision of the said Magistrates or of any Two of them in the said Matter shall be final and conclusive upon all Parties whatsoever.

Power to Magistrates to order the Alteration of Outstairs.

XLII. And be it enacted, That where the Houses and Buildings erected on the Sides of Foot Pavements cannot have convenient Access by any other Passages than Outstairs, the Magistrates shall, on the Application of the Commissioners, order such Outstairs to be altered and adjusted in such a Manner as to leave a free Passage not less than Two Thirds of the Breadth of the Pavement opposite to such Outstairs; provided that nothing herein contained shall enable the Magistrates to charge the Proprietors

Proprietors of such Houses or Buildings with any Sum of Money attending the Alterations or Adjustment of such Outstairs, but the same shall be paid out of the Police Funds.

Ruinous Houses to be secured or taken down.

XLIII. And be it enacted, That where any House or other Building, or any Part thereof, within the Limits of this Act, shall become insecure, ruinous, or in any way dangerous to the Safety of the Inhabitants or other Persons therein, or of Passengers or other Persons in the Neighbourhood, the Procurator Fiscal shall make Application to the Magistrates of the Burgh or to the Sheriff of the County of *Ayr*, setting forth the insecure, ruinous, or dangerous Conditions of such House or other Building; and the said Magistrates, or any Two of them, or the said Sheriff, as the Case may be, shall, on receiving such Application, nominate and appoint a competent Surveyor to inspect such House or other Building, or any Part thereof, stated to be in an insecure or ruinous Condition, or in any way dangerous as aforesaid; and the said Magistrates, or any Two of them, or the said Sheriff, to whom such Applications may have been made, and by whom the Remit has been so granted, shall order the Proprietor or Liferenter, or Agent or Factor for the Proprietor or Liferenter, or other Person receiving the Rents of such House or other Buildings, at their own Expence, forthwith to repair and secure such House or other Buildings, or to pull down and remove the same, as the Nature of the Case may require; and, failing such Order being complied with, the said Magistrates, or any Two of them, or the said Sheriff, shall have Authority to repair and secure or to pull down and remove such House or other Building; and the Proprietor or Liferenter, or other Person aforesaid neglecting or refusing to repair and secure or to pull down and remove such House or other Building, after such Order shall have been made and intimated, shall, for every Day after Neglect or Refusal shall continue, forfeit and pay any Sum not exceeding One Pound, besides paying the whole Expence incurred in repairing and securing or pulling down and removing such House or other Building as aforesaid; and if immediate Danger is apprehended to the Inhabitants of such Houses and Buildings, or to Passengers, or other Persons, the said Magistrates or Sheriff respectively, or the Superintendent of Police, or Procurator Fiscal, shall be authorized to cause the Occupiers or Inmates of such Houses or other Buildings to be removed therefrom with their Furniture and Goods, and also, if need be, to order the Streets in which such Houses or Buildings are situate, or Part thereof, to be shut up, or the said Buildings to be boarded up, so to remain until the necessary Operations and Repairs shall have been made.

Houses to be built in a Line.

XLIV. And be it enacted, That when any House or other Building adjoining to any Street within the Limits of this Act is taken down in order to be rebuilt, it shall be lawful to the Commissioners to order the said new Building to be erected in a Line with the Front Walls of the adjacent Houses, upon the Commissioners satisfying the Proprietor for the Value of the Ground so to be surrendered to the Public, as the same shall be ascertained by the Agreement of Parties, or in a summary Manner by the said Sheriff.

XLV. And

Deposits for Building Materials and Hoardings to be fenced and lighted.

XLV. And be it enacted, That in case any Stones, Rubbish, or Building Materials, or Hoardings or Sheds for Masons or other Workmen, shall be placed and formed upon, or any Hole or Opening shall be made in or adjoining any of the Streets within the Limits of this Act, for the Purpose of building, making Wells or Drains, or laying Pipes, or when it shall be necessary to take down or unroof any Houses or Tenements fronting the Street, or perform any Work thereon, the Persons making or causing to be made such Deposits, Hoardings, Sheds, Holes, or Openings, or so taking down, unroofing, or doing Work upon any such Houses or Tenements, shall give written Notice thereof to the Commissioners of the Ward where such Operations are intended to take place, or to the Superintendent of Police, Twenty-four Hours at the least previous to the Commencement of such Operations; and such Persons, and the Persons employed or concerned therein, shall, at their own Expence, cause a sufficient Rail or Fence to be put round such Deposits, Hoardings, Sheds, Holes, Openings, or Houses or Tenements, and shall also cause Lamps or Lights to be affixed at or near to the same, to be kept burning every Night from Sun-setting till Sun-rising; and in case any such Persons shall fail to give Notice as aforesaid, or shall refuse or neglect to fence in a sufficient Manner, and to affix and keep burning, such Lamps or Lights in manner aforesaid, it shall be lawful for the Magistrates, or any One of them, to decern the Persons so failing or offending to pay any Sum not exceeding Five Pounds Sterling, and also to order such Deposits, Sheds, Hoardings, Holes, Openings, or Houses or Tenements to be fenced, and Lamps or Lights to be affixed and kept burning thereat, at the Expence of the Persons concerned or employed therein; reserving always to the Persons who may suffer Injury by such Operations or Neglect in fencing or lighting to prosecute the Defaulters for Reparation and Damages according to Law.

Cellars, &c. under Ground to be covered.

XLVI. And be it enacted, That if any Person within the Limits aforesaid shall have any Cellar or underground Room, or any Vault, Coal Hole, or Area, without a sufficient Door, Hatchway, Flap Window, Grate, Stone, Plate, Board, or other sufficient Covering, Rail, or Fence, or shall negligently or without a sufficient Watch or Guard leave open or insufficiently fastened any such Hatchway, Flap Window, Grate, Stone, Plate, Board, or other Covering to any Cellar, underground Room, or any Vault or Coal Hole, every Person so offending shall for every Offence forfeit a Sum not exceeding Two Pounds of Penalty, over and above any Damages that may arise to Individuals suffering from such Offence; and if Danger shall be apprehended by any such Places being left open or being insecure, the Superintendent of Police, or any Officer acting under him, shall be empowered to fence and secure the same, and cause the same to be watched and guarded, at the Expence of the Proprietor.

Doors or Gates not to project on the Streets.

XLVII. And be it enacted, That all Doors and Gates leading to Buildings, Yards, or Grounds within the Limits aforesaid shall be so placed or formed as to open inwards, and not to project over or upon any of the Streets or Footpaths.

XLVIII. And

Provision in case of Chimney Stalks being in a ruinous or dangerous State.

XLVIII. And be it enacted, That when, in consequence of Storms or otherwise, Chimney Stalks or Flues, or Chimney Heads or Cans, or Sign Boards, or any other Matter or Thing connected with or appertaining to Buildings, have become so damaged as to be dangerous to the Lieges or to Property in the Vicinity, it shall be lawful to the Procurator Fiscal or Superintendent of Police, on the Requisition of any Commissioner or of any adjoining Proprietor, to require, by a Writing under his Hand, the Proprietor of the Tenement to which the same shall belong or be attached, or the Proprietor of such Chimney Stalks or other Matter or Thing, to repair and secure the same within a limited Time, such as may appear reasonable according to the Circumstances, and also forthwith to fence or fix the same so as to prevent Accident; and in the event of such Proprietors not being known, or, if known, residing or being at a Distance which may not admit of such Notice being given and duly attended to, it shall be lawful to the Procurator Fiscal or Superintendent of Police, on such Requisition as aforesaid, to employ Tradesmen to fence and fix the Premises as aforesaid, and to execute the necessary Repairs as aforesaid, for the Expence of which, as ascertained by any One of the Magistrates, the Proprietor shall be responsible, and which Expence may be claimed from and paid by the Tenants, or any of them, as a preferable Debt, and deducted from the Rent payable by such Tenants, or may be sued for and recovered, with full Costs of Suit, from the Proprietor in the Court of the Magistrates or other competent Judge.

Roofs of certain Houses not to be thatched.

XLIX. And be it enacted, That no Tenement or House within the said Limits, and fronting any public Street or Lane, to be erected, unroofed, or rebuilt subsequent to the passing of this Act, shall be thatched, in whole or in part, with Straw, Broom, or Heath, or covered with Tar, Pitch, or Paper.

Provision for carrying Water from Roofs of Houses.

L. And be it enacted, That the Water from the Roofs of all Houses and Buildings within the Limits of this Act fronting the public Streets shall be conveyed in Pipes reaching to within, at farthest, Six Inches from the Ground, affixed to or on the Sides or Fronts of such Houses and Buildings, and the Proprietors thereof shall be obliged to make a Cut or Gutter in the Pavement from the Termination of such Pipes for carrying off the Water therefrom into the Common Sewer; and in case the Proprietors of such Houses and Buildings shall not so carry the Water from the same, then it shall be lawful for the Magistrates, or any One of them, upon Application by the Commissioners or any Person interested, (on inspecting the Premises and hearing Parties concerned,) to decern in a summary Manner such Proprietors to pay any Sum not exceeding Five Shillings for every such Offence; and if after Conviction of any such Offence the Water from such Houses and other Buildings shall still be conveyed otherwise than in Pipes so affixed and reaching as aforesaid for the Space of One Calendar Month, then the Proprietor of every such House or Building shall pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after such Conviction during which the Water shall be conveyed otherwise than as aforesaid; and such Fines shall be levied and applied in manner herein-after directed, and shall be paid by the Proprietors according to the Proportions of their

respective Rents, rated as after mentioned; and in case such Persons shall neglect for Two Calendar Months to convey the Water from such Houses or Buildings in manner aforesaid, it shall be lawful for the Magistrates, or any One of them, upon Application by the Commissioners or any Person interested, to order the Work necessary for conveying the Water in manner aforesaid to be done at the Expence of such Persons, and to decern against them for the Expence thereof over and above any Penalties which they may have incurred; but provided always, that nothing herein contained shall affect the Right of the said Parties to convey such Water in manner most convenient into their Houses for domestic Use.

In case Floors or Stories belong to different Proprietors.

LI. And be it enacted, That when the Floors or Stories of any Houses or Buildings belong to more Proprietors than One, the several Proprietors of such Houses or Buildings shall defray the Expence of making, affixing, and keeping in repair such Pipes and Cuts or Gutters in the Pavements, in proportion to the Rents of the Parts of such Houses or Buildings which belong to them respectively as rated in the Rent Roll after mentioned; and in case any Dispute or Difference shall arise amongst the several Proprietors of the same House or Building relative to the Proportions of the aforesaid Expence, it shall be lawful for the Magistrates or any One of them, after inspecting the Premises, and hearing the Parties concerned, by a Decree under their Hands, to determine the same according to the Rate of such Rents in the said Roll, and to decern for such Expence in manner aforesaid, and which Determination shall be final and binding on all Parties concerned.

Forming new Approaches and widening Lanes, &c.

LII. And be it enacted, That it shall be lawful for the Commissioners to agree with the Owners of any Lands or Houses which they may require for the Purpose of forming Approaches to any Place within the Limits of this Act, and of opening and making more convenient Communications and Streets, and of widening, improving, altering, or diverting the Streets within the said Limits, or for any of the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands or Houses, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Annuities, Securities, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands or Houses, of what Kind soever, and to appropriate such Lands or Houses for all or any of the Purposes aforesaid as the Commissioners shall think fit.

8 & 9 Vict. c. 18. incorporated with this Act.

LIII. And be it enacted, That, for the Purposes of this Act, so much of the Lands Clauses Consolidation (*Scotland*) Act, 1845, as relates to the Purchase of Lands by Agreement shall be incorporated with and form a Part of this Act: Provided always, that nothing in this or in the said Lands Clauses Consolidation Act contained shall authorize the Commissioners to purchase, take, or use any Lands or Houses, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Power to Commis-

LIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make Provision for lighting in a suitable Manner

ner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Bounds of this Act, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, Lamp Irons, and other Appurtenances as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting and cause to be lighted, such Lamps, by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curb Stones of the Pavements or Footways, or at the Rails or in the Walls of Buildings, with the Consent of the Occupiers thereof, or on the Sides of the Streets or Roads, upon indemnifying the Proprietors or Possessors of the Buildings for any Damage thereby done, the Amount of such Damage, in the event of Difference of Opinion, to be fixed and determined summarily by the said Magistrates or any Two of them.

sioners to cause the Streets, &c. to be lighted.

LV. And be it enacted, That where there are private Courts, Passages, common Stairs, or Closes within the Limits of this Act in which the Commissioners shall not consider it expedient to erect and light Lamps as aforesaid from the public Assessment, it shall be lawful to the Commissioners to place, erect, and light, in such Courts, Passages, common Stairs, or Closes, such a Number of Lamps as shall be required from Time to Time, at the Expence of the whole Occupiers of Houses or other Premises therein, corresponding to the Amount of their Rent respectively as aforesaid; and the Expence of placing, erecting, and lighting such Lamps shall be recovered by the Commissioners, or any Person authorized by them, at such Times and in such Proportions as they shall direct, and in the same summary Manner as is before provided for the Recovery of Assessments under this Act: Provided always, that where any of such Occupiers shall not be assessed for the Purposes of this Act, by reason of Under-rent of their Houses or other Premises, their Proportions, according to their respective Rents, shall be recovered from their Landlords.

Private Closes and Passages may be lighted at Expence of Inhabitants, &c. therein.

LVI. And for the Purpose of enabling the Commissioners, or any Person or Company with whom they may contract to light the said Streets, Lanes, Squares, public Passages, Thoroughfares, and Places, private Courts, Passages, common Stairs, or Closes, or any of them, be it enacted, That the Provisions of the "Gas Works Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying down Pipes, and with respect to guarding against fouling Water or other Nuisance from the Gas, shall be and the same is hereby, in so far as applicable, and not hereby varied or altered, incorporated with this Act.

10 & 11 Vict. c. 15. incorporated with this Act.

LVII. And be it enacted, That the Penalties imposed by the said Gasworks Clauses Act herewith incorporated shall be recoverable, with full Costs of Suit, in the Sheriff Court of the County of *Ayr*, provided the same be sued for within Twelve Months after the Offences in respect of which such Penalties shall have been incurred shall have ceased.

Penalties to be sued for within Twelve Months.

LVIII. And

Superintendent of Police to be Inspector of Lighting.

LVIII. And be it enacted, That it shall be lawful to the Commissioners and they are hereby required to appoint from Time to Time the Superintendent of Police to be appointed under the Powers herein-after contained to be Inspector of Lighting, with such Allowance or Salary and with such Orders and Instructions as may from Time to Time appear necessary.

Penalty, &c. for wilfully breaking Lamps.

LIX. And be it enacted, That if any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post set up within the Limits of this Act, or wilfully extinguish the Light or damage the Iron or Appurtenances of any such Lamp, it shall be lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing, the Offender, and by Authority of this Act, without any other Warrant, to deliver such Offenders into the Custody of a Constable or other Officer, in order to be secured and taken before the Magistrates; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession, or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Five Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not, immediately on Conviction, pay such Penalty and make such Satisfaction as aforesaid, it shall be lawful for any One of the Magistrates, and he is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Three Months, unless such Satisfaction be sooner paid and given.

Persons accidentally breaking Lamps, &c. to make Compensation for Damage sustained.

LX. And be it enacted, That in case any Person shall accidentally break, throw down, or damage any of the Lamps, or the Irons or Appurtenances thereof, it shall and may be lawful for any One of the Magistrates to award such Sum of Money by way of Satisfaction for such Damages as he may think reasonable, provided the Sum so awarded shall not exceed the real Damage sustained by such Accident, besides the Expence incurred of recovering the same; and in case of the Neglect or Refusal of such Person to pay such Sum of Money within Two Days after the same shall be demanded, it shall be lawful for the Magistrates, or any One of them, to cause the same to be levied by Distress, and the Surplus of any Goods or Effects sold under such Distress, if any, to be paid to such Person.

Power to Commissioners to provide Fire Engines, &c.

LXI. And be it enacted, That it shall be lawful to the said Commissioners and they are hereby required to provide and maintain a sufficient Establishment of Fire Engines, Pipes, and other Appurtenances to be used for extinguishing Fires, and to take the Charge and Management of the same, and to apply the same for the Use and Benefit of the Inhabitants within the Limits of this Act; and the Superintendent of Police to be appointed as aforesaid shall take the Charge of the said Engines, Pipes, and other Appurtenances, and he shall appoint such Number of active Men as the said Commissioners shall think fit and expedient for working the same in a proper Manner, and for assisting in extinguishing Fires

Fires which may happen within the said Limits; and the said Commissioners may make such Rules and Regulations for the said Persons as to them shall seem proper; and the Expence of keeping and maintaining the said Engines, Pipes, and Appurtenances, and procuring proper Premises for their Reception, and of paying the said Superintendent and Firemen, may be defrayed from the Funds levied by Assessment for Police Purposes by virtue of this Act.

Authority to place Firecocks on Pipes of Water Companies.

LXII. And for the Purpose of rendering the said Fire Establishment efficient, be it enacted, That it shall be lawful to the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the said Limits, to place proper Firecocks upon the Pipes belonging to any such Company within the Limits of this Act, at such convenient Distances from each other, and at such Places, as may be considered proper, for the Supply of the said Engines when brought into operation, the Positions of such Firecocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them, the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Power to make Fireplugs.

LXIII. And be it enacted, That the Commissioners may cause Fireplugs to be made and maintained in the several public Streets within the said Limits, so far as not already done, for the Purpose of affording a sufficient Supply of Water for extinguishing Fires within the same.

Penalty for setting Chimney on Fire.

LXIV. And be it enacted, That every Person who wilfully sets or causes to be set on fire any Chimney within the Limits of this Act shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted for Felony.

Penalty for accidentally allowing Chimney to be on fire.

LXV. And be it enacted, That if any Chimney accidentally catch or be on fire within the said Limits, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove, to the Satisfaction of the Magistrate before whom the Case is heard, that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servants.

As to Fire Engines going beyond the Limits of the Act.

LXVI. And be it enacted, That the Commissioners may send their Fire Engines with their Appurtenances, and the Firemen to be employed by them, beyond the Limits of this Act, for extinguishing Fire in the Neighbourhood of the said Limits; and the Owner of the Lands or Buildings where such Fire shall have happened shall in such Case defray the actual Expence which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of the said Lands or Buildings, the Amount of

the said Expences and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff of the said County of *Ayr*, whose Decision shall be final.

Wells may be dug and Pumps erected.

LXVII. And be it enacted, That it shall be lawful for the Commissioners to cause Wells to be dug, Pipes to be laid, and Pumps to be erected in any of the Turnpike Roads, Highways, Streets, and Places within the said Limits, which they shall think most proper and advantageous for affording an additional Supply of fresh Water for the Use of their Inhabitants.

Penalties on Persons injuring Wells.

LXVIII. And be it enacted, That it shall be lawful for any One of the Magistrates to fine any Person who may be convicted of injuring or destroying the Wells, Pipes, or Pumps, or the Springs or Watercourses thereof, in any Sum not exceeding Five Pounds Sterling for every Offence.

Regulations as to Lodging Houses.

LXIX. And whereas the Keepers of Lodging Houses of an inferior Description for the Accommodation of Mendicants, Strangers, and other Persons, for the Night or other short Periods, allow the same to be crowded by receiving more Lodgers than such Lodging Houses are adapted to contain with a due regard to Health, and allow Persons affected with Fever and other Diseases of a contagious or infectious Nature to remain in them till the same have been communicated to other Lodgers, and receive other Lodgers into the Apartments and Beds from which diseased Persons have been removed without any purifying or disinfecting Process; be it enacted, That no Keeper of such Lodging House within the Limits of this Act shall accommodate and receive such Lodgers without such House having been inspected and approved of for that Purpose by the Superintendent of Police or some other Inspector to be appointed by the Commissioners, which Superintendent or Inspector shall have Power from Time to Time to fix and determine the Number of Lodgers who may be accommodated in each such Lodging House; and the Names of the Keepers of such Lodging Houses shall be registered by the Superintendent or Inspector in a Register to be kept for the Purpose, who may order that a Ticket containing the Number of Lodgers for which the House is registered, and any Rules or Instructions of the Commissioners regarding Health, Cleanliness, or Ventilation, be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and Keepers of all such Lodging Houses shall at all Times give Access thereto when required by the Superintendent or Inspector, or Police or District Surgeon, for the Purpose of Inspection and Inquiry, or for the Purpose of any disinfecting Process which the Magistrates or any One of them may order; and if any Keeper of such Lodging House shall offend against any of these Provisions, he shall be liable for each such Offence in a Penalty not exceeding Two Pounds.

Keepers of such Houses to intimate Cases of Disease.

LXX. And be it enacted, That all Keepers of such Lodging Houses shall, in the event of any Person in their respective Houses becoming ill of Fever or any other Disease, be bound to make Intimation thereof to the Superintendent of Police, or Police or District Surgeon

or

or Inspector, in order that the Nature of the Complaint of such Person may, if he think fit, be ascertained, and that the Complaint may be treated; and the Magistrates or any One of them may order such Person to be removed; and if any Lodger or other Person in such Lodging House shall have been confined to Bed for Forty-eight Hours by Illness without the Keeper of such House making Intimation as aforesaid, such Keeper shall for such Neglect be liable in a Penalty not exceeding Two Pounds.

In case of contagious or infectious Disease.

LXXI. And be it enacted, That on its being ascertained that any contagious or infectious or epidemic Disease has occurred in any such Lodging House, or in any House or Apartment in any common Tenement, or in any narrow, densely inhabited, or ill-ventilated Situation, or in any other Place where there may be reasonable Apprehension of such Disease spreading or continuing, it shall be lawful to the Magistrates or any One of them to cause and direct all proper Measures to be taken, and all Matters or Things to be done, for disinfecting and cleansing of such Houses or Apartments, and for the washing and purifying of the Persons and Clothes of the Inhabitants thereof, as shall appear to the Magistrates or any One of them to be indispensably necessary for the Preservation and Security of the Inhabitants in the Neighbourhood and others against the Danger of Contagion or Infection, unless due Precaution shall appear to have been previously taken for such Purposes by the Inhabitants of such Houses or Apartments; and in order to the Measures hereby authorized being carried into effect, it shall be lawful to any Officer of Police, or other Person appointed by such Magistrate, to enter into any House or Apartment, and to do or assist in doing all Matters and Things for the Purposes aforesaid, the Expence of which shall be chargeable against and payable by the Proprietor of the Tenement in which such House or Apartment shall be situated; and in the event of Access to such House or Apartment for such Purposes being refused, it shall be lawful to the Magistrates or any One of them to grant Warrant for entering such House or Apartment by Force if necessary.

Procedure, in such Cases.

LXXII. And be it enacted, That all judicial Proceedings to be adopted for executing the foregoing Powers for the Prevention of such Diseases as aforesaid shall be conducted in a summary Form without written Pleadings.

Power to contract with or employ Scavengers.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners to contract with or employ Tradesmen, Scavengers, or other Persons to clean and sweep the Streets, Lanes, Squares, Passages, and other public Places within the Limits of this Act, and to order all Soil, Dirt, Ashes, and Filth to be immediately removed therefrom, and to collect the same into Heaps, and afterwards to carry the same to such Places as the Commissioners shall appoint, and to sell and dispose of such Soil, Dirt, Ashes, and Filth to such Persons as may be desirous to purchase the same, the Money thence arising being always applied towards the Police Purposes of this Act.

Preventing Nuisance by Works

LXXIV. And be it enacted, That the Proprietors, Owners, or Occupiers of all Cotton Works, Foundries, Mills, Distilleries, Smithies, or other

Steam Engines, &c.

Works already erected or to be erected within the Limits of this Act, the Machinery whereof is driven by Steam, or the Smoke arising from which 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 Magistrates or any One of them shall have Power, and they or he are or is 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 Magistrates or any One of them are and is hereby further authorized and empowered, on the Complaint of the said Commissioners, to prevent all Persons from charring Coals within the Limits of this Act, and, in case any Person or Persons shall so do 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.

LXXV. And be it enacted, That the Proprietors, Owners, or Occupiers of Distilleries and other Works shall dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Distilleries and other Works, 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 Magistrates or any One of them, or the Sheriff of the County, are and is hereby authorized and required to cause the same to be done at the Expence of the Owners or Occupiers of such Distilleries and other Works.

Stagnant Water, and offensive Office Houses, Dungsteads, &c., to be removed and discontinued.

LXXVI. And be it enacted, That no Person shall suffer any waste or stagnant Water to remain in any Cellar or other Apartment or on any vacant Ground belonging to or occupied by him, and that where Ashpits, Dungsteads, Office Houses, or other similar Erections shall be so near to any Street or Place as to be offensive to Passengers, or so near to any Dwelling House as to be a Nuisance or Offence to the Inhabitants thereof, the same shall be removed and discontinued, or so reduced in Size, and so constructed and enclosed, as that such Offence or Nuisance may be prevented; and where such Ashpits, Dungsteads, Office Houses, or other similar Erections are removed and discontinued as aforesaid, other and suitable Accommodation for such Purposes shall be provided by or at the Expence of the Proprietors requiring the same.

Provision as to Premises for collecting Rags, &c.

LXXVII. And be it enacted, That all Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or other Inspector who may be appointed for that Purpose, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells, at least Three Times a Week, at the Sight of the Superintendent or other Inspector, or of any Person acting under them; and Access shall at all reasonable Times be given to the Superintendent or Inspector, or such other Person acting under them, for such

such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful to any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future under a Penalty not exceeding Five Pounds.]

Penalty on Persons causing Dung, &c. to be placed in Streets, &c.

LXXVIII. And be it enacted, That every Person who shall lay or cause to be laid, on any of the Streets, Lanes, Squares, public Passages, Thoroughfares, or Places within the said Limits, any Dung, Dust, or Ashes for the Purpose of carrying the same to adjacent Grounds, shall remove and take the same away before Nine o'Clock of the Day on which it shall be so laid; and if any Dung, Dust, or Ashes shall be allowed to remain on any Part of such Streets, Lanes, Squares, public Passages, Thoroughfares, or Places after the said Hour, it shall be lawful for the Magistrates, or any One of them, to decern the Person so offending to pay any Sum not exceeding Five Shillings Sterling for such Offence, and that over and above the Forfeiture of the Dung, Dust, or Ashes, which shall be removed by the Police to the Public Dungsteads, and afterwards sold, and the Price applied in the same Manner as the Penalty.

Penalty for emptying Slaughter-houses, &c., excepting at certain Hours.

LXXIX. And be it enacted, That if any Person shall hereafter empty or cause to be emptied any Slaughter-house, Privy, or Necessary within the said Limits, or cause to be carried any of the Soil thereof, or any other offensive Substances, through any of the Streets or public Passages and Places within the said Limits at any Time of the Year between the First Day of *April* and the First Day of *October* except between the Hours of Eleven of the Clock in the Evening and Seven of the Clock in the Morning, or at any Time of the Year between the First Day of *October* and the First Day of *April* except between the Hours of Eleven of the Clock in the Evening and Nine of the Clock in the Morning, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds.

Persons wheeling Dung, &c. to clean Closes and Streets

LXXX. And be it enacted, That the Persons employed in carrying or wheeling such Dung, Dust, or Ashes to the Streets shall be obliged to sweep, scrape, and cleanse the Closes, Foot Pavements, and Streets through, over, or upon which the Dung shall have been carried, wheeled, or placed, immediately after they shall have finished their Work, under a Penalty not exceeding Five Shillings Sterling for each Offence.

Removal of Swine in

LXXXI. And be it enacted, That it shall be lawful to any One of the Magistrates to order Swine to be removed within a limited Time from any

certain Cases, &c.

any Place within the Limits of this Act where they are a Nuisance or Annoyance to any Person residing or occupying any House, Shop, or other Premises in the Neighbourhood thereof; and if such Swine are not removed from such Place within the Time limited, or if any Person shall breed, feed, or keep Swine within any Dwelling House, or any Room, Vault, or Cellar thereof, within the Limits of this Act, or shall suffer Swine belonging to him or under his Charge to stray or go about in any Street, Lane, Square, public Passage, Thoroughfare, or public Place within such Limits, every Person so offending shall for such Offence forfeit a Sum not exceeding Twenty Shillings, and shall also forfeit such Swine; and it shall be lawful for the Superintendent, or any of the Officers of Police and their Assistants, to seize and carry away such Swine, and after Conviction by a Magistrate declaring the same to be forfeited to sell the same; and the Price thereof shall be applied in the same Manner as the Penalties under this Act; and if any Swine shall be kept in any Place within the said Limits other than in any Farm Yard, Distillery, or Brewery, the Places within which they are kept shall be regularly cleansed at least every Forty-eight Hours, and Access shall be given at all reasonable Hours to the Officers of Police, for the Purpose of Inspection, under the Penalty of a Sum not exceeding Twenty Shillings for each Offence.

Houses may be numbered and Streets named.

LXXXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses, Buildings, Shops, and Warehouses within the said Limits to be numbered, and to cause to be affixed or painted or otherwise inscribed on a conspicuous Part of any House or Building at or near the End or Corner of each Street the Name of such Street; and if any Person shall destroy, injure, obliterate, or deface any such Number or Name, or shall put up any Number or Name other than the Number or Name put up by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Two Pounds Sterling; and if and when any of such Names or Numbers shall be unavoidably defaced, in consequence of the Door, Wall, or other Place on which the Name is marked being new painted or otherwise, the Proprietors or Possessors of such Door or Wall shall be bound to replace the original Name or Number in a Character easily legible where it formerly was, or in some other conspicuous Place to be approved of by the Commissioners, within Ten Days after the same has been so defaced, under the like Penalty for each Offence.

For licensing Hackney Coaches, &c.

LXXXIII. And be it enacted, That it shall and may be lawful to the said Magistrates from Time to Time 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, for trying, judging, and punishing the Misbehaviour of Coachmen, Chairmen, Carters, and Porters according to Law, for fixing 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 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

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 submitted to and approved of by the Sheriff of the said County of *Ayr*, and that the same shall be put up, either printed or written, on such Place or Places as the said Magistrates shall think proper.

Unwholesome Meat &c. may be seized.

LXXXIV. And be it enacted, That it shall be lawful to the Superintendent of Police, and Officers acting under him, or other Persons whom the Magistrates or any One of them may authorize, to apprehend and bring before the Magistrates any Person who shall sell or expose for Sale, in any Market, Shop, Stand, or Place within the Limits of this Act, any Butcher's Meat, Potatoes, Fish, Game, Poultry, or Fruit of an unwholesome Description, and to seize and take possession thereof; and if Two or more respectable Dealers in such Articles, or other Persons whom any One of the said Magistrates may appoint, shall, after Inspection, certify that it is unwholesome and unfit for Use, the Superintendent or Officers are hereby empowered immediately to cause the same to be buried or otherwise destroyed; and any Person who shall be convicted of selling or exposing any such Articles for Sale as aforesaid shall for each Offence be liable in a Penalty not exceeding Five Pounds, over and above the Expences of the Complaint.

Magistrates may grant Certificates for Sale of Liquors. 9 G. 4. c. 58.

LXXXV. And be it enacted, That it shall be lawful to the Magistrates to grant Certificates under and in Terms of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the granting of Certificates by Justices of the Peace and Magistrates authorizing Persons to keep common Inns, Alehouses, and Victualling Houses in* Scotland *in which Beer, Spirits, Wine, and other Exciseable Liquors may be sold by Retail under Excise Licences, and for the better Regulation of such Houses, and for the Prevention of such Houses being kept without such Certificate*, within the Limits of this Act, any Law or Practice to the contrary notwithstanding: Provided always, that the Magistrates shall, during the Life of the present Clerk to the Justices of the Peace of the County of *Ayr*, be bound to keep or cause to be kept a separate Account of, and to pay or cause to be paid over to him, the Fees at the present Rate paid upon Applications for such Certificates.

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

LXXXVI. And be it enacted, That the Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstructions of the Streets within the Limits of this Act, in all Times of public Processions, Rejoicings or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to their Officers or Constables for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of any Place of public Resort; and every wilful Breach of any such Order shall be deemed a separate Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

LXXXVII. And

Power to regulate the Route of Persons driving Stage Carriages, &c. during Divine Service.

LXXXVII. And be it enacted, That upon Application to the Commissioners by the Minister, Elders, or Party in charge of any Church, Chapel, or other Place of Public Worship within the Limits of this Act, the Commissioners may make Orders for regulating the Route by which Persons shall drive any Cart or Carriage, Cattle or other Animals, or the Manner in which they shall drive them, in the Neighbourhood of such Places of Worship, during the Hours of Divine Service, on *Sunday*, or any Day appointed for a Public Fast or Thanksgiving; and any Orders so made shall be printed, and put up on or near the Church, Chapel, or Place of Public Worship to which the same refer, and in some conspicuous Places near and leading thereto, and elsewhere, as the Commissioners may direct; and every wilful Breach of any such Order shall be deemed a separate Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to poind stray Cattle.

LXXXVIII. And be it enacted, That if any Cattle or other Animals be at any Time found at large in any Street within the Limits of this Act without any Person having the Charge thereof, any Officer of Police, or Constable, or any Person residing within the Limits of this Act, may seize and poind such Cattle or other Animals according to the Forms of the Law of *Scotland*, and the same shall remain so poinded until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expences of poinding and keeping such Cattle or other Animals.

Power to sell stray Cattle for Penalty and Expences.

LXXXIX. And be it enacted, That if the said Penalty and Expences be not paid within Three Days after such Poinding the said Commissioners or Person appointed by them for that Purpose may proceed to sell or cause to be sold any such Cattle or other Animals, but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of the same, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Limits of this Act or within the County of *Ayr*; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and all other Expences attending the poinding, advertising, keeping, and Sale of any such Cattle or other Animals so poinded, shall be retained by or paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle or other Animals so sold.

Forty Shillings Penalty for the herein named Offences:

XC. And be it enacted, That every Person who, in any Street within the Limits of this Act, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Magistrate before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Officer or Constable appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Marketplace or Fair lawfully appointed for that Purpose)

Purpose) any Horse or other Animal; or exhibits, in a Caravan or otherwise, any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, or exercises, trains or breaks, or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

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

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

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

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

Every Person having the Care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof; or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side; or who, in passing any other Carriage, does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

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

Every Person who uses any Dog for the Purpose of drawing or helping to draw any Cart or other Carriage:

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

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

or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber or Iron Beam to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same:

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

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

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

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

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon:

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

Every Person who wilfully and indecently exposes his Person:

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

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

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

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

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

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials inclosed as is hereby provided):

Every

Every Person who beats or shakes any Carpet, Rug, or Mat (except Door-mats beaten or shaken before the Hour of Eight in the Morning):

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

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

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

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

Penalty on Drunkards or other Persons guilty of riotous or indecent Behaviour.

XCI. And be it enacted, That every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Limits of this Act, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

Superintendent of Police and Surgeons may be appointed.

XCII. And be it enacted, That it shall be lawful for the Commissioners, or a Majority of them, to appoint a Superintendent of Police during their Pleasure, to act under the Authority and Orders of the Commissioners of Police, and of the said Magistrates or any One of them, for executing the Matters committed to them by this Act, and for regulating the Police, and for preserving Peace and good Order within the Limits of this Act; and it shall also be lawful to the said Commissioners to appoint a Police or District Surgeon or Surgeons for the Purposes of this Act.

Power to appoint Serjeants, Patrolmen, &c.

XCIII. And be it enacted, That it shall be lawful for the Commissioners to appoint such a Number of Serjeants, Patrolmen, Watchmen, Scavengers, and other inferior Servants as they shall judge necessary for guarding, patrolling, and watching the Streets within the Limits of this Act, in such Manner and under such Rules and Regulations as to the Commissioners shall appear proper and expedient.

Power to pay suitable Salaries and Wages.

XCIV. And be it enacted, That it shall be lawful for the Commissioners to order suitable Salaries or Allowances to be made to the Superintendent of Police, District Surgeon or Surgeons, and Serjeants, Patrolmen,

Patrolmen, Watchmen, and other inferior Servants, and to pay the necessary Expences incurred by them in the Execution of the Duties of their respective Offices, and the necessary Charges and Expences of the aforesaid Establishment, from the Police Rates hereby granted.

Duty of Superintendent and other Officers of Police.

XCV. And be it enacted, That the Duty of the Superintendent of Police, Servants, Watchmen, and other Officers, shall be, and they are hereby authorized, to aid and assist the Magistrates in apprehending, detecting, and bringing to Justice Persons guilty of Street Robberies, Housebreaking, Assaults, Reset of Theft, Shoplifting, Picking Pockets, Gambling, 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 aforesaid 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 in the Streets, Roads, and Passages, or riding on their Carts, or driving Carriages or Horses or Cattle furiously or improperly, so as to endanger Her Majesty's liege Subjects, or cruelly treating Horses or Cattle or other Animals, or 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 Sunset; in seeing that Streets, Passages, and other Places are properly lighted and cleaned; guarding, patrolling, and watching the Streets; and in general in aiding and assisting the Magistrates in all Matters relative to regulating the Police and preserving good Order and Tranquillity within the Limits of this Act, and otherwise in carrying the different Purposes of this Act into execution.

Superintendent and other Officers may be dismissed.

XCVI. And be it enacted, That it shall be lawful to the Commissioners, or a Majority of them, to dismiss the Superintendent of Police, or any of the Officers, Patrolmen, Watchmen, or Servants appointed by virtue of this Act under the Charge of the Superintendent, when they shall find Cause and see it proper so to do, and that no Person so dismissed shall be reinstated without the Consent and Approbation of the whole of the Commissioners for the Time being; and it shall also be lawful to the said Commissioners, or a Majority of them, to dispense at any Time with the Services of such Surgeon or Surgeons, and to employ another or others in his or their Room, as to the said Commissioners shall seem meet.

Power to appoint Town or Burgh Officers, and to constitute Officers Special Constables.

XCVII. And be it enacted, That the Magistrates shall have Power to constitute the Superintendent of Police and other Officers to be named by the Commissioners as aforesaid, and such other Persons as they may think fit, Special Constables for the Purpose of attending the Magistrates, and executing the Sentences or Warrants to be issued by them by virtue of this Act, with all the Powers competent to Constables by the Law of *Scotland*.

XCVIII. And

Commissioners may make Bye Laws to govern themselves and their Servants.

XCVIII. And be it enacted, That it shall be lawful for the Board of Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of their Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall see Cause, so as no such Bye Law be contrary to the Laws of *Scotland* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by the Board of Commissioners, or a Quorum of their Number.

Fines for Breach of such Bye Laws.

XCIX. And be it enacted, That it shall be lawful for the Board of Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Two Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Judge before whom any Penalty imposed thereby may be sought to be recovered to order the whole or a Part only of such Penalty to be paid.

Penalty on Parties possessed of or assuming the Dress of Officers.

C. And be it enacted, That every Person, not being an Officer of the Police Force, who shall have in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to such Officer, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Officer, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or to procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable in a Penalty not exceeding Five Pounds.

Superintendent to act as Fiscal in Police Court.

CI. And be it enacted, That the Superintendent of Police under this Act shall be entitled to act as Procurator Fiscal in the Police Court.

Penalty on Coachmen, Carters, and others, for Breach of Regulations.

CII. And be it enacted, That in all Cases of Breach of Police Regulations, or Exaction of higher Rates or Fares, by Coachmen, Carters, or Porters, than those established by any Act, Bye Law, or Regulation, and in general in all Cases inferring small pecuniary Penalty or Fine, where Complaint shall be made by any Party to the Superintendent, Sergeants of Police, or Constables of any Offence competent to be tried as aforesaid, it shall be lawful for such Officers, on such Complaint, to summon and convene the Party complained against, and to cite Witnesses for either Party; and on such Summons the Magistrates or any One of them shall be authorized to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred: Provided always, that at the Time of hearing any such Case, or immediately thereafter, the Charge, and a Note of the Sentence, shall be inserted in a brief Form in the Police Court Book, or otherwise recorded, and which Entry or Record shall be signed by the Magistrate, and form Part of the Records of the Court.

Police Court to determine all Questions regarding common Closes, &c.

CIII. And be it enacted, That it shall be lawful for any One of the Magistrates sitting in the Police Courts within the foresaid Limits to determine, in the summary Manner herein authorized, all Questions in relation to common Closes, Passages, Courts, or Areas, as to any temporary Incumbrance, Obstruction, or offensive Matter or Thing therein, and particularly as to the Occupancy of such with Carts, Barrows, Crates, Barrels, Boxes, or other Articles which may obstruct the Passage, or afford Facilities to Thieves or other evil-disposed Persons in committing Crimes and Offences, and to order the same to be removed or secured so as to prevent such Obstruction or illegal or improper Use.

As to citing Parties, Witnesses, &c.

CIV. And be it enacted, That all Citations under this Act shall be given personally or left at the Dwelling Places of the Parties cited if within the Limits of this Act, but in the event of such Parties residing beyond the said Limits it shall be lawful to leave such Citations within their Shops, Warehouses, Counting Houses, or other Places of Business within said Limits, which Citation shall specify the Charge or Offence by Name, Character, or Description only, and the Time and Place of Appearance; and it shall be lawful for the Court either to hear Parties cited, or any Procurator, Agent, or other Person duly authorized by them, and, in the event of Parties not appearing, by themselves, or by a Procurator, Agent, or other Person duly authorized by them, on the Citation being verified by the Oath of the executing Officer, to continue the Case, and either to grant Warrant for apprehending the Party and bringing him into Court, or to take Evidence of the Charge, and on the Charge being proved to convict the Parties, award the Penalties, and grant Warrant of Recovery thereof, with the Expences of Conviction.

Persons cited as Witnesses failing to attend or to give Evidence, to be punished.

CV. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any of the Magistrates, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for any such Refusal or Neglect, or if any Person appearing or being called as a Witness shall refuse to be sworn and examined upon Oath, or, in case of a Quaker, to be affirmed and examined on solemn Affirmation, or, after having been sworn or affirmed, shall wilfully and without reasonable Cause refuse to give Evidence touching or concerning the Subject Matter of Complaint, or upon any Matter or Thing incidental or relating thereto, such Person so refusing or neglecting to appear, or appearing and refusing to give Evidence, shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the Magistrate, by Warrant under his Hand, to cause such Person to be apprehended and committed to Prison for any Time not exceeding Two Calendar Months, or until such Person shall submit himself to be examined, and give his Evidence before such Magistrate as aforesaid: Provided always, that Proof on Oath by the Officer, in the Case of a Person not appearing according to such Summons, shall be first made before such Magistrate of the due Service in manner before directed of such Summons on every such Person.

CVI. And

Provision for adjourning the Diet in certain Cases.

CVI. And be it enacted, That where, from the Absence of the Witnesses for any summary Prosecution, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Defender in such Prosecution are in attendance, it shall be lawful for the Court, at the Request of the Defender (and if the Court in the Circumstances shall deem it proper), to take the Evidence of the Defender's Witnesses before the Proof for the Prosecution has been concluded; and it shall be lawful to adjourn the Diet for further Evidence on either Side, and it shall be no legal Objection to a Witness that he has appeared without Citation, or to his Evidence, or the Regularity of the Procedure, that any Questions *in initialibus* have not been put to him, unless desired by the respective Parties, to whom it shall be competent to move the Court to that Effect.

Punishment of Offenders in certain Cases without Record kept, except of the Charge and Judgment.

CVII. And be it enacted, That all Offences, Matters, and Things falling under this Act, including all minor Offences and Crimes punishable at Common Law, or under any special Statute, shall, where not otherwise hereby provided for, be judged of or determined by the Magistrates, or any One of them, at the Instance of their Procurator Fiscal, or of the Superintendent of Police, to either of whom it shall be competent to bring Actions and Prosecutions; and that in all Actions and Prosecutions brought accordingly, and whether concluding for Fines, Penalties, or Imprisonment, it shall be competent to the Magistrates, or any One of them, to inflict such Punishment as they may think fit on the Offender or Offenders, not exceeding a Fine or Penalty of Five Pounds Sterling, or Imprisonment not exceeding One Calendar Month, excepting in such Cases as may be herein otherwise specially provided for; and in all such Cases the Procedure against Offenders shall be of a summary Nature, without any written Pleadings or Record of Evidence, but a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless when the accused pleads guilty, which shall be made to appear; and the said Record shall also set forth, if the Prosecutor or accused Party desire it, any Offer of Proof made by either of the Parties and refused to be admitted, and likewise, if so desired, any Objection to the Admissibility of Evidence sustained or repelled by the Court.

When Crime has been committed beyond Limits of Act.

CVIII. And be it enacted, That when Crimes, Delinquencies, or Offences shall have been committed beyond the Limits of this Act, and the Offender shall be apprehended within the Limits thereof, it shall be lawful to the said Magistrates, or any One of them, either to transmit the Person accused or suspected to the Sheriff of the County within which the Crime, Delinquency, or Offence is alleged to have been committed, or to authorize such Person to be detained in the Police Office or in Prison until disposed of according to Law, Notice of such Detention being forthwith given by the Superintendent of Police or Procurator Fiscal of Court to the Procurator Fiscal of the Burgh or County or other Jurisdiction within which the Crime, Delinquency, or Offence is alleged to have been committed, if within *Scotland*, and to the Chief Magistrate or Clerk of the Peace if within any City or County in *England* or *Ireland*.

CIX. And

Proceedings in case of Bail being forfeited.

CIX. And be it enacted, That where any Person shall have been apprehended, and afterwards liberated on Bail, and shall fail to appear, and where any Offenders who shall have found Caution for good Behaviour or for keeping the Peace, shall commit a new Offence, such Failure or new Offence incurring Forfeiture of the said Bail or Caution, it shall be competent for the Magistrates, or any One of them, to declare the Bail to be forfeited, and to appoint and ordain such Forfeiture to be intimated to the Cautioner, and to require him to make Payment of the Sum contained in the Bond of Caution within the Space of Forty-eight Hours; and in default of such Payment such Sum shall thereupon be recoverable, at the Instance of the Procurator Fiscal, by a Precept or Warrant, to be issued by any One of the Magistrates, and upon Failure in Payment it shall be competent to grant Warrant to poind and sell the Cautioner's Goods and Effects for the Sum so forfeited, and the Expence of such Proceedings and of the Poinding and Sale.

Magistrates may decern for Expences of Works and Costs of Suit.

CX. And be it enacted, That the Magistrates are hereby empowered in all Cases 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: Provided always, that such Costs of Suit shall not include the Costs of any Proceedings in Writing, excepting the original Charge or Complaint, and that the Costs allowed for such Charge or Complaint shall in no Case exceed the Sum of Five Shillings.

Power to mitigate Sentences.

CXI. And be it enacted, That it shall be lawful for the Magistrates, or any One of them, of their or his own Accord, or on the Application of the Procurator Fiscal or the Offender himself, from Time to Time to mitigate any Sentence which may have been pronounced by them or him, by shortening the Duration of the Term of Imprisonment which may have been awarded, or by lessening any of the Forfeitures and Penalties incurred under this Act to any Sum not less than One Third of the said Forfeitures and Penalties, besides the Expences and Charges of suing for the same.

How stolen or unclaimed Goods to be kept.

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

Yearly Estimate of Expences to be prepared, and Assessment laid on accordingly.

CXIII. And be it enacted, That the Commissioners shall have Power, at a Meeting to be held on the First *Wednesday* after their Election under this Act, and thereafter on the Second *Wednesday* of *November* annually, or on some other Day to which the same may be adjourned, to prepare an Estimate of the Sums of Money to be expended by them for the various Purposes of this Act for the then current Year, and to ascertain and lay on the several Assessments, Rates, and Duties before and after specified according thereto; and it shall not be lawful for the Commissioners

Commissioners, or any 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 laid on, and the Expenditure thereof voted, by the Commissioners.

Manner and Rate of Assessment for Police Purposes.

CXIV. And be it enacted, That the Commissioners shall be empowered, and they are hereby required, at a Meeting to be held on the First *Wednesday* after their Election under this Act, and thereafter on the Second *Wednesday* of *November* annually, or upon such other Day as the said Meeting in that or any future Year may be adjourned to, in order to raise a Fund for defraying the Expence of guarding, watching, lighting, and cleansing, and the general Purposes of this Act not herein otherwise provided for, to assess upon all Lessees, Occupiers, or Possessors of Dwelling Houses, Shops, Warehouses, Counting Houses, Timber Yards, Depôts, Works, Cellars, Stables, Factories, Iron Works, and other Buildings and Pertinents thereof within the Limits of this Act, rented or valued in Sterling Money, an annual Assessment not exceeding in Money Sterling as follows; that is to say, for Premises rented at Three Pounds and under Six Pounds One Shilling in the Pound, and at Six Pounds and upwards One Shilling and Threepence in the Pound, and so on in proportion for less Sums, or so much of the said Sums as the Commissioners shall judge necessary to assess and lay on for the said Services at the Time; which annual Assessment shall be calculated for the Year current, from *Whitsunday* to *Whitsunday* annually, upon the aggregate or accumulated Rent of each Person's Possession; and in case such Assessment shall not be laid on to the full Amount of the Rates before specified, one and the same Sums shall be deducted or abated from the maximum Rate of each of the said Assessments: Provided always, that the Assessment shall, in the Discretion of the Commissioners, not be levied from such of the Inhabitants within the Limits of this Act as do not receive the Benefits of watching, cleansing, and lighting, and that the Commissioners shall not be obliged to extend these Benefits to those Parts of the said Limits where the Assessment is not levied.

An additional Assessment for widening Streets, Lanes, &c.

Power to borrow for carrying Purposes into effect.

CXV. And be it enacted, That for the Purpose of raising and accumulating a Fund for defraying the Expences of opening, extending, widening, and improving Streets, Lanes, and Thoroughfares, and removing Projections, Encroachments, or other Obstructions as aforesaid, and acquiring Subjects for that Purpose, there shall be assessed and levied, as an additional Assessment, by the Commissioners, along with the other Assessments under this Act, in the Manner and by the Means herein provided, a Sum not exceeding One Halfpenny *per* Pound on the Rental of the Property within the said Limits rented at Three Pounds a Year and upwards; and which Sum, when levied, shall be applied by them at such Time and in such Manner as they shall deem proper for the said Purposes; and on the Security of the Sums so to be levied it shall be lawful to the Commissioners to borrow or take up on Loan such Sums of Money as may appear to them expedient, not exceeding in all at any one Time the Sum of Five hundred Pounds Sterling, for carrying the said Purposes into effect: Provided always, that in the event of the Commissioners

resolving, at any Meeting specially called for the Purpose, that it is inexpedient to lay on or levy, or to continue to lay on or levy, such additional Assessment in or for any One Year or Term of Years, the same shall be discontinued for such Period, except in as far as shall be necessary for discharging any Debt or other Obligation incurred by virtue of this Act; and provided further, that no Part of the aforesaid additional Assessment shall be imposed without the Consent first had and obtained of a Majority of the whole of the Commissioners.

Surveyor to be appointed and to ascertain Rents, and Notice to be given of Assessment.

CXVI. And be it enacted, That for the better Ascertainment of the yearly Rents of the various Subjects and the various Persons hereby authorized to be assessed for any of the Purposes before mentioned, the Commissioners shall and they are hereby required from Time to Time to name and appoint a Surveyor, who shall, at such Times as the Commissioners shall direct, make up exact Lists of all the Subjects and Persons, specifying the Rental of the respective Possessions, and the Sums for which they are respectively assessed in respect of such Possessions; and such Lists being so made up, a Notice shall be left at the Dwelling House or other Premises of every Person so assessed, specifying the Amount of Rent, and stating in the said Notice the Amount of the Assessment, if any, charged for widening or improving Streets, Lanes, and Thoroughfares, separately from the Amount of the Charge for the other Purposes of this Act; and if any Person shall think himself aggrieved by such Assessment, it shall be lawful for him, within Six Days after such Notice shall have been left at his Dwelling Place or on the Premises surveyed, to give Notice in Writing to the Clerk to the Commissioners of the Overcharge complained of; and the Commissioners shall meet annually, within the Court House of the Burgh, or other Place to be by them appointed, on a Day to be fixed upon by them, and mentioned in the Notices to be served upon the different Parties to be assessed, with Power to adjourn from Time to Time, for the Purpose of hearing the Parties; and in case the Commissioners shall, at any of the said Meetings, think the Rent of an Occupier so given in by the Surveyor too low, they shall and may give similar Notice to such Occupier, and shall, at a subsequent Meeting, finally determine the Amount thereof; and 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 operation, or in which any Furniture or Goods are deposited at the Time; and that a Second Survey shall be made, in manner aforesaid, at a Period to be fixed by the said Commissioners, of such Houses or 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 Second Rent Roll or Return, and assessed for Half of the yearly Rate, which half-yearly Assessment shall be paid in like Manner as the other Assessments herein-before mentioned, and, in case of Failure, recovered in manner herein directed.

CXVII. And

Provision as to partial Occupancy.

CXVII. And be it enacted, That for every entire Period of Three Months for which any of the Premises assessable as aforesaid can be shown to have been unoccupied, a proportional Deduction of the annual Assessment chargeable thereon shall be allowed: Provided always, that all Proprietors, Lessees, and others who shall let for Rent or hire Premises within the said Limits to Occupiers for a Period of less than Six Months shall themselves, as well as such Occupiers, be responsible for such Assessments, which shall be recoverable either from the Proprietors, Lessees, and others, or from the Occupiers, as the Commissioners shall judge expedient.

Exemption from Assessments.

CXVIII. And be it enacted, That all Houses or Parts of Houses and other Buildings herein mentioned occupied by any Person rated under Three Pounds Sterling of yearly Rent, and all Persons receiving Charity from the Funds of any Parish, shall be and they are hereby exempted from the Payment of any Assessments to be imposed and levied by virtue of this Act, and that the Commissioners shall, if they think proper, have Power from Time to Time to extend the said Exemption from the Assessments hereby authorized to be levied to Parties liable therefor, whose Possessions are rented at or under Five Pounds, but during such Limitation the Parties exempt in consequence thereof shall not be qualified to vote in the Election of Commissioners for their respective Wards.

Penalty for giving false Certificates to procure Abatements from Assessments.

CXIX. And be it enacted, That every Proprietor, Landlord, Factor, or Agent who shall grant a Certificate or Receipt containing or specifying a Sum as the Rent of the Premises therein referred to less than the Rent really payable for such Premises, and every Tenant or Occupier who uses or attempts to use such Certificate or Receipt in order to procure an Abatement of Assessment, shall be liable in a Penalty not exceeding Five Pounds Sterling for each Offence.

Power of Appeal as to Assessments.

CXX. And be it enacted, That if any Person shall consider himself aggrieved by any Decision of the Commissioners in regard to any such Assessment, it shall be lawful to him, within Fourteen Days after such Decision, to appeal therefrom to the Sheriff, who shall in a summary Manner decide the Matter in dispute; and the Decision of the Sheriff shall be final and conclusive, and not subject to Review by any Superior Court.

Recovery of Assessments.

CXXI. And be it enacted, That if any Person rated and assessed under this Act who shall not have appealed as aforesaid shall refuse or neglect to pay such Assessments charged upon him for the Space of Fourteen Days next after such Assessments shall be due and demanded by a written or printed Notice left at his Place of Abode or Place of Business (of which Notice the Certificate of the Collector shall be sufficient Evidence), and by Tuck of Drum through the Bounds of this Act, or if any Person appealing as aforesaid shall so refuse or neglect to pay the Assessments or Part thereof for Ten Days after the Determination of his Appeal, then and in that Case such Person shall become chargeable with an additional Sum in Name of Penalty and Expences, agreeably to the Scale contained in Schedule (C.) hereunto annexed; and it shall be lawful to the Collectors

Collectors to be appointed by the Commissioners to apply to any of the Magistrates for a Warrant to any of the Officers of Police or other Officer of Law to enter his House, and to seize and take possession of his Goods and Effects, and which Warrant such Magistrate is hereby authorized to grant upon a Certificate, signed by the Collector, of such Demand having been made and Notice thereof given, or such Appeal having been determined, and of such Person being in arrear to the Amount stated in such Certificate; and if such Rates and Assessments, and such additional Sum in Name of Penalty and Expences, shall not be paid within Three Days after such Seizure is made, together with the further Costs or Charges by such Seizure incurred, then the Collector is hereby authorized to sell by public Roup, at such Place as may appear proper, such Part of the said Goods and Effects as shall be sufficient to pay the said Rates or Assessments and Penalty, and the Costs and Charges attending such Seizure and Sale, returning the Surplus, if any, to the said Owner, and such Costs or Charges, to be ascertained by the Magistrate who shall issue the said Warrant: Provided always, that no Notices by the Newspapers or Tuck of Drum shall be requisite in the Case of temporary Possessors or others coming into possession of their Premises liable to the said Assessments after the Term of *Martinmas* in any Year.

Assessments to be recoverable beyond Limits.

CXXII. And be it enacted, That in case any Person liable to any of the Assessments shall remove to any Place beyond the Limits of this Act, it shall nevertheless be lawful to the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution beyond the Limits of this Act, in the same Manner as if such Person had continued to reside within the said Limits, such Decrees or Warrants being first approved of and endorsed by a Magistrate of the District within which they are put into execution.

Power to delay Executions for Payment.

CXXIII. And be it enacted, That it shall be lawful to the Commissioners to delay the Execution of Diligence for Payment of such Assessment from any Person liable therein, and to give such Abatement or Relief therefrom as the Circumstances of any Person applying for such Relief may seem to them to require.

Commissioners to collect Statute Labour Conversion Money.

CXXIV. And whereas the personal Performance of Statute Service has not been required for many Years in the County of *Ayr*, a reasonable Composition in Money in lieu thereof having been found more useful and expedient, and it will further be more convenient that the said Commissioners have the Power of levying the Composition or Conversion hereby authorized within the Bounds of this Act; be it therefore enacted, That from and after the passing of this Act all Persons, Corporations, or Companies in the natural Possession, whether as Owners, Lessees, or Occupiers, of Lands, Iron Works, Factories, and manufacturing Establishments, Houses, Buildings, and other Heritages, of every Description, within the said Bounds, shall pay yearly, on or before the Eleventh Day of *November* in each Year, as a Money Composition or Conversion in lieu of Statute Service, a Sum not exceeding One Pound for every Hundred Pounds

Pounds of the real Rent or Value of such Lands and Heritages, and a proportionate Sum for smaller Rents or Values, in conformity with the Provisions and Exceptions of the Act or Acts regulating, or that may be passed during the present Session of Parliament to regulate, the Collection of the Statute Labour of the Remainder of the said County of *Ayr;* which Statute Labour Conversion Money shall, from and after the passing of this Act, be payable to and leviable by the said Commissioners and their Collector within the Bounds of this Act, as far as may be, in the same Manner as is provided in regard to the Collections of the other Assessments hereby granted; and the same shall be applied by the said Commissioners in upholding and keeping in repair the various Thoroughfares within the said Limits, with the Exception of the following Portions thereof; *videlicet*, the Part of the Road from *Glasgow* to *Kilmarnock* lying betwixt *Beansburn* at a Point Eighty-four Yards North and distant from the Centre of *Henderson*'s Free Church in *Wellington Street* of *Kilmarnock*, the Parts of the Road from *Stewarton* to *Kilmarnock* lying betwixt *Wellington Street* and the Boundary of said Burgh, and betwixt *Garden Street* and said Boundary, the Part of the Road from *Ayr* to *Kilmarnock* lying betwixt *Riccarton Bridge* and a Point Fifty-four Yards South and distant from the Centre of the Relief Church in *King Street*, the Part of the Road from *Kilmarnock* to *Mauchline* lying betwixt *Green Street* and the Extremity of the Bounds of said Burgh, the Parts of the Road in said Burgh leading from *Grange Street* towards *Irvine* and *Troon* respectively, and the Part of the Road within said Burgh leading from the East Side of *Saint Marnock's Bridge* near *King Street* towards *Irvine*, which shall be held and kept in repair by the Trustees of the Turnpike Roads of the said County of *Ayr:* Provided always, that in case of there being any Surplus of the said Conversion Money after properly upholding said Thoroughfares the same shall be laid out upon the other Streets of *Kilmarnock*, under the Direction of the said Commissioners; and an Account of the Receipts and Disbursements of said Conversion Money shall be kept in a separate Book, which shall be open upon all reasonable Occasions to the Inspection of the Road Trustees and every Person paying the said Conversion Money.

Conversion Money how to be recovered, and Recovery of Arrears.

CXXV. And be it enacted, That if any Person liable as aforesaid shall refuse or neglect, on or before the said Eleventh Day of *November* in each Year, to pay the aforesaid Conversion Money, it shall be lawful to the Magistrates, or any One of them, to grant summary Warrants for poinding the Effects of the Defaulters for Payment thereof, besides the Expence of Execution, which Warrants shall be granted upon an Application made by the Collector or Treasurer of the said Commissioners; and if, on the Expiration of Eight Days from the Date of such poinding, the Conversion Money due by the Person or Persons whose Effects shall have been poinded as aforesaid, with the Charges incurred thereon, shall remain unpaid, it shall and may be lawful to any One Magistrate, on the Application of the Collector or Treasurer, to grant Warrant to sell such poinded Effects at such Place within the Bounds of Police as may be appointed in such Warrant, previous Notice of such Sale being given by Advertisement throughout the Town at least Four Days before the

Day of the Sale, the Surplus of the Price, if any shall remain after paying the Conversion Money and the Charges of the Application, Warrant, Poinding, and Sale, being paid to the Owner of the Effects; and the said Collector or Treasurer shall be bound to preserve the Warrants of such Poindings and Sales, and enter in a Book to be kept for the Purpose the Names of the Parties proceeded against, the Amount of the Conversion Money due, the Expence of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection, without any Fee, of all Parties interested, for One Year after the Date of each Sale respectively: Provided always, that it shall nevertheless be competent to pursue for and recover the said Conversion Money by Complaint to the Sheriff or to the Justices of the Peace of the said County sitting in their Small Debt Courts, or otherwise, according to the due Course of Law.

Appeal to Sheriff.

CXXVI. And be it enacted, That if any Person shall conceive himself aggrieved by any Decision or Sentence pronounced by the Magistrates or any of them in regard to such Statute Labour Conversion Money, he may bring such Decision or Sentence under Review of the Sheriff by Appeal within Fourteen Days, who shall determine the said Matter in a summary Way, and his Decision shall be final and conclusive.

Appeal not to stop Payment of the Conversion Money.

CXXVII. Provided always, and be it enacted, That no such Appeal shall stop the Payment of the Conversion Money, but nevertheless it shall be lawful for the said Sheriff, upon Complaint of the Person aggrieved, to award Damages to treble the Value of the Goods poinded, to be paid by the Collector or Treasurer, if he shall find that he was not justified in making the Application for the Warrant complained of, provided such Complaint shall be brought within Six Months of the Act complained of, and not afterwards.

Power to Commissioners to erect Washing Houses and Baths.

CXXVIII. And be it enacted, That the said Commissioners shall have Power, and they are hereby authorized and empowered, to purchase or take on Lease 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 or public Washing Houses, and to form a Green for bleaching and drying Clothes on, and also to erect One or more public Baths for the Use of the Inhabitants; and the said Commissioners are hereby authorized to appoint Keepers and other Persons for managing the said Washing House or Washing Houses and Baths, or to let out the same at a yearly Rent.

Commissioners to make Bye Laws for Baths and Washhouses.

CXXIX. And be it enacted, That the Commissioners shall have Power from Time to Time to make and alter such Bye Laws for the Management, Use, and Regulation of the Baths and Washhouses, and for determining the Charges for the Use of such Baths and Washhouses respectively, as they shall think fit, and may appoint any Penalty not exceeding Forty Shillings for any Breach thereof; and such Bye Laws shall be subject to the Approval of the Sheriff, and shall make sufficient Provision for the several Purposes in the Schedule (D.) to this Act annexed.

CXXX. And

Charges fo Use of Baths and Washhouses.

CXXX. And be it enacted, That the Commissioners may from Time to Time make such reasonable Charges for the Use of the Baths and Washhouses as they shall think fit, but not exceeding the Charges mentioned in the Schedule (E.) to this Act annexed, unless for the Use of any Washing Tub or Trough for more than Two Hours in any One Day, for which any Charges may be made which the Commissioners may think reasonable.

Application of Fines, &c.

CXXXI. And be it enacted, That a Book shall be kept by the Assessors of the Magistrates, in which shall be entered an accurate Statement of the Fines, Penalties, and Forfeitures imposed and levied under this Act, and which Book shall at all reasonable Times be patent and open for the Inspection of the Commissioners, or any of them, who may take Copies or Excerpts therefrom, without Payment of any Fee, Charge, or Expence, excepting always the ordinary Writing Fees, in case any of the Commissioners shall require the Assessors or other Person keeping such Books to make such Copies or Excerpts; and the Fines shall be collected by such Clerk or other Person, and applied one Half to the common Good of the Burgh for Municipal Purposes, and the other Half to Police Purposes.

Penalties to be levied by Distress.

CXXXII. And be it enacted, That when any Offender under this Act shall be convicted and adjudged to make Payment of any Penalty, and shall fail to make Payment of the same, with Costs of Conviction, if such shall be awarded, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any of the Magistrates shall issue their Warrant of Distress accordingly.

In default of Distress Offender may be imprisoned.

CXXXIII. And be it enacted, That it shall be lawful for any One of the Magistrates to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Magistrates, for his Appearance on the Day appointed for such Return, such Day being not more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Magistrates, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Magistrate, then such Magistrate shall, by Warrant, cause such Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Sentences reviewable only by Appeal to Circuit Court.

CXXXIV. And be it enacted, That if any Person shall feel aggrieved by any Sentence pronounced by the Magistrates, or any of them, under this Act, it shall only be lawful for such Person to appeal to the Court of Justiciary or the next Circuit Court to be held at *Ayr*, in the Manner and under the Rules, Limitations, and Conditions contained in an

20 G. 2. c. 43. an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing Heritable Jurisdictions in *Scotland*, and in any subsequent Act or Acts of Parliament regulating such Appeals; and it shall not be competent to appeal from or to bring the Judgment of the Magistrates or any of them under this Act under Review, by Advocation, Suspension, Suspension and Liberation, or Reduction, or in any Way whatever, other than is hereby provided for: Provided always, that the Party so appealing may be detained in custody until Caution shall be found in the Terms before provided.

All Sheriffs, &c. to assist in putting this Act into execution.

CXXXV. 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 whatsoever, are hereby required to be aiding and assisting in putting this Act in due and lawful Execution.

Act not to affect Rights of Town Council of Kilmarnock.

CXXXVI. And be it enacted, That nothing in this Act contained shall take away, abridge, or diminish any Right or Privilege or Jurisdiction or Power which now belong to and are enjoyed by the Magistrates and Town Council of the Burgh of *Kilmarnock* in virtue of former Acts of Parliament, Royal Charters, or immemorial Usage, excepting in so far as is herein-before provided for.

Saving Rights of Railway and Water Companies.

CXXXVII. And be it enacted, That nothing in this Act contained shall extend or limit, alter or affect, any of the Rights, Powers, or Privileges of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, or the *Glasgow, Kilmarnock, and Ardrossan* Railway Company, or the *Kilmarnock* Waterworks Company, except as herein expressly provided.

Not exempt from any future general Act.

CXXXVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Town of *Kilmarnock* from the Provisions of any general Act relating to Police or Improvements or for Sanatory Purposes, which may pass during the present or any future Session of Parliament.

Expences of Act.

CXXXIX. And be it enacted, That the Charges incurred in applying for and obtaining this Act, and incident thereto, shall be defrayed out of the Assessments and other Monies hereby authorized to be raised or levied for Police and general Purposes; and on the Security of the Sums so to be levied it shall be lawful to the Commissioners to borrow or take on Loan such Sum of Money for the said Purposes as may appear to them expedient, not exceeding the Sum of Six hundred Pounds.

Interpretation of Act.

CXL. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words

Words importing the Masculine Gender only shall include Females:
The Word "Month" shall mean Calendar Month:
The Word "Person" shall include Corporation, whether aggregate or sole:
The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Person exempted by Law from taking Oaths:
The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act:
The Word "Lands" shall extend to Tenements and Heritages of every Tenure or Description:
The Word "Sheriff" shall mean the Sheriff of the County of *Ayr*, and shall include the Sheriff Substitutes:
The Word "Procurator Fiscal" shall include Procurator Fiscals Depute:
The Word "Magistrate" shall include Provost and Baillies:
The Word "Town Clerk" shall mean the Town Clerk or Clerks of the Burgh of *Kilmarnock*:
The Word "Burgh" shall mean the Burgh of *Kilmarnock* as in this Act extended and defined:
The Word "Distress" shall mean all legal Diligence competent by the Law of *Scotland* against the Personal Estate:
The Words "within the Limits of this Act," or "within the said Limits," or Words to that Effect, shall include the whole Boundaries to which this Act extends.

Public Act.

CXLI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

Oath of Identity of Elector.

I *A. B.* do solemnly swear [*or* affirm], that I am the Person described in the Survey List or Register of Electors for Commissioners of Police of the Burgh of Kilmarnock as *A. B.* of [*here insert the Elector's Description in the same Words as contained in the Survey List or Register*]; that I am still the [Tenant and Occupier, *or* Owner and Occupier, *as the Case may be*] of the Premises in respect of which my Name is entered in the said List or Register; and that I still hold the same Premises as such for my own Benefit, and not in Trust, or at the Pleasure of any other Person; and that I have not already voted at this Election.

SCHEDULE (B.)

Form of a Conveyance.

I in consideration of the Sum of paid [*or other Consideration, as the Case may be*], do hereby sell, assign, dispone, and convey to the Clerk to the Commissioners of Police for the Burgh of Kilmarnock, and his Successors in Office, for Behoof of the said Commissioners, all and whole [*here describe the Premises to be conveyed*], and all my Right, Title, and Interest in the same, to be holden by the said Clerk to the said Commissioners and his Successors in Office for ever, by virtue of an Act passed in the Year of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act, and the Conditions, if any, of the Sale, with a Clause of Warrandice, and a Testing Clause, in the Form required by the Law of Scotland.*]

SCHEDULE (C.)

Scale of additional Assessment in default of Payments.

	s.	*d.*
When the Rent is under Five Pounds - - - -	0	3
When the same amounts to Five Pounds, and is under Ten Pounds -	0	6
When the same amounts to Ten Pounds, and is under Twenty Pounds -	0	9
When the same amounts to Twenty Pounds, and is under Forty Pounds	1	0
When the same amounts to Forty Pounds and upwards - -	1	6

SCHEDULE (D.)

BYE LAWS TO BE MADE IN REGARD TO BATHS AND WASHHOUSES.

For securing that the Baths and Washhouses shall be under the due Management and Control of the Officers, Servants, or others appointed or employed in that Behalf by the Commissioners.

For securing adequate Privacy to Persons using the Baths and Washhouses, and Security against Accident.

For securing that Men and Boys above Eight Years old shall bathe separately from Women and Girls and Children under Eight Years old.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the Duties of the Officers, Servants, and others appointed by the Commissioners.

SCHEDULE (E.)

MAXIMUM CHARGES FOR THE USE OF WASHHOUSES AND BATHS.

Washing-houses.

For the Use by One Person of One Washing Tub or Trough, or One Pair of Washing Tubs or Troughs, for One Hour only in any One Day -	3*d.*
For Two consecutive Hours in any One Day - - - - -	8*d.*

Such Charges to include the Use of the Drying Apparatus for drying all the Articles washed. The Time occupied in Drying not to be included in the Hour or Two Hours. A Fraction of an Hour exceeding Five Minutes to be reckoned One Hour.

Baths.

For One Person above Eight Years old, including the Use of a clean Towel:—	
Cold Bath - - - - - - - - - - - -	3*d.*
Warm Bath - - - - - - - - - - - -	6*d.*
For several Children, not exceeding Four, including the Use of One clean Towel for each Child:—	
Cold Bath - - - - - - - - - - - -	6*d.*
Warm Bath - - - - - - - - - - - -	8*d.*

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