ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxiii.

An Act to provide for the Municipal and Police Government of the Burgh of *Leith*, and for other Purposes relating thereto. [14th *August* 1848.]

WHEREAS an Act was passed in the Seventh and Eighth
Years of the Reign of His Majesty King *George* the Fourth,
intituled *An Act to provide for the Municipal Government of* 7 & 8 G. 4.
the Town and Suburbs of Leith, *for the further Administration of Jus-* c. 112.
tice, and for the Regulation of the Police therein: And whereas an Act
was passed in the Third and Fourth Years of the Reign of His Ma-
jesty King *William* the Fourth, intituled *An Act to provide for the* 3 & 4 W. 4.
Appointment and Election of Magistrates and Councillors for the several c. 77.
Burghs and Towns of Scotland *which now return or contribute to return*
Members to Parliament, and are not Royal Burghs: And whereas an
Act was passed in the Fourth and Fifth Years of the Reign of His
said Majesty King *William* the Fourth, intituled *An Act to explain* 4 & 5 W. 4.
certain Provisions in an Act of the Third and Fourth Years of His c. 86.
present Majesty, to provide for the Election of Magistrates and Councillors
for the several Burghs and Towns of Scotland *which now return or con-*
tribute to return Members to Parliament, and are not Royal Burghs:
And whereas an Act was passed in the Ninth and Tenth Years of
the Reign of Her present Majesty, intituled *An Act for regulating* 9 & 10 Vict.
the Repair and Maintenance of the Roads and Streets within the c. 125.
Town of Leith, *and the Assessments payable in respect thereof:* And
whereas an Act was passed in the First and Second Years of
the Reign of Her present Majesty, intituled *An Act to regulate and* 1 & 2 Vict.
secure c. 55.

secure the Debt due by the City of Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of* Leith: And whereas it is expedient to unite the Municipal and Police Government and Jurisdiction of the said Town or Burgh of *Leith* in the Provost, Magistrates, and Council thereof; to transfer to them all the Powers and Jurisdictions of Police, paving, lighting, and watching, granted to the Commissioners of Police by the said recited Acts; to extend such Municipal and Police Jurisdiction over the Limits herein-after described; to vest in the said Provost and Magistrates Admiralty Jurisdiction; and to vest in the said Provost, Magistrates, and Council the Powers respecting the Roads and Streets in and around the said Town contained in the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty; and to transfer to and vest in the Provost, Magistrates, and Council certain Properties and Trusts held by various public Bodies in the said Town, and the Management and Regulation of the Markets and Slaughter-houses within the same; and to provide additional Market Accommodation; to improve the Council Chamber of the said Town; and to confer on the said Provost, Magistrates, and Council Powers in relation to the Repair of the Streets, Drains, and Sewers of the said Town, and otherwise improve the sanitary Condition thereof, and to enable them to hold Property and levy Rates and Duties; and for these Purposes to alter or repeal in whole or in part the said recited Acts: But as these Objects cannot be effected without the Authority of Parliament, May it 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 the Authority of the same, That from and after the First *Tuesday* in *November* in the Year One thousand eight hundred and forty-eight, the said recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, and this Act shall commence and take effect.

Repeal of former Poli cAct, and Commencement of this Act.

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

II. And be it enacted, That the "Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Leith* Municipal and Police Act, 1848."

Magistrates, and Council to be Commissioners of Police.

IV. And be it enacted, That the Magistrates and other Members of the Town Council of the said Burgh for the Time being shall be and are hereby appointed Commissioners for executing the Police Purposes of this Act.

Magistrates to have Police and Admiralty Jurisdiction.

V. And be it enacted, That the Magistrates shall have and possess Police Jurisdiction in and over the whole Burgh, with Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of any of the Police Provisions herein contained, or of

of the Regulations to be enacted by them in virtue of the Powers hereby conferred, which may be committed within any Part of the said Burgh, and to execute, sit, and judge in the whole Police Matters, Laws, and Regulations herein-after contained, and shall also be entitled to use and exercise, in their own Right, Admiralty Jurisdiction within the same Limits and to the same Extent as they have been in use to exercise such Jurisdiction in virtue of any Appointment or Deputation from the Lord Provost, Magistrates, and Council of the City of *Edinburgh*: Provided always, that nothing herein contained shall exclude the Rights and Jurisdictions of the Sheriff of the County of *Edinburgh* as they now exist.

Road Trust transferred to Magistrates and Council.

VI. And be it enacted, That from and after the said First *Tuesday* in *November* One thousand eight hundred and forty-eight the Powers vested in the Trustees appointed by and elected under the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty shall cease and determine, and the whole Rights, Powers, Authorities, and Jurisdictions, together with the Rates and Assessments, and all Arrears thereof, and all Property, of whatever Description, now in or under the Administration of the said Trustees, shall be transferred to and the same are hereby vested in the said Magistrates and Council, who shall administer the said Trust in future, in room and place of the said Trustees, by levying the Rates and Assessments by the said Act authorized, and applying the same as herein directed, and otherwise conforming to the whole Injunctions, Rules, and Regulations of the said Act: Provided always, that the said Magistrates and Council shall relieve the said Trustees of all Debts and Obligations lawfully incurred and affecting the said Trust when the Transfer shall take place; and provided also, that if any Surplus of Revenue shall remain after keeping the Roads towards which the Assessments authorized by the said Act are appointed to be applied it shall be lawful for the said Magistrates and Council to apply such Surplus to the Repair and Maintenance of any other Roads and Streets within the Town of *Leith*.

Qualification of Electors.

VII. And be it enacted, That the Right of electing the Councillors of the Burgh shall be in and belong to the Persons qualified to elect the Councillors under the said recited Act of the Third and Fourth Year of the Reign of His Majesty King *William* the Fourth; and the whole Powers and Provisions of the said recited Act, in so far as the same are not by this Act altered or repealed, shall remain in full Force and Effect.

Vacancies in the Board.

VIII. 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.

Property of former Police Commissioners vested in Commissioners

IX. And be it enacted, That the whole Property, heritable and moveable, of whatever Description, which has been acquired by and is now vested in the Commissioners of Police of the Burgh under the Authority of the said first-recited Act of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth, or the Acts thereby repealed,

under this Act.

repealed, shall be and the same is hereby vested in the Magistrates and Council as Commissioners of Police under this Act, in whose Favour this Act shall be held to operate as a complete and effectual Conveyance of the same; and the whole Rates assessed and Monies levied in virtue of the said Act, and all Arrears of the same, shall be and the same are hereby vested in and made payable to the Magistrates and Council as Commissioners of Police aforesaid, in like Manner as if the same had been assessed or levied under the Authority of this Act: Provided always, that all Debts contracted and all Contracts entered into by the Commissioners of Police under the Authority of the said first-recited Act, or the Acts thereby repealed, shall remain valid and be chargeable upon the Property hereby transferred, and the Rates and Assessments herein-after authorized to be levied.

Actions not to abate.

X. And be it enacted, That no Action, Suit, or Prosecution whatsoever commenced either by or against the said Commissioners of Police acting under the said recited Act of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth, previous to the said First *Tuesday* in *November* One thousand eight hundred and forty-eight, shall abate, cease, be discontinued, or prejudicially affected by this Act, but any such Action, Suit, or Prosecution shall continue and take effect both in favour of and against the said Commissioners in the same Manner in all respects as the same would have continued and taken effect if this Act had not been passed.

Former Officers to account.

XI. And be it enacted, That the Treasurers, Clerks, Collectors, Surveyors, and all other Officers whomsoever appointed by the said Commissioners, or holding Office under the Authority of the said recited Act hereby repealed, shall be liable and bound to pay, deliver up, and account for the same to the Magistrates and Council, as Commissioners aforesaid, and upon their Failure so to do it shall be competent to the Commissioners to apply by Petition to the Sheriff of the County of *Edinburgh*, who is hereby required to take cognizance and dispose of the same in a summary Manner, and to enforce Payment and Delivery of such Money or Property by the Parties liable for or in whose Hands the same may be, to the Commissioners, by pronouncing Decree against the Parties for such Money, and granting Warrant of Imprisonment against them till such Property shall be delivered up.

District to which Police Provisions of the Act are applied.

XII. And be it enacted, That the Commissioners shall be and they are hereby empowered and required to pave, light, watch, and cleanse, and to apply the whole other Police Provisions and Purposes of this Act, to and over the following Districts, *videlicet*, the Grounds, Streets, Lanes, Roads, Beach, and Shores, and whole other Places locally situated and comprehended within the following Limits; *videlicet*, from *Seafield* Toll Bar Westward along the Sea at Low-water Mark to the North-west Point of the Sea Wall of the Inner or Westernmost Wet Dock; then by a Line drawn due South from that Point to the South Wall of the Warehouses and Yards on the South Side of the Wet Docks; and then extending in such a Manner as to include the Houses on both Sides of *Albany Street*, *Prince Regent Street*, *Portland Place*, *Portland Terrace*, *Couper Street*, and *Admiralty Street*;

Street; and thence from the South-east End of *Couper Street* continuing in the Line of the last-mentioned Street to the River of *Leith;* then extending along the North Side of the Harbour and River of *Leith* to the new Stone Bridge at *Leith* Mills, and crossing the said River or Harbour until it intersects the Boundary Line between Mr. *Boyd*'s Property of *Leith* Mills and Mr. *Dunlop*'s Lands of *Bowling Green;* then extending along that Boundary Line to the River of *Leith;* and then along the River until it reaches the Wall between the Lands of *Bowling Green* and the Garden some Time belonging to Mr. *Stewart;* then along the Boundary Line between *Hadoway's Park*, *Swanfield*, and the Garden Ground some Time belonging to Mr. *Stewart*, to the Water Run from *Leith Walk* where it crosses the *Bonnington Road;* from that Point extending by a straight Line drawn from thence to the West Corner of *Duke Street;* then along *Duke Street* and *Thomson's Place*, and from thence along the *Lochend Road*, to *Burns Street*, including *Burns Street*, *Vanburgh Place*, *Hermitage Place*, and *Hermitage House*, and Lands thereof; and thereafter by the North Side of the Road leading along or round the Eastern Links of *Leith*, and from thence until it reaches the Boundary Wall between *Seafield* Baths and the Grounds of the House of *Seafield*, and then following the Line of the Boundary Wall to *Seafield* Toll Bar; and the District before described shall for the Purposes of this Act be termed the "Old Bounds."

Power to extend Provisions of Act on certain Conditions.

XIII. And be it enacted, That it shall be lawful to the Commissioners to pave, light, watch, and cleanse, and to extend and apply the whole Police and other Provisions of this Act, or any of them, to and over those Parts of the Burgh which are situated beyond the Old Bounds, upon the Application or with the Consent of the Owners or Occupiers of Houses, Lands, and Tenements within any District, Street, or Place so situated, and of the Description and Value liable to be assessed under this Act, the Rent or Value of which shall amount to Two Thirds of the Rents or Value of the whole Houses, Lands, and Tenements situated within such District, Street, or Place, but not otherwise; and the Houses, Lands, and Tenements in any such District, Street, or Place to which the Provisions of this Act shall in whole or in part be so extended and applied shall be liable to be assessed, with reference to the Nature and Extent of the Provisions extended and applied, at the same Rate as the other Parts of the Burgh included within the "Old Bounds" are liable to Assessment; and the Districts, Streets, or Places to and over which the Provisions of this Act shall be so extended and applied shall for the Purposes of this Act be termed the "New Bounds:" Provided always, that the Commissioners shall in no Event extend the Provisions for paving, lighting, watching, and cleansing, or any of them, to the landward or suburban Parts of the Burgh, or to any Part situated beyond the "Old Bounds," where the Assessment on the Rental would not be sufficient to defray the Expense to be thereby occasioned; and that it shall not be lawful to the Commissioners to levy Assessments on Houses, Lands, or Tenements situated in any District, Street, or Place within the "New Bounds," until the Provisions of this Act or some of them shall have been applied and extended to such District, Street, or Place as aforesaid.

Assessments and Property vested in Commissioners.

XIV. And be it enacted, That the Monies arising from the Assessments herein authorized to be levied, together with the Property hereby transferred, and the Lamps, Lamp Posts, and Irons, and also all the Dust, Dung, Ashes, and Fulzie and other Materials (excepting always Stable and Byre Dung) within the said "Old Bounds," and within such District as the Provisions of this Act for paving, lighting, watching, and cleansing shall be extended to, as herein-before provided, termed the "New Bounds," and all and singular other Matters and Things made over to, or acquired, purchased, or made by the Commissioners for the Police Purposes of this Act, shall be and the same are hereby vested in the Commissioners, and shall be applied in providing the necessary Accommodation for carrying on the Police Department of the Burgh Government, and in paving, causewaying, lighting, watching, and patrolling the different Streets, Roads, Lanes, Wynds, Closes, and other Places, and also, and in so far as the said Monies are now applicable thereto, in widening and improving the Streets, Roads, Lanes, Wynds, or Closes of the said Burgh, and in constructing and maintaining proper Sewers or Drains in all Places requiring the same, and in purchasing and maintaining Fire Engines, in paying suitable Salaries to the Officers in the Employment of the Commissioners, and in defraying the necessary Expenses incurred by them in the Execution of the Duty of these respective Offices, and the other necessary Charges and Expenses of maintaining an efficient Police Establishment.

Burgh Funds may be applied in Payment of Masters of High School.

XV. Provided always, and be it enacted, That the Magistrates and Council shall be entitled and they are hereby authorized to apply such Part of the Burghal Funds and Revenues as they may consider proper in paying the Salaries of Schoolmasters of the High School of *Leith*, in the event of the Funds belonging to or applicable to the Purposes of the said School being found inadequate to such Purposes, and for the Improvement of the said Schools.

Public Trusts vested in the Magistrates and Council.

XVI. And be it enacted, That all Trusts, Mortifications, Endowments, Bequests, Property, and Funds, under what Name or Denomination soever, which shall have fallen or accresced to the Community of *Leith* for educational or charitable Purposes, or any other public Purpose the Administration of which is or was vested in any Persons or Body municipally representing the Inhabitants or Community of *Leith*, and particularly the new Markets, or new Market Trust, the High School Trust, and the Bequest, Trust, or Mortification by the late Dr. *Andrew Bell* of *Egmore*, for educational Purposes in *Leith*, (but subject always to the Liabilities to which the same are legally subject,) shall be and the same are hereby vested in the Magistrates and Council of *Leith*, to be administered by them for the Purposes, and with the Rights, Powers, and Authority, and subject to all the Conditions and Provisions under and upon which the same or any of them were conveyed, granted, or settled by the Granters or Makers: Provided always, that nothing herein contained shall affect the Rights or Powers conferred upon any private Individual by any Deed constituting the said Trusts, Mortifications, Bequests, or Endowments, or any of them, and specially reserving the Rights of the Ministers of *South Leith* to act as Trustees, along with the Magistrates and Council, in the High School Trust: Provided always, that the Funds,

Revenues,

Revenues, or Property of the Commissioners shall not be liable for the Debts which at present affect the said new Market, and that nothing in this Act contained shall or shall be held or construed to impair, abridge, or enlarge or in any way affect the Security which the Incorporation of Traffickers or Merchant Company of *Leith* hold over said new Markets, or any Right or Claim whatever competent to said Incorporation, by virtue or arising out of the said Security.

Private Charities excepted.

XVII. Provided always, and be it enacted, That nothing herein contained shall comprehend or be construed to extend to the *Trinity House*, or any other Charity or Institution originated or supported by the private Funds or Subscriptions of Individuals, or under the Administration or Management of the Kirk Sessions of *South* or *North Leith*, or the Parochial Boards of these Parishes.

Magistrates and Council may acquire Grounds, &c. adjacent to Burgh Court House.

XVIII. And be it enacted, That it shall be lawful for the Magistrates and Council to purchase and acquire the Grounds and Houses belonging to the Incorporation of Fleshers and others situated at the Back of the Council Chambers or Burgh Court House, *Tolbooth Wynd*, or at either Side thereof, and lying betwixt that Building and the Street called *Saint Andrew Street*, mentioned and described in Schedule (A.) hereunto annexed, (or such Part thereof as may be deemed necessary,) for the Purpose of enlarging the Accommodation of the said Council Chamber or Burgh Court House, or for other public Purposes, and to pay for the same out of the Burgh Funds.

Ground for additional Markets to be acquired.

XIX. And be it enacted, That it shall be lawful for the Magistrates and Council to acquire the Grounds and Houses adjoining to the said new Markets mentioned and described in the Schedule (B.) hereto annexed, or such Parts thereof as may be deemed necessary for establishing additional Markets, and providing additional Market Accommodation, and to pay for the same out of the Funds of the said Market Trust or Burgh, and to erect Stalls or Booths or such other Buildings or Accommodations thereon as the public Convenience may require, and to exact Rents therefore, in the same Way as is now done for the other Parts of the said Markets.

Power of Commissioners to dispose of Property.

XX. And be it enacted, That the Commissioners shall hold and be possessed of the Subjects and Property vested in the Commissioners acting under the said Act hereby repealed, and such as shall hereafter be acquired by the Commissioners hereby appointed, for the Purposes of this Act, and shall be entitled to sell and dispose thereof, or of such Part thereof as shall not be necessary for the Purposes of this Act, from Time to Time and in such Way and Manner as they shall consider most for the Interest of the Community; and, without Prejudice to the general Powers hereby conferred, it shall be lawful for the Commissioners, if they shall deem it expedient, to dispose of the Buildings and Premises situated in *Charlotte* and *Constitution Streets*, at present used for the Police Establishment, and to purchase, build, lease, or otherwise acquire the necessary Accommodation in a different and more suitable Locality; and for that Purpose, and under an Arrangement with the Magistrates and Council, as Administrators of the

the Burgh Property, to unite, if it shall be considered expedient, the Police Accommodation with the Burgh Buildings situated in the Street called the *Tolbooth Wynd*, and to acquire additional Accommodation in that Locality, so that the Municipal and Police Business of the Town may be carried on in one and the same Place: Provided always, that the Sheriff of the County, in the event last mentioned, shall and he is hereby authorized to fix and determine the Amount which shall be contributed by the Commissioners of Police for the Accommodation afforded to them in the said Locality for carrying on the Police Business of the Town, and that either by way of Purchase Money or Outlay for the Construction of the necessary additional Buildings, or of an annual Payment in Name of Rent, with full Power to the said Sheriff to fix and determine all Matters and Things as betwixt the Magistrates and Council, as the Administrators of the Burgh Property, and the said Commissioners, in connexion with or in any way relating to or arising out of the said Matter, and the Decision of the said Sheriff in relation thereto shall be final and conclusive.

Premises for public Business may be enlarged.

XXI. And be it enacted, That it shall be lawful for the Commissioners, under an Arrangement with the Magistrates and Council, to enlarge the Premises in *Charlotte Street* and *Constitution Street* at present occupied for Police Purposes, by purchasing or constructing additional Accommodation, so as to render the same fit and suitable for conducting the Municipal as well as the Police Business of the Town: Provided always, that the Sheriff of the County shall in that event be and he is hereby authorized to fix and determine the Amount which shall be contributed by the Magistrates and Council to the Commissioners for the Accommodation to be afforded for carrying on the Municipal Business of the Town therein, and that either by way of Purchase Money or Outlay for the Construction of the necessary additional Buildings, or an annual Payment in Name of Rent, with full Powers to the Sheriff to determine all Matters and Things as betwixt the Commissioners and the Magistrates and Council, as the Administrators of the Burgh Property, in connexion with or in any way relating to or arising out of the said Matter, and the Decision of the said Sheriff in relation thereto shall be final and conclusive.

Minutes and Proceedings to be entered in Books.

XXII. And be it enacted, That the Minutes and Proceedings of the Commissioners shall be regularly entered in a Minute Book or Minute Books; and the Accounts of the Monies arising from the aforesaid Assessments, and of the Police Property and Funds, of whatever Description, and of the Application thereof, as well as the said Monies and Funds themselves, shall be kept separate and distinct from those of the Burgh or Corporation Funds proper, and also from those of the several Trusts which are hereby placed or may hereafter fall under the Administration of the Magistrates and Council.

Accounts to

XXIII. And be it enacted, That the Commissioners shall keep a just and accurate Account of all the Monies received and expended by them in the Execution of this Act, showing the Sources from which such Monies have been received, and to what Purposes the same have been laid out and applied, and which Account shall embrace the Receipts and

and Expenditure for One Year, and shall annually be made out and balanced on or before the last *Monday* of *June* in each Year, and shall be signed by the Preses of the Meeting at which the same shall be examined, and by the Clerk of the Commissioners.

Appointment of Auditor.

XXIV. And be it enacted, That the Sheriff shall annually appoint an Auditor for the Purpose of auditing the Accounts of the Commissioners; 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.

Duty of Auditor.

XXV. And be it enacted, That it shall be the Duty of such Auditor annually to audit such Accounts, and to receive the Accounts required to be prepared by them, along with Vouchers thereof, and to examine the same.

Powers of Auditor.

XXVI. And be it enacted, That for the above Purposes such Auditor may examine such Accounts at any Time during Fourteen Days previous to the Quarterly Meeting on the Second *Monday* of *July*, either make a special Report on the said Accounts, or simply confirm the same, and such Report or Confirmation shall be read together with the Account at such Meeting.

Delivery of Accounts, &c. to Auditor.

XXVII. And be it enacted, That the Commissioners shall deliver to such Auditor the said Accounts, together with their Books and Vouchers, Fourteen Days at the least before the said Second *Monday* of *July*.

Remuneration of Auditor.

XXVIII. And be it enacted, that the Remuneration of such Auditor for each such annual Audit shall not exceed the Rate of Two Guineas *per* Day, nor the Sum of Ten Guineas in the whole, and the same shall be paid to him by the Commissioners out of the Police Funds.

Annual Account to be transmitted to Sheriff Clerk.

XXIX. And be it enacted, That the Commissioners shall every Year cause an Abstract of such annual Account to be prepared, and shall transmit a Copy thereof, free of Charge, to the Sheriff Clerk for the County of *Edinburgh*, on or before the Fifteenth Day of *August* then next, which Abstract shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Abstract they shall forfeit for every such Omission the Sum of Twenty Pounds.

Trust Accounts to be kept in separate Books.

XXX. And be it enacted, That the Magistrates and Council shall keep or cause to be kept a separate Book or Books applicable to each of the several Trusts which may be under their Management, in which shall be engrossed the whole Proceedings and Transactions had in regard to them respectively, and shall also keep and cause to be made out and published annually an Account of the Receipt and Expenditure applicable to each, in the same Way and Manner, and under the like Penalty in case of Neglect or Failure, as the Accounts of the Burgh Property are directed to be kept and published by the

before-recited Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth.

Committees may be appointed.

XXXI. And be it enacted, That the Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, and to name the Convener of such Committees, who shall, in addition to his Vote as One of the Committee, be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient.

Commissioners to have the Power of Constables.

XXXII. And be it enacted, That the Commissioners shall have and may exercise all the Powers which by the Law of *Scotland* belong to the Office of Constable within the Limits of this Act, and shall have a general Superintendence of the Town, and take all Measures necessary for preserving the general Peace, Order, and Comfort of the Inhabitants thereof.

Commissioners to levy Rates, and regulate paving, lighting, cleansing, &c.

XXXIII. And be it enacted, That the Commissioners shall have full Power to assess, levy, manage, and apply the Monies herein directed to be levied for the Purposes of this Act in such Manner as to them shall seem meet; to regulate the paving, causewaying, lighting, cleansing, watching, and patrolling the Streets, the making and maintaining of Common Sewers, and the Management of the several Matters of Police and other Matters for which Provision is hereby made; to appoint and dismiss the Collectors, Treasurers, Surveyors, Clerks, and other Officers and Servants to be employed in the Execution of this Act (except as herein-after provided); and to grant and allow to them such Salaries, Wages, and Allowances as to the said Commissioners shall seem fit; and generally to execute and perform all the other Powers and Authorities, Matters and Things, by this Act vested in them, and committed to their Charge.

Title Deeds of Property to be in Name of Magistrates and Council.

XXXIV. And be it enacted, That the Rights and Title Deeds of all Heritable Property to be acquired under this Act shall be conceived and taken in favour of "The Magistrates and Council of the Burgh of *Leith*," and such Rights and Title Deeds shall be sufficient for vesting the Subjects so acquired in the said Magistrates and Council; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Rights, may be made by Deed duly stamped according to the Form in the Schedule (C.) to this Act annexed; and such Deeds, being registered in the General Register of Sasines, Reversions, and other Writs for the District in which such Subjects may be situated, and which the respective Keepers of the said Registers are hereby authorized and required to register, upon Payment of the accustomed Fees, shall receive Effect and be valid and sufficient to all Intents and Purposes, any Statute, Law, or Practice to the contrary notwithstanding: Provided always, that such Deeds or other Writings shall specify the Character in which the Magistrates and Council have acquired and shall hold such Subjects, whether as

Administrators

Administrators of the ordinary Burghal Revenues and Property, or as Administrators of the Police Property, or as Administrators of the several Trust Properties by this Act vested in them.

Power to borrow Money on Credit of Rates granted by this Act.

XXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the Rates or Assessments by this Act granted and other Property vested in them, any Sums of Money which shall not exceed the Sum of Two thousand Pounds, over and above any existing Debts or Liabilities already incurred and due by the Commissioners of Police under the before-recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, and in the event of any Part of such Sums of Money being repaid to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Two thousand Pounds at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners may grant Bond for the Sums so borrowed, and assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, as a Security for the Payment of the Monies so to be borrowed, together with Interest for the same: Provided always, that any Bond or Assignment to be granted in virtue of the Powers of this Act shall not be held as containing any individual or personal Obligation on the Part of the Commissioners for Payment.

Form of Bond or Assignment.

XXXVI. And be it enacted, That every such Bond or Assignment shall be by Deed duly stamped, in which the Consideration shall be duly stated; and every such Deed may be in the Form and Tenor of Schedule (D.) hereunto annexed, or to the like Effect, and shall be signed by the Clerk to the Commissioners in the Presence of Three Commissioners specially authorized at a Meeting thereof to witness the Execution, who shall subscribe the same as Witnesses accordingly; and before such Deed shall be delivered to the Creditor the same shall be registered in the Minutes of the Commissioners, and a Certificate of such Registration shall be indorsed on such Deed, and signed by the Clerk, and thereafter the Creditor, and his Heirs, Executors, and Assignees, shall be entitled to the full Benefit of such Deed; and the Expenses of every such Bond or Assignment shall from Time to Time be defrayed out of the Funds belonging to the Commissioners under this Act.

Bonds to be without Preference.

XXXVII. And be it enacted, That all Persons to whom such Bond or Assignment shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Bonds or Assignments respectively.

Assignment of Bonds.

XXXVIII. And be it enacted, That from Time to Time any Party entitled to any such Bond or Assignment may transfer his Right or Interest therein to any other Person by Deed duly stamped, wherein the

the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Interest on Bonds to be paid half-yearly.

XXXIX. And be it enacted, That, unless otherwise provided by any Bond or Assignment, the Interest of the Money borrowed upon every such Bond or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Quarterly Meetings of Commissioners.

XL. And be it enacted, That for carrying the Police Purposes of this Act into effect Four Meetings of the Commissioners shall be held annually, *videlicet*, on the Second *Monday* of the Months of *January*, *April*, *July*, and *October* respectively, at Two of the Clock, in the Council Chamber of *Leith*, or in such other Place within the Burgh as shall be appointed by the Commissioners, without Prejudice to the Commissioners holding as many Ordinary Meetings as they may deem necessary for the due Despatch of the Business hereby committed to them.

Special Meetings.

XLI. And be it enacted, That on Requisition being made by the Provost or by any Two of the Commissioners, stating the Object of any Special Meeting required by them, the Clerk shall cause such Special Meetings to be called, upon Receipt of such Requisition, at the Time and Place required by such Requisition, but not sooner than Forty-eight Hours thereafter, by issuing printed or written Notices as aforesaid, such Notices setting forth the special Purpose for which such Meetings may be called.

Meetings may be adjourned.

XLII. And be it enacted, That the Quarterly Meetings or other Meetings held in virtue of this Act may be adjourned from Time to Time to the same or any other Place within the Burgh as may be deemed expedient, provided that Notice be given of the Time and Place when such adjourned Meetings are to be held to all Persons not present at the Meeting of which it is an Adjournment; and no Business shall be transacted at any adjourned Meeting which could not have been transacted at the Meeting of which it is an Adjournment.

Quorum of Commissioners.

XLIII. And be it enacted, That any Five of the Commissioners shall be a Quorum for transacting ordinary Police Business; but no Assessment shall be made or imposed, nor the Superintendent of Police, Collector, or Clerk appointed, nor their Salaries fixed, except at Meetings where a Majority of the Commissioners are present: Provided always, that all the Commissioners shall be summoned to attend every Meeting by written or printed Notices delivered to them personally, or left at their Dwelling Places, Twenty-four Hours at least previous to such Meeting; and the Provost or Senior Baillie present, or, in their Absence, the Treasurer or Senior Councillor, shall preside at the Meetings of the Commissioners, and such Preses shall have both a deliberate and casting Vote in all Matters and Questions which shall come before them.

Annual Estimates for Police Pur-

XLIV. And be it enacted, That the Commissioners appointed by this Act, and in Office at the Time, shall have full Powers and they are

are hereby authorized and required, at a General Meeting to be held with all convenient Speed after the First *Tuesday* of *November* One thousand eight hundred and forty-eight, to fix and declare that the Assessment imposed by the Commissioners of Police under the before-recited Act of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth for the Year then current shall be the Assessment for Police Purposes herein-before authorized to be levied for the Year ending at the First Term of *Whitsunday* after the passing of this Act; and the said Assessment, or such Part thereof as may remain unpaid, and any amended or supplementary Assessment to be imposed in virtue of the Powers herein-after contained, shall be collected and recovered in the Manner by this Act provided for the Collection and Recovery of the Assessments hereby authorized to be imposed, and shall be payable to the Person appointed by the Commissioners under this Act to collect the same: Provided always, that it shall be lawful to make up or cause to be made up an amended or supplementary Rent Roll, and to fix, apportion, and levy the said Assessment according thereto, in Terms of the Provisions herein-after contained, in the same Manner as if the said Assessment had been imposed under the Powers herein contained; and in the event of no such Assessment having been imposed the Commissioners shall at such Meeting, and upon the Second *Monday* of *July* annually thereafter, or at any adjourned Meeting to be held by them, prepare or cause to be prepared Estimates of the Sums of Money to be expended for the Police Purposes of this Act for the then current Year, and thereupon to fix, apportion, and levy the Assessments, Rates, and Duties by this Act authorized according thereto.

Purposes to be made up.

XLV. And be it enacted, That the Commissioners shall be and they are hereby empowered and required to levy an annual Assessment for the Police Purposes of this Act, not exceeding One Shilling and Sixpence in the Pound, upon the Tenants, Occupiers, and Possessors of all Houses, Lands, and Tenements within the said Old Bounds, according to the Rental of such Lands, Houses, and Tenements respectively, to be ascertained in manner herein provided, and which Assessment shall be imposed on Four Fifths of the real Rent or Value as hereinafter declared, and the like Assessment upon the Tenants, Occupiers, and Possessors of all Houses, Lands, and Tenements within the New Bounds, when and so soon as the Powers and Provisions of this Act for paving, lighting, watching, and cleansing shall be extended thereto: Provided always, that nothing herein contained shall authorize the Imposition of the Assessment hereby authorized upon any Part of the Rates or Duties leviable at the Harbour and Docks of *Leith*, nor alter or affect any existing Obligations upon the Commissioners of the Harbour and Docks of *Leith* to watch and light the Docks and Harbour aforesaid.

Assessment to be imposed.

XLVI. And be it enacted, That the Commissioners may from Time to Time appoint Clerks, Collectors, Surveyors, and such other Officers as they shall think fit, with such Salaries and Allowances as they shall think reasonable, and may remove such Clerks, Collectors, Surveyors, and other Officers, and appoint others in their Stead.

Officers to be appointed.

Collector to lodge Monies in Bank.

XLVII. And be it enacted, That the Person appointed by the Commissioners to collect the said Assessment shall be obliged to lodge all Money received by him in such Bank as the Commissioners may direct, upon an Account to be kept in Name of the Commissioners, and shall not at any Time retain in his own Hands above Twenty Pounds Sterling; and if such Person shall act on the contrary he shall be liable in the Payment of Ten Pounds *per Centum per Annum* on whatever exceeds the Sum of Twenty Pounds remaining in his Hands, in Name of Interest and Damages, during the Period for which such Amount exceeding Twenty Pounds shall be retained by him.

Penalty for Neglect.

Offices of Clerk and Collector not to be held by the same Person.

XLVIII. And be it enacted, That neither the Person who shall hold the Office of Town Clerk or Clerk of Police under this Act, or either of them, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer or Collector; and neither the Person who shall be the Treasurer or Collector, nor any Person in the Service or Employ of such Treasurer or Collector or of his Partner, shall be eligible to be Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer or Collector:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer or Collector, or act as Deputy of the Treasurer or Collector, or in any Manner officiate for the Treasurer or Collector:

If any Person, being the Treasurer or Collector, or the Partner of such Treasurer or Collector, or in the Service or Employ of such Treasurer or Collector or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer or Collector hold any Place of Profit or Trust under the Commissioners other than that of Clerk, Treasurer, or Collector (as the Case may be):

And any Person may sue for such Penalty before the Sheriff of the County of *Edinburgh* or the Court of Session, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

XLIX. And be it enacted, That if any Clerk, Treasurer, or Collector, or any Officer employed by the Commissioners, shall exact, take, or accept, on account of anything done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by them, and he shall forfeit Fifty Pounds to any Person who shall sue for the same.

Security to be taken from certain Officers.

L. And be it enacted, That the Commissioners shall take from all Officers in their Employ intrusted with the Receipt or Disbursement of Money sufficient Security for the due Execution of their respective Offices,

Offices, and for answering and paying, as shall from Time to Time be required, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time, when required, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

LI. And be it enacted, That every Officer appointed or employed by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or any other Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose, such Monies have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

LII. And be it enacted, That if any such Officer fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings and Things in his Possession or Power relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Magistrate acting within the Jurisdiction where such Officer may be found, such Magistrate shall summon such Officer to appear before any Two or more Magistrates, at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Magistrate may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon the Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Magistrates may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Magistrates to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for any Time not exceeding Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Magistrates at the Time appointed; or

If such Officer appear, but fail to make such Account in Writing; or

If such Officer refuse to produce and deliver to the Magistrates the several

several Vouchers and Receipts relating to such Accounts in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act or belonging to the Commissioners, in his Possession or Power,

Such Magistrates may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he has made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any of the Commissioners, or their Treasurer or Collector acting in their Behalf, shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Magistrate before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for bringing such Officer before such Two or more Magistrates as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twelve Hours without bringing him before Two Magistrates to answer the Charge as herein-before directed.

Proceedings against Officers not to discharge Sureties.

LIII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Cautioner or Surety of such Officer.

Yearly Rental how to be ascertained.

LIV. And be it enacted, That in order to ascertain the yearly Rents or yearly Values of all Premises within the Limits of this Act the Occupiers of which are liable in Payment of the said Assessment the Commissioners may either appoint Surveyors, with suitable Salaries and Allowances, with Power to survey and report upon the yearly Value of all such Premises, or to call upon the Tenants, Occupiers, and Possessors thereof to make Returns of the yearly Rents or yearly Value thereof, according to such Schedule or other Mode as the Commissioners shall prescribe, and in default of such Returns being made to survey and report upon the yearly Rents or yearly Value of all such Premises, or the Commissioners may adopt the Valuations contained in the Surveys or Assessments made by the Surveyors, Assessors, or other Officers appointed or to be appointed to make Surveys or Assessments for the Purpose of collecting any of the Taxes payable to Her Majesty and Her Successors, or the Valuations contained in the Surveys or Rentals by which any general or local Assessment in the said Burgh is or may be for the Time raised or levied; such Surveyors, Assessors, or other Officers being bound, on receiving a reasonable Remuneration for the same, to furnish Copies of or Excerpts from the Rent Rolls or Valuations made by them, if required by the Commissioners; and from the Returns to be made to or the Surveys or Reports to be made by their own Surveyors, or from the Excerpts or Copies of the Rent Rolls or Valuations made by the Surveyors, Assessors, or other Officers for public or local Taxes

Taxes or Assessments, the Commissioners shall annually cause a Rent Roll of the yearly Rents or yearly Value of such Premises to be made up, according to which the Assessments for Police and other Purposes herein authorized to be imposed shall be made and levied; and the Surveyors so to be appointed are hereby empowered to require and obtain Access to and Inspection of all such Premises, in order to ascertain the true and actual Value thereof, and also to obtain Access to and Inspection of all Surveys made for the Purpose of collecting any public or local Tax or Assessment within the said Burgh, at all reasonable Times, for enabling them the more satisfactorily to make up and complete their Survey.

Assessments to be payable at Martinmas yearly.

LV. And be it enacted, That the said annual Assessment shall be laid on for the Year from *Whitsunday* to *Whitsunday* in each Year, and shall be payable at the Term of *Martinmas* annually, and the Rent or Value upon which the same shall be assessed shall be Four Fifths of the real Rent or Value.

Assessment on Premises occupied for a less Period than a Year.

LVI. And be it enacted, That all Shops, Warehouses, Dwelling Houses, or other Places which shall be let for any Period less than Three Months shall be chargeable with One Fourth of the annual Assessment corresponding to such Possession; if the same shall be occupied for any Period more than Three and less than Six Months, One Half of the annual Assessment; if the same shall be occupied for any Period more than Six and less than Nine Months, Three Fourths of the annual Assessment; and if the same shall be occupied for any longer Period, then the Occupiers of such Shop, Warehouse, House, Dwelling House, or other Place shall be chargeable with the whole annual Assessment corresponding to such Possession, whether occupied for the whole Year or not; and all Proprietors, Lessees, and others who shall let for Rent or Hire Premises to such temporary Possessors shall themselves, as well as the Occupiers aforesaid, be responsible for the said Assessments applicable to the said temporary Occupations, which may be recovered from such Proprietors, Lessees, and others, or from such Occupiers, as the Commissioners shall judge expedient.

Amended Assessment may be made.

LVII. And be it enacted, That with regard to Premises liable to be assessed as before provided which shall be let for a less Period than One Year, or shall be omitted or not included in the Rent Roll made up as herein-before provided, the Surveyors appointed under this Act shall be and they are hereby authorized and empowered to survey and report upon the Rent or Value of such Premises at any Period of the Year previous to the First Day of *March;* and the Commissioners shall, within Six Days thereafter, cause an additional or supplementary Rent Roll of the Value of such Premises to be made up, and shall fix and declare the Assessments according to such Rent Roll, in Terms of the Provisions of this Act; and such Assessment may be made upon the Owners of such Premises as herein provided, and shall be payable before the First Day of *April* yearly.

Proprietors in certain

LVIII. And be it enacted, That with regard to Subjects liable to be assessed as before provided, and which are let for a less Period than

Cases may agree as to Rental.

One Year, the Commissioners shall have Power and they are hereby authorized to compound or agree with the Landlord or Proprietor, or the Person or Persons in the Right, Possession, or Administration thereof, on whom the Assessment shall be leviable, as before provided, as to the Rent at which such Subjects shall be rated for the Assessment for the Year for which the same may be applicable, and the Sum so agreed upon shall be the Rule of Assessment for such Period; and failing such Composition, Agreement, or Arrangement the Assessors to be appointed in virtue hereof shall be entitled to fix and determine the Rent of such Subjects, and shall allow a Deduction of One Fifth Part thereof, and which Rent, under Deduction as aforesaid, shall be the Rule for imposing and levying such Assessment, the Persons from which such Assessments are leviable having always Redress by Appeal, in case they shall consider themselves aggrieved, as after provided.

Appeal against Rental or Value.

LIX. And be it enacted, That the Commissioners shall annually appoint a Committee for hearing and determining Appeals and Complaints respecting the Rents or yearly Value of Property (assessed under this Act), which Committee shall meet upon the last *Monday* of *October* yearly, or upon any subsequent Day to which they may adjourn for the Purpose of hearing and determining such Appeals or Complaints: Provided always, that the Surveyor or other Person appointed by the Commissioners shall send or deliver printed Schedules to each Person or Persons liable to be assessed, stating the Rent at which the Property of such Person is to be assessed and rated, and also the Day of Meeting of the said Committee of Appeal; and any Person alleging that the Rent set forth in such Schedule is overstated may apply to the said Committee of Appeal for Redress, by a Letter to the Clerk of the Commissioners, stating the Causes or Grounds of Complaint; and failing any Appeal or Complaint being made by any Person included in the Rental or Valuation, at least Eight Days before the Day fixed for hearing and determining Appeals, the Rental or Valuation made up as by this Act provided shall remain the Rule for the Assessment for the Year then current: Provided always, that any Person considering himself aggrieved by the Decision of the said Committee of Appeal may apply for Redress by Petition to the Sheriff, who shall in a summary Manner, and without written Pleadings, consider and determine in regard to the Matter so brought before him, and whatever he shall determine in such Matter shall be final and conclusive; and it shall not be competent to any Person to refuse Payment of the Assessment thereafter on any Pretence whatever, or to any Judge to grant a Suspension of any Decree or Warrant for Recovery thereof, with Power to the Sheriff to award Expenses in such Cases and to such Amount as he shall consider proper.

Penalty for falsifying Receipts for Rent.

LX. And whereas Persons claiming Abatement of Assessments may produce Certificates or Receipts of Rent signed by their Landlords, which may be suspected to contain a less Sum of Rent than that really payable, by which the Funds of the Police Establishment may be defrauded: Be it enacted, That every Landlord, Proprietor, Factor, or Agent, or other Person, who shall grant a Certificate or Receipt which shall contain a less Sum than the Rent really paid or payable from the Premises

Premises therein mentioned or referred to, and every Tenant or Occupier who shall present such a Certificate or Receipt in order to procure an Abatement of Assessment, shall be liable in a Penalty not exceeding Five Pounds for each Offence, which shall be prosecuted for, levied, and applied in manner herein-after directed.

Rental Book to be delivered to Collector.

LXI. And be it enacted, That after the said Appeals shall have been discussed and determined as herein provided, the Book or Books containing the Rental of the Lands, Houses, and Tenements within the Limits of this Act, docqueted and signed by the Assessor or Assessors who may have taken up the Assessment, and also by the presiding Member of the said Committee of Appeal, shall be delivered over to the Collector as his Rule for allocating the same, according to the Rate of Assessment which may be fixed by the Commissioners, agreeably to the Powers hereby conferred on them.

Persons not paying Assessments to be liable in additional Rate.

LXII. And be it enacted, That if any Person who shall be rated and assessed by virtue of this Act shall refuse or neglect to pay such Assessments, Rates, and Duties for the Space of Fourteen Days after such Assessments, Rates, and Duties shall be due and demanded by the Collector, such Demand being made by a written or printed Notice to be left at such Person's Dwelling House, Place of Abode, or Place of Business, or if any Person who shall have appealed as aforesaid shall refuse or neglect, within Fourteen Days after the Determination of such Appeal, such Person shall be chargeable with an additional Sum in Name of Penalty and Expenses, conformably to the Scale contained in Schedule (F.) hereunto annexed, and which shall be leviable along with and in the same Manner as the said Assessments, Rates, and Duties.

Assessments to be recoverable beyond Limits.

LXIII. 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 for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution within or beyond the 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 endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are put into execution.

Magistrates or Sheriff may grant Warrant to distrain and sell Goods of Persons not paying Assessments.

LXIV. And be it enacted, That it shall be lawful for the Collector to apply to any One of the Magistrates or to the Sheriff for a Warrant to any of their Officers to enter the Houses, Shops, or other Premises occupied by any Person so refusing or neglecting; and the Magistrates, or any of them, or the Sheriff, shall have Power to grant such Warrant, upon a Certificate, signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person being in arrear to the Amount stated in the Certificate; and if such Assessments, Rates, and Duties, and such additional Sum in Name of Penalty and Expenses, shall not be paid upon Presentment of such Warrant to the Person personally or at his Dwelling House, or, in his Absence beyond the Limits of this Act, on the Premises occupied or rented by him, then the Collector is hereby

hereby authorized, after Six Days previous Notice, to be transmitted through the Post Office, or left at such Dwelling House, or, in the Absence of the Party, on such Premises aforesaid, to cause any Officer to seize and take possession of so much of the Goods and Effects of the Person refusing or neglecting to pay as aforesaid as shall appear sufficient for satisfying by the Sale thereof the Assessments, Rates, and Duties, and additional Sum of Penalty and Expenses due by him, with the Costs incurred or to be incurred attending the carrying such Warrant into execution; and if such Assessments, Rates, and Duties, and Penalty and Expenses, shall not be paid within Six Days next after Seizure is made, together with such Costs and Charges, then the Collector is hereby authorized to sell by public Auction the Goods and Effects so seized, either at the Premises where such Goods and Effects were seized, or at any other Place which the Magistrate or Sheriff granting the Warrant may appoint, returning the Overplus of the Price, if any be, after Payment of the Assessments, Rates, Duties, and Penalty and Expenses, on Demand, to the Owner of such Goods and Effects: Provided always, that Notice of the Time and Place of any such Sale as aforesaid shall be given to the Owner of the Goods and Effects to be disposed of, either personally or left at his Dwelling House or Place of Business, Twenty-four Hours previous to the Time of Sale; and the Collector shall be bound to preserve the Warrant of such Seizure and Sale, and enter in a Book to be kept for that Purpose the Name of the Party proceeded against, the Assessments and other Sums due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of such Sale.

Party aggrieved may complain to the Magistrates or Sheriff.

LXV. And be it enacted, That at any Time within the said Period of Three Months it shall be competent to any Party considering himself aggrieved to complain, by Petition subscribed by him, to the Magistrates or any of them, or to the Sheriff, of anything done unjustly or oppressively in regard to such Seizure or Sale; and the Decision of such Magistrates or Sheriff shall be summarily given, and shall be final and conclusive, and not subject to Reduction or Review in any Court or in any Form.

Power to make Abatements of Assessments.

LXVI. And be it enacted, That it shall be in the Power of the Commissioners to diminish and lessen the aforesaid Assessments, and again to raise and augment the same to any Rate not exceeding that by this Act authorized to be levied, in such Manner as, from the State of the Funds, may to the Commissioners appear to be just and proper.

Execution for Payment may be delayed.

LXVII. And be it enacted, That it shall be lawful for 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.

Exemptions from Assessment.

LXVIII. And be it enacted, That the Commissioners shall not assess any Dwelling House, or any Person or Persons occupying a Dwelling House, the yearly Rent of which shall not exceed Three Pounds Sterling *per Annum*, or any Place of Public Worship, nor any Buildings which

are

are solely occupied for the Purposes of public Charity, or of Science or Education: Provided always, that this Exemption shall not be held or construed to apply to any Person or Persons who shall occupy different Properties the Rental of which separately may not exceed Three Pounds Sterling *per Annum*, but the yearly Rent of which when taken collectively shall exceed the said Sum of Three Pounds, but all such Properties shall be liable in the Assessments authorized by this Act.

Proceedings not to lapse by Death of Collector.

LXIX. And be it enacted, That none of such Proceedings shall cease or abate by the Death or Removal of the Collector; and it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in Name of any previous Collector, in all respects as if such Procedure had been all along carried on by himself; and it shall not be competent for any Person to sue nor for any Court of Law to entertain any Action or Proceeding against the Commissioners, Collector, or Officer, or other Person employed, for or on account of anything done in virtue of such Warrant, by reason of any Mistake or Informality or Misnomer, if the Goods or other Effects seized or sold under such Warrant are *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment of the Sums in respect of which such Warrant was granted.

Present Water Establishment vested in Commissioners, and may be abolished.

LXX. And be it enacted, That the present Water Establishment in *Leith* shall be and the same is hereby vested in the Commissioners, who shall have Power and are hereby authorized, in the event of the said Water Establishment being considered by them unnecessary or inexpedient, in consequence of the Supply of Water already provided or to be provided by the *Edinburgh* Water Company or any other Water Company, to abolish the whole or such of the public Wells belonging to the said Establishment as they may judge proper, and to sell and dispose of the whole or such Part of the said Water Establishment, including Water Houses, Cisterns, Water Pipes, and all other Works or Erections, or other Materials or Apparatus, of whatever Name or Denomination, which belong to or form Part of or is or are used in the present Water Establishment, as they may think fit, and at such Prices as they can obtain for the same, and the Price or Money received therefor shall be applied by the Commissioners to the like Purposes and in the like Manner as the Assessments leviable under this Act are directed to be applied: Provided always, that until such Time as the Commissioners shall deem it proper and expedient to abolish the said public Wells and dispose of the said Water Establishment they shall be entitled and are hereby authorized to defray from the Rates and Assessments to be levied in virtue of this Act all the necessary Expenses connected with the upholding and Maintenance of the said Water Establishment: Saving and reserving always to all and every Person all and whatever Right or Claim or Right in, to, or concerning the Water of *Lochend* or other Springs or Sources connected with the said Water Establishment.

Wells may be dug and Pumps erected.

LXXI. 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 Roads, Highways, Streets, and Places within the said Limits (by Agreement with the Owners thereof) which they shall think

think most proper and advantageous for affording an additional Supply of fresh Water for the Use of the Inhabitants thereof.

Penalties on Persons injuring Wells.

LXXII. 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 any of the Wells, Pipes, or Pumps, or the Springs or Watercourses within the said Limits, in any Sum not exceeding Five Pounds Sterling for every Offence.

Commissioners may enforce Obligations on Edinburgh Water Company.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required, if at any Time necessary, to enforce the Obligations incumbent on the *Edinburgh* Water Company under "The *Edinburgh* Water Company's Act, 1847," having reference to the Supply of Water for extinguishing Fires, to the public Wells, to the Erection of additional public Wells, and to any other Matter connected with the Supply of Water, and affecting the Interests of the Inhabitants within the Limits of this Act.

Certain Provisions of 10 & 11 Vict. c. 15. to apply to this Act.

LXXIV. And be it enacted, That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, shall be incorporated with this Act; and the Expression "the Undertakers" in the said Gasworks Clauses Act shall, in reference to this Act, mean and include any Person whom the Commissioners may contract with or employ to supply any Gas within the Limits of this Act.

Fire Engines to be provided.

LXXV. And be it enacted, That it shall be lawful for the 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 such Fire Engines and other Appurtenances, and he shall appoint such a Number of active Men as the Commissioners shall think fit for working the same in a proper Manner, and for assisting in extinguishing such Fires as may happen within the said Limits; and the Commissioners may make such Rules and Regulations for such Persons as to them shall seem proper; and the Expense of keeping and maintaining such Fire Engines, Pipes, and Appurtenances, and procuring proper Premises for their Reception, and of paying the Superintendent and Firemen, may be defrayed from the Funds levied by Assessment for Police Purposes by virtue of this Act.

Fire Plugs to be maintained.

LXXVI. And be it enacted, That the Commissioners may cause Fire Cocks or Plugs to be made and maintained 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.

Fire Cocks may be

LXXVII. And for the Purpose of rendering the said Fire Establishment efficient, be it enacted, That it shall be lawful for the Commissioners,

sioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Limits of this Act, to place proper Fire Cocks 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 such Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Fire Cocks to be placed on Pipes of Water Companies.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree with any such Water Company for a Supply of Water for watering and cleansing the Streets, Roads, Lanes, and Thoroughfares within the Limits of this Act, and for other Police Purposes.

Water for cleansing Streets, &c.

LXXIX. And be it enacted, That the Commissioners may send their Fire Engines, with their Appurtenances, and the Firemen to be employed by them, to a reasonable Distance, to aid in extinguishing Fires that may take place beyond the said Limits; and the Owner of the Lands or Buildings where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Fire Engines with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Lands or Buildings, the Amount of such Expenses and Charge, as well as the Propriety of sending such Fire Engines and Firemen as aforesaid for extinguishing such Fires (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final.

Power to send Fire Engines beyond Limits of Act.

LXXX. And be it enacted, That if any Chimney or Funnel of any House, Shop, or other Building within the said Limits shall take fire, through the Negligence or Fault of the Occupier or Inmates of any House, Shop, or other Building, such Occupier shall for every such Chimney or Funnel so taking fire forfeit a Sum not exceeding Ten Shillings.

Chimneys or Funnels taking fire.

LXXXI. And be it enacted, That the Magistrates, or any of them, or in their Absence the Inspector of Buildings, are hereby authorized, upon any sudden Emergency from Fire occurring within the Limits of this Act, to order any Wall, Gable, Chimney Stalk, or any other Part of any House or Building which shall have been injured by Fire, to be either wholly or partly taken down or removed, or sufficiently propped and fenced, if it shall appear necessary or proper so to do, for the Safety of contiguous Property or of the Inhabitants therein, or of Passengers or other Persons, and the Expense of such Operations shall be chargeable against the Proprietors of the House or Building on which the same are performed, in proportion to their respective Interests in the Rental thereof.

Walls of Houses injured by Fire may be taken down.

LXXXII. And

Appointment of Superintendent of Police.

LXXXII. And be it enacted, That it shall be lawful for the Provost of *Leith* and the Sheriff of the County of *Edinburgh*, and they are hereby empowered and required, from Time to Time to nominate and appoint a fit Person to be Superintendent of Police, and in the event of their differing in Opinion the Lord Advocate of *Scotland* for the Time being shall decide as to such Appointment; and the said Provost and Sheriff shall have full Power and Authority to remove such Superintendent at their Pleasure.

Superintendent to appoint Police Officers.

LXXXIII. And be it enacted, That it shall be lawful to the Commissioners from Time to Time to fix the Number of Lieutenants, Serjeants, Constables, and other Officers of Police which they shall judge necessary for guarding, patrolling, and watching within the Limits of this Act; and the Superintendent of Police shall and he is hereby authorized and empowered to appoint such Lieutenants, Serjeants, Constables, and other Officers, to direct their Distribution within the said Limits, and to remove and dismiss them at Pleasure; and the said Superintendent and the Officers so to be appointed by him shall have and exercise all the Powers belonging to Constables by the Law of *Scotland*.

Commissioners may make Bye Laws.

LXXXIV. And be it enacted, That it shall be lawful for the 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 the Officers, Servants, and other Persons in their Employ, as they shall think fit, and to rescind or alter any such Bye Laws as they shall see Cause, no such Bye Law being contrary to the Laws of *Scotland* or the Provisions of this Act.

Fines for Breach of Bye Laws.

LXXXV. And be it enacted, That it shall be lawful for the 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 Five 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.

Commissioners to fix Salaries of Officers.

LXXXVI. And be it enacted, That it shall be lawful for the Commissioners to fix and appoint suitable Salaries and Wages to the Superintendent and other Officers and Servants aforesaid, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Officers, and to reward them for meritorious Services, also to make Provision for any Superintendent, Officer, Watchman, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in the Execution of his Duty.

General Duty of Superintendent and Officers.

LXXXVII. And be it enacted, That the Superintendent, and the Officers, Watchmen, and other Persons under him, shall at all Times execute the Warrants and Commands of the Magistrates and Commissioners; and it shall be lawful for the said Superintendent or any Officer of Police, without any other Warrant than this Act, to search for and carry

carry before the said Magistrates or any One of them all Persons accused or upon reasonable Grounds suspected of Robbery, House-breaking, Assault, Pocket-picking, Theft, Reset of Theft, Fraud, making, using, or keeping of false Weights or Measures, issuing base Coin, swindling, keeping disorderly Houses, causing Breaches of the Peace, or having or carrying or in any way conveying stolen Goods or Articles, all known or reputed Thieves, and all Rogues and Vagabonds, Vagrants, idle or disorderly Persons, Prostitutes, and all other Persons committing or accused of any Crime, Delinquency, or Offence, in order that they may be proceeded against according to Law; and it shall be the Duty of the said Superintendent, Officers, Watchmen, and other Persons to assist in extinguishing Fires; in suppressing Mobs, Riots, and disorderly Public Houses, or other Houses frequented by other Persons of the above Description; in putting the Laws into execution by which Carters, Owners, and Drivers of Carts and other Carriages are prohibited from leaving the same upon the Streets, Roads, Lanes, and Passages without a proper Person in charge thereof, or riding on their Carts and Carriages, contrary to the Provisions of this Act, or driving them, or Horses or other Cattle, furiously and improperly on the Streets, Roads, Lanes, and Passages; in putting the Laws and Regulations into execution regarding Obstructions and Offences against the Acts regulating the Highways, and in enforcing the Regulations made or to be made with regard to Hackney Coaches, Omnibuses, Sedan Chairs, Carts, Waggons, and other Vehicles, and Porters and Meters of Corn; in carrying into effect the Enactments against Persons guilty of any Offence against the Provisions or Regulations of this Act; in keeping good Order in the public Markets, and among the Persons resorting thereto; in seeing that the Streets, Squares, Lanes, Passages, and other Places are properly lighted and cleansed, and that the Streets and Foot Pavements, as well as Drains and Common Sewers, are kept in good Repair; and, in general, in keeping Watch and Ward within the Limits of this Act, and in executing all Matters relating to the Police thereof, and the Purposes of this Act; and when any Officer, Watchman, or other Person shall apprehend or take into Custody any Person as aforesaid, he shall, without Delay, deliver such Person into the Custody of the Superintendent or other Officer appointed under the Authority of this Act, who shall be in attendance at the Police Office or nearest Watch-house, in order that such Person may be secured until he can be brought before One or more of the Magistrates, to be dealt with according to Law, or until he give Bail for his Appearance before One or more of the said Magistrates, if the said Superintendent or other Officer shall deem it prudent to take Bail, in the Manner herein-after provided.

Superintendent and Officers to have the Power of Constables.

LXXXVIII. And be it enacted, That the Superintendent of Police, and the whole Officers, Watchmen, and other Persons forming or belonging to the Police Force appointed by virtue of this Act, may be sworn in by One of the Magistrates, and shall when so sworn in have and possess within the Burgh of *Leith* all the Powers, Authorities, Privileges, and Advantages which, by Common Law or Statute, belonging to the Office of Constable in Matters of Crime and Police.

Magistrates may suspend Watchmen.

LXXXIX. And be it enacted, That it shall be in the Power of any Magistrate within the Burgh, on Complaint made to him, to suspend any of the said Watchmen for Neglect of Duty; and any such Suspension shall be intimated to the next Meeting of the Commissioners, who shall have Power to do in the Matter as to them shall appear proper.

Superintendent to act as Fiscal.

XC. And be it enacted, That the Superintendent of Police under this Act shall be entitled to act as Procurator Fiscal for the Purposes of this Act, and shall have all the Powers known to belong to such Office by the Law of *Scotland*.

Appointment of Interim Fiscal.

XCI. And be it enacted, That, in the Absence of the Procurator Fiscal by Indisposition, Attendance on the Court of Justiciary, or other Courts, or from any other Cause, the Magistrate presiding is hereby authorized to appoint a fit Person to perform the Duties of the Office of such Procurator Fiscal during the Absence and in the Name of such Procurator Fiscal, or in the Name of the Person so appointed to act *pro tempore*.

Special Constables may be appointed and sworn in.

XCII. And be it enacted, That for the Purpose of aiding the ordinary Police Force on Occasions of Emergency, and suppressing or preventing any Tumult or Riot that may take place or be reasonably apprehended; and when the ordinary Officers for preserving the Peace may not be deemed sufficient for that Purpose, the Magistrates, or any Two of them, are hereby authorized, from Time to Time, and as often as they shall deem it necessary or proper, to nominate and appoint, by a Writing under their Hands, as many as they shall think fit of the Inhabitants within the said Limits, and of Persons carrying on or engaged in Business therein, and residing in the Neighbourhood thereof, to act as Special Constables for such Time and in such Manner as the Magistrates shall deem fit and necessary, for the Preservation of the public Peace, and for the Protection of the Inhabitants and the Security of Property within the said Limits, and to recal such Appointment when they shall think proper; and the Special Constables shall, when sworn in, have all the Powers which by the Law of *Scotland*, or this Act or any other Act, belong to the Office of Constable in Matters of Crime or Police; and if any Person so nominated and appointed shall refuse or fail to attend and be sworn and enrolled as such Special Constable, or to act as such when required, without a reasonable Excuse, of which the Magistrates or any Two of them shall judge, he shall forfeit a Penalty not exceeding Five Pounds, to be sued for and recovered by summary Warrant under the Hand of any One of the Magistrates, at the Instance of the Procurator Fiscal of the Police Court herein authorized to be appointed.

Roll of Special Constables to be kept.

XCIII. And be it enacted, That a Roll or List of such Special Constables shall be made and kept at the Police Office; and the Expense of enrolling, calling out, providing with Batons, or otherwise equipping and employing Special Constables, shall be defrayed from the Funds raised by Assessment for Police Purposes under this Act; and the Magistrates are empowered and required to make, ordain, and establish

establish from Time to Time such Regulations, Orders, and Instructions for organizing and training such Constabulary Force as may appear necessary and proper.

Penalty on selling Gunpowder by Gas or Candle Light.

XCIV. And be it enacted, That it shall not be lawful to sell any Gunpowder within the Limits of this Act by Gas or Candle or other artificial Light; and if any Person shall sell any Gunpowder contrary to the Provisions hereof, such Person, or the Owner of the Gunpowder so sold, or the Occupier of the Premises in which such Sale is made, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Limiting Quantity of Gunpowder to be kept.

XCV. And be it enacted, That it shall not be lawful for any Person to have or keep any Quantity of Gunpowder exceeding Ten Pounds in Weight in any Shop, House, or other Premises within the Limits of this Act; and if any Person shall contravene this Enactment, such Person shall be liable in a Penalty not exceeding Twenty Pounds for every Hundred Pounds Weight of Gunpowder so had or kept, and so in proportion for any greater or less Quantity, and all such Gunpowder shall be seized and forfeited.

How Gunpowder shall be kept.

XCVI. And be it enacted, That all Gunpowder which may be kept in any Shop, House, or other Premises within the Limits of this Act, shall be kept in Stone Jugs or Canisters properly covered, and having the Word "Gunpowder" legibly inscribed thereon, or on a Label thereto properly attached, and shall also be kept separate from all other Goods or Commodities, and secured by Lock and Key, under a Penalty not exceeding Five Pounds for every such Offence, to be paid by the Owner or by the Person in whose Possession any Gunpowder not so kept and secured shall be found, and such Gunpowder shall be seized and forfeited.

Gunpowder seized to be conveyed to Magazine.

XCVII. And be it enacted, That all Gunpowder seized by virtue of this Act shall be conveyed to and deposited in such Magazine as may be provided within the Limits of this Act, or the nearest Magazine thereto for storing Gunpowder, in Terms of Law, and shall be subject to the Rules thereof; and such Gunpowder shall be detained in such Magazine until it shall be determined by due Course of Law whether the same has become forfeited by virtue of this Act.

Gunpowder belonging to Naval and Military Forces, &c. excepted.

XCVIII. Provided always, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to any Gunpowder belonging to Her Majesty, or for the Use of any of Her Majesty's Forces, or of any Militia, Yeomanry, or Volunteer Corps; and that the Magistrates, or any of them, on Inquiry into the Facts and Circumstances of any alleged Violation and Seizure, shall have Power, in their or his Discretion, to order any Gunpowder seized by Authority hereof to be restored.

Superintendent of Police to be Superintendent of

XCIX. And be it enacted, That the Superintendent of Police may also act as Superintendent of Streets and Buildings, and in addition to the Duties of Superintendent of Police it shall be the Duty of such Superintendent to see that the Provisions of this Act, and any

Streets and Buildings.

Regulations or Bye Laws made in virtue thereof, and also the Provisions of any other Act or Acts, or the Obligation incumbent upon Proprietors, under their Title Deeds or otherwise, in relation to the Streets and Buildings and other Erections or other Operations within the Limits of this Act, are duly observed and implemented; and any Person who shall contravene any of the said Regulations shall be subject to a Penalty not exceeding Five Pounds, to be sued for by the Procurator Fiscal of the Police Court, and awarded summarily by any of the Magistrates: Provided always, that nothing herein contained shall be construed to relieve any Party of any Obligation incumbent upon him to the Public, or otherwise in the Premises.

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

C. And be it enacted, That it shall be lawful for the Proprietor of any One or more Floors or Stories of any House or other Building within the Limits aforesaid to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry: Provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe, and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the public Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water.

Power to construct Common Sewers.

CI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, and Watercourses as they may think necessary to be constructed in or under the Streets within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses which now are or shall hereafter be made within the same, to be altered, repaired, cleansed, and completed as to them shall seem necessary, and to carry and continue the same in, to, 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 out of the Rates or Assessments hereby authorized to be levied for Police Purposes.

Compensation to be made for Damages.

Water from Roofs of Houses to be conveyed by Pipes.

CII. And be it enacted, That the Water from the Roofs and Cornices of and belonging to all Houses or other Buildings fronting the public Streets, Lanes, Roads, Passages, Wynds, Closes, and Thoroughfares within the Limits of this Act shall be conveyed, by Leaden or other proper Pipes, or Roans or Runs to be affixed thereto, and which Pipes, or Roans or Runs, shall be brought down the Sides of such Houses or other Buildings respectively to the Ground, and shall be kept in repair at the Expense of the Owners or Proprietors of such Houses or other Buildings respectively, but so as that the same shall not

not discharge the Water thereby conveyed upon the Foot Pavements; and in all Cases where any such Owners or Proprietors shall fail or neglect to convey such Roof Water in manner aforesaid within Fourteen Days after being required to do so by the Superintendent of Police, it shall then be lawful to and in the Power of the Commissioners to order the Works necessary for conveying the said Water in manner foresaid to be done at the Expense of such Owners or Proprietors, and it shall be lawful for the said Magistrates or any of them, and they are hereby required, to grant such Warrant for Payment thereof as it is competent for them to do for the Recovery of the Assessment authorized to be levied under this Act, and also, where there are more Proprietors than One concerned, to determine the Proportion of the Expense payable by each, and to decern therefor accordingly.

Water to be introduced, and a Sink and Soil Pipe to be attached to every House.

CIII. And be it enacted, That the Owner of every House or Part of a House assessed in the Police Rent Roll at a yearly Rent of Four Pounds and upwards, occupied by a separate Family, into which Water has not been already introduced, shall introduce Water into every such House or Part of a House by means of a Pipe not less than Half an Inch in Diameter, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window, Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water, and if there be no Water-closet, the whole Nightsoil of such House or Part of a House; and the Owner of every House assessed in the Police Rent Roll on a Rental of Ten Pounds and upwards shall provide for such House, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied and ventilated, and these and the Water Pipes fitted up in the most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, and shall be kept in complete Repair to the Satisfaction of the Inspector of Buildings; and any Owner who shall fail to introduce Water, to fit up Sinks, Soil Pipes, and Water-closets, or to keep the same in repair as aforesaid, shall be liable in a Penalty not exceeding Five Pounds for each Offence, and to a farther Penalty of Twenty Shillings for each Week the Offence is continued after Conviction: Provided always, that such Penalty shall not be incurred where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, such Works shall be impracticable.

Pipes may be carried through the different Houses.

CIV. And be it enacted, That where there are Two or more Houses or Parts of Houses occupied by separate Families in any Tenement, the Owner and Occupier of each such House shall permit the Water and Soil Pipes, and separate Soil Pipes from such Water-closets, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such Water and Soil Pipes to be carried through and under the same; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done

done to such Houses in the Execution of the Works shall be forthwith repaired.

Penalty for introducing Ashes into Soil Pipes.

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

Map of the Town to be made, if Commissioners think necessary,

CVI. And be it enacted, That the Commissioners shall, if they think necessary, as soon as conveniently may be after the Commencement of this Act, procure or cause to be made a Survey and Map of the Town within the said Old Bounds, on a Scale of not less than Twenty-four Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains therein, the Lines of all Water and Gas Pipes, with such other Particulars as may be necessary in order to show the underground Works within the Town, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being, and the Pipes and underground Works as aforesaid; and such Map, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be open at all seasonable Hours to the Inspection of the Owners and Occupiers of any Lands within the Town.

and when made, to be open to Inspection.

Level Lines to be marked on Map, and Bench Marks to be made.

CVII. And be it enacted, That the Commissioners shall cause to be marked on the said Map a Series of Marks and Figures, at convenient Distances thereon, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude, at such Intervals of Elevation as may appear upon due Inquiry to be the best adapted for the Guidance of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Town for which a Knowledge of the Levels of the Town is necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places at the Corners of Streets, on Posts, Houses, or other prominent Objects within the Town.

Cost of Survey and Map.

CVIII. And be it enacted, That the Costs of such Survey and Map shall be defrayed out of the Assessments to be levied under this Act.

Management of Drains vested in the Commissioners.

CIX. And be it enacted, That all Sewers and Drains within the Limits of this Act, with all the Works and Materials thereunto belonging, whether made previously to the Commencement of this Act or thereafter, and whether made at the Cost of the Commissioners or otherwise, and the entire Management of the same, shall belong to the Commissioners, and are hereby vested in them.

Drainage Districts to be formed.

CX. And be it enacted, That the Commissioners shall from Time to Time divide the District within the Limits of this Act, if and as occasion

occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands and Buildings to be comprised in any such Drainage District, and shall cause the several Drainage Districts to be defined and described on the said Map.

Plans to be prepared of new Works, or Alterations of existing Works.

CXI. And be it enacted, That the Commissioners shall employ some properly qualified Person to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of the Buildings and Streets within the Limits of this Act, including Provision for properly trapped Drains, and for Channels for the Removal of all waste Water and Soil from the Houses, and from the Surface of the Streets, and also to draw on such Plans the Lines that appear to such Person most advantageous for Main Sewers and Drains, and the best Outfalls for clearing the Town of surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of the Produce of such Sewers and Drains for agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying such Works into execution in an economical and effective Manner, or which appear to be necessary for the Health and Convenience of the Inhabitants.

Report and Estimate as to new Works to be obtained.

CXII. And be it enacted, That before entering into any Contract for executing any such Work as aforesaid the Commissioners shall procure a Report from such Person as to the most advantageous Mode of constructing such Work as aforesaid, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years, and which Report shall contain such Observations or Suggestions on the whole Matter as may seem to such Person to be expedient, and be accompanied with an Estimate of the probable Expense of constructing such Work in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and if the Commissioners do not regard or do not act in conformity with such Observations or Suggestions they shall enter upon the Minutes of their Proceedings their Reasons for not so doing.

Notice to be given that Plans, &c. are open for Inspection, which may be objected to.

CXIII. And be it enacted, That the Commissioners shall give Notice, by public Advertisement, that the Plans, Report, and Estimate aforesaid will lie in their Office for Fourteen Days after the Publication of the last of such Advertisements, for the Inspection of the Owners and Occupiers of all Lands within the District to which the proposed Work relates; and if any Person interested shall make any Objection in Writing to such Plans, Report, or Estimate, and if such Objection shall not be removed by the Commissioners, it shall be competent to the Objector to present a Memorial thereon to the Person who for the Time being shall be resident Architect at *Edinburgh* of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works and Buildings, who shall hear the Parties in a summary Way,

and

and shall thereupon decide upon the Matter of such Objection, and his Decision shall be final and conclusive; and it shall not be competent to the Commissioners to enter into any Contract for the Execution of such Work until the Expiration of the said Fourteen Days after Advertisement given in manner before mentioned, nor, if any Objection shall be made, to proceed to execute the Work objected to till such Objection is disposed of in manner foresaid.

Drains to be trapped and ventilated.

CXIV. And be it enacted, That all Sewers or Drains shall be provided with proper Traps or other Means of preventing Stench, and shall be properly ventilated, as far as practicable.

Existing Drains not to be destroyed without providing others.

CXV. And be it enacted, That if any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer or Drain, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual; and if they refuse, or do not within Seven Days next after Notice in Writing served upon them begin and thereupon diligently proceed to restore to its former effective State such Sewer or Drain the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Ten Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Sewer or Drain to which he was so entitled, and is not provided with such other Sewer or Drain as aforesaid.

Inspection of Drains, &c.

CXVI. And be it enacted, That upon Complaint by One or more Ratepayers the Magistrates or any One of them may order the Inspector of Buildings and the Inspector of Cleansing to inspect any Sewer, Drain, Water Pipe, Water-closet, Sink, or Soil Pipe; and for that Purpose the said Inspector, at all reasonable Times, may enter upon any Lands and Buildings, with such Assistants and Workmen as are necessary, and cause the Ground to be opened where they think fit, doing as little Damage as may be; and if such Sewer, Drain, or others are found to be in proper Order and Condition they shall cause the Premises forthwith to be properly restored, at the Expense of the Commissioners; and any Person refusing Admission, or resisting or obstructing either of the Inspectors, shall be liable in a Penalty not exceeding Five Pounds.

Expense of Drains how to be defrayed.

CXVII. And be it enacted, That the Expense of making any new Sewer or Drain within the Limits of this Act, including the Expense of Plans, Superintendence, and Management, shall from Time to Time be ascertained by the Commissioners, and be assessed upon the Owners whose Property shall derive Benefit therefrom, of which the Commissioners shall be the sole Judges, and that in proportion to the Valuation of such Property as ascertained by the Police Rent Roll; and such Expense shall be collected from the Occupiers of such Property, who shall deduct the same from their Rents, or may be recovered by the said Owners according to Law, reserving always to Parties paying such Expenses all Claim of Relief which may be competent

competent to them against any other Party, either by Law or Paction: Provided always that the Expense of making any new Sewer or Drain, and Interest thereon, may be assessed over a Period of Six Years, if the Commissioners shall deem such expedient for the Convenience of the Owners; provided also, that if in making any such Sewer or Drain the private Sewer or Drain of any Individual shall be made use of, which the Commissioners are hereby empowered to do, Compensation shall be made to the Owner thereof, which Compensation shall be fixed by the Inspector of Buildings, or, in the event of any Dispute arising as to the Amount, the same shall be determined in a summary Manner by the Sheriff, whose Decision shall be final, and not subject to Review.

Drains from Houses to be constructed.

CXVIII. And be it enacted, That the Owner of any House or Building not drained to the Satisfaction of the Commissioners shall, if there be Means of Drainage within One hundred Feet of any Part of such House or Building, construct or lay from such House or Building a covered Drain or Pipe, of such Materials, of such Size, at such Level, and with such Fall as the Commissioners shall think necessary for the Drainage thereof, and shall keep the same in repair; and after the passing of this Act no House or Building shall be erected upon a lower Level than will allow of the Drainage of the foul Water and Soil of such House or Building into some Sewer or Drain, either then existing or marked out upon the said Map, or into some natural Outlet; and if there be such Means of Drainage existing within One hundred Feet of such intended House or Building, the Owners of such House or Building shall cause a Drain leading thereunto from the intended Site of such House or Building to be made, of such Materials, of such Size, at such Level, and with such Fall as the Commissioners shall think fit, and shall keep the same in repair; and in case such Owners fail to do so, the Inspector of Buildings shall cause such Drains or Pipes to be constructed, and, when necessary, to be cleansed and repaired, at the Expense of such Owners, which Expense shall be allocated according to their Rentals in the Police Rent Roll, and recovered in the same Way as is provided in the Case of an Owner ordering Repairs as aforesaid.

When Houses are rebuilt the Level shall be such as to allow a Drain to be constructed.

CXIX. And be it enacted, That wherever any House or Tenement is rebuilt, the Level of the Cellar or other lowest Floor of such House shall be made so as to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses to be built after the passing of this Act; and wherever any House is taken down as low as the Level of the front Street, for the Purpose of being built up again, such Building shall be deemed a rebuilding within the Meaning of this Act.

Notice to be given before building new Houses.

CXX. And be it enacted, That before beginning to build any new House or Tenement, or to rebuild any existing House or Tenement, the Person intending to build or rebuild such House or Tenement shall give Notice thereof to the Commissioners, in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundations are proposed to be laid, by reference to the Level of the nearest Sewer or Drain.

Commissioners may signify Disapproval within Fourteen Days.

CXXI. And be it enacted, That within Fourteen Days after receiving such Notice and Plan the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and, in case of such Disapproval, may, within the said Fourteen Days, fix the Level at which the same shall be laid.

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

CXXII. And be it enacted, That in default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners within the said Fourteen Days, or in any other respect contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be paid by the Person offending: Provided always, that if the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid, within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein-before contained, proceed to build or rebuild the House therein referred to, according to the Level shown on such Plan, provided such building or rebuilding be otherwise in accordance with the Provisions of this Act.

Drains may be used by Owners and Occupiers of Land beyond the Burgh.

CXXIII. And be it enacted, That any Person, being the Owner or Occupier of any Lands beyond the Limits of this Act, may, with the Consent in Writing of the Commissioners, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, and at his own Expense, cause to branch into and to communicate with any of the Sewers or Drains vested in the Commissioners as aforesaid any Sewer or Drain in respect of the said Lands which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right heretofore acquired by such Person to use any of the Sewers or Drains so vested in the Commissioners.

Penalty for making unauthorized Drains.

CXXIV. And be it enacted, That no Person shall make any Sewer or Drain which by the Operation of this Act falls to be vested in the Commissioners without previously submitting to them a Plan and Specification of such Sewer or Drain, and obtaining their Approval in Writing, and no Person shall connect any Drain with any Sewer or Drain previously the Property of the Commissioners without such Consent, under a Penalty of Ten Pounds Sterling for each Offence, to be recovered in like Manner as other Penalties under this Act.

Money to be raised on Cash Credit for executing Drainage Works.

CXXV. And be it enacted, That in order to create a Fund for the Execution from Time to Time of all such Sewerage and Drainage Works, until the whole Streets and Places within the Limits of this Act shall be thoroughly drained, the Commissioners are hereby empowered to obtain from any Bank a Cash Credit to an Extent not exceeding One thousand Pounds, from which the Expense of all such Works shall in the first instance be defrayed, and into which the Sums received from Owners of Property as aforesaid shall be paid from Time

Time to Time, and in security of such Cash Credit to assign to such Bank the Sums to be assessed as aforesaid for the Purpose of Sewerage and Drainage; and if the Sums recovered and recoverable of the said Works in any District or Part of a District of which separate Accounts shall be kept shall at any Time appear to be insufficient to repay the Sums drawn from such Cash Credit, in respect of such Works and the Interest thereon, and other Charges therewith connected, such Deficiency shall be paid from the Assessments to be raised for the Police Purposes of this Act.

Underground Drains to be formed.

CXXVI. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from the Roof or Eaves of such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement, and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner or Occupier; and failing such Owner or Occupier causing the Water to be so conveyed within a Time to be fixed by the Commissioners, it shall be lawful for the Commissioners to cause the same to be so conveyed, at the Expense of such Owner or Occupier.

Proprietors of Flats of Houses may erect waste Pipes to communicate with Drains.

CXXVII. And be it enacted, That in all Streets, Lanes, and other Places within the Limits of this Act, where Common Sewers now are or may hereafter be constructed, it shall be lawful for any Proprietor of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recommendation of the Superintendent of Streets and Buildings, or of such other Person skilled in building as any of the Magistrates may appoint,) and on hearing the Parties interested, to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the Common Staircase or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain under Ground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring and maintaining the public Street, as after provided, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Proprietors of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their

their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner; and provided also, that when any Proprietor is by his Title Deeds or otherwise burdened with the Expense of conveying the whole or any Water from any House or Building, he shall continue to be subject to such Burden.

Proprietors, on Requisition, to make Footpaths in front of Properties.

CXXVIII. And be it enacted, That the Proprietors of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Square, or other public Place within the Limits of this Act, shall, at their own Expense, when required by the Commissioners, cause Footpaths in front of their Property respectively on the Sides of the said Roads, Streets, Squares, or other public Places to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner and Form and of such Breadth 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, such Footpaths.

Owners in Closes to keep Pavements in repair.

CXXIX. And be it enacted, That all Owners of Heritable Property in or entering from Closes within the Limits of this Act shall be bound to have and keep the Pavement or Footway and Water Channels thereof in a fit and proper State of Repair.

Pavement of Closes.

CXXX. And be it enacted, That whenever the Inspector of Cleansing and of Nuisances shall report to the Inspector of Buildings that the Pavement or Water Channels of any Close within the Limits of this Act, or any Part thereof, are in such a State as to impede the thorough cleansing of such Close, the Inspector of Buildings shall, if he sees fit, forthwith cause such Pavement or Water Channels to be repaired or renewed in such Manner as he shall determine to be necessary for such cleansing; and the Expense thereof shall allocated amongst the Owners of Property in or entering from such Close, and the same Proceedings shall be followed out in regard thereto in all respects as in the Case of an Owner ordering Repairs, as before provided.

Owners may relay or widen Foot Pavements.

CXXXI. And be it enacted, That it shall be lawful to any Three or more Owners of Property in any Street within the Limits of this Act to call a Meeting of the whole Owners of Property therein, by public Advertisement once in some *Edinburgh* Newspaper, and if the Owners or Mandatories or Proxies of Owners present at such Meeting shall resolve by a Majority of their Number in Value of Rental, as stated in the Police Rent Roll, that the Foot Pavement of such Street which they are liable to maintain shall be repaired, or repaved, or widened, or, if unpaved, that the same shall be paved, it shall be lawful to any Three or more of the Owners to apply to the Magistrates, to whom it shall be lawful to grant Authority to the Inspector of Buildings to cause such Pavements to be repaired or repaved or widened, or, if unpaved, to be paved; and upon the same being done, and the Expense thereof reported by

by the said Inspector, the Magistrates shall apportion the Expense thereof and of such Application among the Owners of Property in such Street, and decern against them for the Sums due by them respectively: Provided always, that it shall be in the Power of the Magistrates to order the Work to be done in such Way and Manner as under all the Circumstances of the Case they may deem reasonable and proper.

In Case of Houses belonging to more Proprietors than One.

CXXXII. And be it enacted, That when any such Houses, Buildings, or other Heritages belong to more Proprietors than One, the several Proprietors of the same House, Building, or other Heritages shall cause the Footpaths before their respective Premises to be paved, and the Pavements to be kept in repair in manner aforesaid, the Expense 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 mentioned, or in proportion to the Extent of the Frontages of their respective Premises; and in case any Dispute or Difference shall arise among the several Proprietors of the same House, Building, or other Heritages, relative to their Proportions of such Expense, it shall be lawful to the Commissioners to fix and ascertain the same according to the Rate of such Rents or Value in the said Roll or otherwise; and in case of any Difference between the Commissioners and the Proprietors of such Tenements, either with respect to making or keeping in repair such Pavements, or the Expense 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 interested,) to determine any such Difference, which Determination shall be final and binding on all Parties.

If Owners fail to repair Pavements Superintendent may, and recover Expenses.

CXXXIII. And be it enacted, That if the Owners shall fail to make or repair the Pavements so required to be made or put in repair it shall be lawful for the Superintendent of Police to make or repair the same, and to recover the Expense thereof from the respective Owners by attaching the Rents of the Properties in the Hands of the Tenants and Occupiers of the same; and such Expense shall be preferable on the said Rents over all other Claims; reserving all competent Action for any Balance that may be, after recovering and applying such Rents, against the said Owners.

Tenants may pay Expense, and deduct the same from Rent.

CXXXIV. And be it enacted, That the Tenants or Occupiers of the Houses or other Buildings or Heritages belonging to such Owners or Proprietors (in default of the Proprietors paying such Expenses), in case they shall pay the Expenses aforesaid (which they are hereby authorized and empowered 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 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.

Projections, Stairs, &c., may be removed.

CXXXV. And be it enacted, That it shall be lawful for the Magistrates, on the Application of the Procurator Fiscal of the Police Court, and after inspecting the Premises, and hearing Parties, to decide summarily, and to order all Outstairs, Buildings, Erections, or Projections, or other Things whatsoever, which unnecessarily obstruct the safe or free Passage in any Street, Highway, or Footpath within the Limits of this Act, to be forthwith removed; and the Officer to whom Warrant shall be granted to that Effect is hereby required, in case the Owner or Occupier shall fail to remove such Obstructions or Projections within Fourteen Days after such Warrant has been served upon him, to employ Workmen to remove the same: Provided always, that in Cases where such Outstairs, Buildings, Projections, Erections, and other Obstructions shall have existed and been used before the passing of this Act, and the same shall be removed under the Authority of this Act, for public Convenience and Accommodation, reasonable and adequate Compensation shall be allowed to the Party having Right thereto out of the Rates and Assessments hereby authorized to be levied, such Compensation being fixed and awarded summarily by the Sheriff.

Encroachments to be prevented.

CXXXVI. And be it enacted, That if any Person shall erect or begin to erect any Stair, Building, or Projection so as to encroach upon any Street, Highway, or Footpath within the Limits of this Act, such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall forthwith remove any such Stair, Building, Projection, or other Erection, upon being thereto required by the Superintendent of Buildings; and in the event of any such Person refusing or delaying to remove such Stair, Building, Projection, or other Erection, it shall be lawful for the Magistrates, or any One of them, to order the same to be removed forthwith, at the Expense of the Person so refusing or delaying.

Cuts or Openings in Streets prohibited.

CXXXVII. And be it enacted, That it shall not be lawful for any Person to open up or to make any Cut or Opening for any Purpose whatever in or upon any Street, Road, Lane, or Passage within the Limits of this Act, without first intimating his Intention to do so to the Commissioners or to the Superintendent of Police, and undertaking, by an Obligation granted to the Superintendent on their Behalf, to defray the whole Expense of filling up and recausewaying such Cut or Opening, to the Satisfaction of the Superintendent, and to maintain in proper Repair the Part recausewayed for Twelve Months thereafter; and any Person contravening this Enactment shall be subject to a Penalty not exceeding Forty Shillings, and shall be also bound to repair the whole Injury and Damage done, which Penalty and Reparation may be enforced and recovered, with Costs, by Decree of any One of the Magistrates, pronounced on a summary Complaint being presented to him by the Superintendent of Police, which the Magistrate is hereby authorized and required to pronounce in Absence, if the Party offending, when duly cited, shall fail to appear, or appearing, or upon hearing the Parties verbally, if Appearance shall be made, and on being satisfied of the Truth of such Complaint, without preserving a Record of the Procedure or Evidence, and his Decree shall be final, and not subject to Review in any Form or by any Court:

Pro-

Provided always, that nothing herein contained shall affect the *Edinburgh* Water Company, or the Powers conferred upon them in regard to opening Streets, Roads, Lanes, or Passages, for the Construction or Repair of their Works, by "The *Edinburgh* Water Company's Act, 1847."

Cellars having Entries by sunk Steps to be protected.

Penalty for Neglect.

CXXXVIII. And be it enacted, That all Cellars and other Places adjoining to the public Streets or Places, having an Entry by sunk Steps or other Openings in the Pavement beyond the Line of the Wall of the Building to which they belong, shall be protected by a sufficient Iron Grating or other sufficient Cover, in such Way as may be best suited for preventing Danger or Injury; and if any Proprietor or Occupier shall fail to construct such Grating or Cover, when required by the Inspector of Buildings, or to keep the same properly secured, he shall be liable to a Penalty not exceeding Twenty Shillings, and such Inspector may order the Work to be executed at the Expense of the Party so offending.

Iron Plates on Openings to be fluted, and insecure Buildings to be guarded.

CXXXIX. And be it enacted, That where Openings in the Foot Pavements, or in Courts or Closes for underground Cellars or other Apartments, are covered with Iron Plates, such Plates shall be fluted or otherwise formed so as to prevent Injury to Passengers from slipping upon them, and it shall be lawful for the Magistrates or any of them, or to the Inspector of Buildings, to cause all Plates or Coverings not so formed to be removed, and a safe and proper Lid or Covering to be supplied, at the Expense of the Proprietor; and when, from Accident, Negligence, or otherwise, any Building or Part of a Building, or anything therewith connected, shall become insecure, or any Aperture shall be left open so as to cause Risk of Accident, it shall be lawful for the Inspector of Buildings to cause the same to be fenced or guarded, at the Expense of the Proprietor of such Building or other Thing, or the Occupier of any Premises with which such Aperture may be connected, and such Expense may be recovered by the same Means as Penalties under this Act.

Foot-scrapers, Doors, and Gates not to project.

CXL. And be it enacted, That it shall not be lawful for any Person to cause any Iron Foot-scraper or other similar Obstruction to be placed, within the Limits of this Act, on the Pavement and beyond the Line of the front Wall of any Tenement; and all Doors and Gates leading to Buildings, Yards, or Grounds within the Limits aforesaid shall be so placed or formed as not to project over or upon any of the Pavements, Streets, Lanes, Highways, or public Passages or Places, when open; and if any such Scraper or other Obstruction, Door or Gate, shall have been constructed otherwise, it shall be lawful for the Inspector of Buildings to alter or cause the same to be altered, at the Expense of the Proprietor and Occupier.

Where common Property is dangerous any Owner may cause the same to be repaired,

CXLI. And be it enacted, That any Owner of Heritable Property belonging to more than One Owner, or in which he has a common Interest, when such Property requires Repair, so as to prevent Danger or the Apprehension of Danger to the Inhabitants, may apply to the Inspector of Buildings, and if the Inspector shall be satisfied that the Repair is required such Owner may order such Repair forthwith

first satisfying the Inspector.

with to be made, and upon the same being done to the Satisfaction of the Inspector the Inspector shall examine the Accounts of the Expense thereof, and shall allocate the same amongst the Owners liable, according to their respective Liabilities, in manner herein-after directed, and shall send Notice to such Owners, by Post, that a Scheme of such Allocation will lie in his Office for Eight Days, in order that they may see the same, and state verbally to him any Objections they may have thereto; and upon the Expiry of that Period the Inspector shall adjust such Scheme, and thereafter no Objection thereto shall be competent in any manner of way; and any Owner who shall refuse, upon Demand by the Party executing such Repairs, to pay the Proportion allocated upon him, shall be liable in a Penalty not exceeding Double the Amount of such Proportion, besides being still liable at Common Law to be prosecuted for the Amount due.

Chimney Stalks, &c. to be repaired and secured.

CXLII. And be it enacted, That when Chimney Stalks and Flues, or Chimney Heads or Cans or Roans, Signboards, or any other Matter or Thing connected with or appertaining to Buildings, within the Limits of this Act, have become damaged or dangerous to the Lieges, or to Property in the Vicinity, it shall be lawful for the Inspector of Buildings, by a Writing under his Hand, to require the Proprietor of the Tenement to whom the same shall belong or be attached, or the Proprietor of such Chimney or other Matter or Thing, to repair and secure the same within a limited Time, and also forthwith to secure the same so as to prevent sudden Accident; and in the event of such Proprietor not being known, or, if known, residing or being at a Distance so as not to admit of such Notice being given and duly attended to, it shall be lawful for the said Inspector to employ Tradesmen to secure the Premises as aforesaid, and to execute the necessary Repairs, for the Expense of which, as the same shall be ascertained by the Magistrates, the Proprietor shall be responsible, and which Expense 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 Judge Ordinary in which he resides.

Hoards to be set up during Repairs.

CXLIII. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, or who shall make or cause to be made any Hole or Opening in any of the Streets, Lanes, Passages, Squares, or public Places within the Limits of this Act, for digging Foundations for building, for paving the Streets, for digging Wells, Drains, laying Pipes, or any other Purposes, shall, where any Street or Footway shall be obstructed, or rendered inconvenient by means of such Work, cause to be erected, before commencing the same, sufficient Hoards or Fences, in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Handrail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside

outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary, to prevent Accidents, light or cause the same to be sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not while such Hoard or Fence is standing keep the same sufficiently lighted in the Night, or shall not remove the same, when directed by the Magistrates, within a reasonable Time afterwards, then every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Rubbish laid on Streets to be removed.

CXLIV. And be it enacted, That the Superintendent of Police or Inspector of Cleansing shall give Notice to all Persons laying or depositing or causing to be laid or deposited any Ashes, Coal, Culm, or Rubbish, of whatever Description, not being Manure, upon any of the Streets, Lanes, Passages, Closes, or other public Places, whether Thoroughfares or not, to remove the same within Four Hours after being so laid down or deposited; and if the same are not removed within that Time it shall be lawful for the Superintendent of Police or Inspector of Cleansing, forthwith, on the Expiration of such Period, and without any other Warrant or Authority than this Act, to cause the same to be removed and disposed of as he may think proper, at the Expense of the Party so offending.

If not removed before Dark, may be removed by Superintendent at Expense of Owner.

CXLV. And be it enacted, That if any such Ashes, Coal, Culm, Rubbish, Lead, Iron, Wood, Goods, Commodities, Provisions, or other Article, Matter, or Thing whatever, shall be allowed to remain where they are so placed for more than Four Hours after Notice of Removal is given as aforesaid, and left until it becomes Dark, it shall be lawful for and in the Power of the Superintendent or other Officer of Police to cause the same to be immediately removed and carried to any Yard, Warehouse, Cellar, or other Place of Safety, there to remain, at the Risk and Expense of the Owner and Person or Persons offending, who shall besides be liable in a Fine not exceeding Two Pounds for each Offence, and it shall be in the Power of the Superintendent to detain the Article so removed till such Expenses and Fines are paid.

Magistrates to determine Questions regarding common Closes, &c.

CXLVI. And be it enacted, That it shall be lawful for any One of the Magistrates sitting in the Police Court 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 by 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 forming new Approaches, and widening Lanes.

CXLVII. 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.

Houses to be numbered, and Streets named.

CXLVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted on a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up or continue and retain any Number or Name different from the Number or Name put up by the Commissioners, or adopt a Number or Name previously attached to another House, Street, or Place, so as to occasion Confusion or Trouble, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence, and the Commissioners shall be entitled to cause such Number or Name to be removed or obliterated, and to affix the proper Name or Number, at the Expense of the Person offending.

Streets to be lighted.

CXLIX. And be it enacted, That it shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Limits of this Act, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at the Rails, or in the Walls of Buildings, 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 any of the Magistrates or the Sheriff.

Inspector of Cleansing and Lighting to be appointed;

CL. And be it enacted, That it shall be lawful for the Commissioners, if they shall think proper, to appoint from Time to Time an Inspector of Cleansing and Lighting, with such Salary as they may from Time to Time fix and appoint, or, in their Option, to conjoin the Duties of these Offices with that of Superintendent of Police, and also to provide

provide all necessary Implements and take all necessary Measures for watering, sweeping, and cleansing the Streets, Lanes, and Passages at such Times and in such Manner as they shall direct, and to enter into Contracts for such Purposes; and it shall be competent to the Commissioners to make Regulations, which shall be enforced by the Inspector, for watering, sweeping, and cleansing Closes, Thoroughfares, and Areas, for preventing Infection, and for otherwise promoting the Health of the Inhabitants therein.

and Streets to be cleansed.

CLI. And be it enacted, That the Owners of all common Stairs shall have the same provided with proper Means of Ventilation, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises and every Part and Pertinent thereof at least Twice in the Year, in the Months of *May* and *November*, to the Satisfaction of the Inspector of Cleansing and of Nuisances; and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

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

CLII. And be it enacted, That it shall and may be lawful, at all reasonable Times, for the said Inspector to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and to remove such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of the Inspector as aforesaid, it shall not be lawful for the Inspector to enter without a Warrant from a Magistrate authorizing him so to do.

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

CLIII. And be it enacted, That the Occupiers of all Places where, from the Nature of the Business or Trade carried on therein, the Matter used or thrown off becomes putrid or offensive, and occasions noxious or offensive Effluvia, shall, once in every Twenty-four Hours, remove the same, and keep all such Places in a cleanly Condition, to the Satisfaction of the said Inspector; and it shall be his Duty daily to examine the State of all such Places, with a view to the Enforcement of this Provision.

Places where offensive Trades carried on to be kept clean.

CLIV. And be it enacted, That the Commissioners shall cause all the Streets and Foot Pavements and all open and waste Areas within the Limits of this Act from Time to Time to be properly swept and cleansed, and to be kept so, and shall cause all Dung, Soil, Dust, and Filth of every Sort found thereon, together with all the Dust, Dirt, Ashes, and Filth collected in and brought from the Houses of the Inhabitants, to be removed, at convenient Hours and Times, and shall cause all Privies and Cesspools to be from Time to Time emptied and cleansed in a sufficient and proper Manner, and for these Purposes may enter into such Contracts as they shall think proper.

Streets to be cleansed, and Ashes to be removed from Houses.

CLV. And

Horse and Cow Dung to be kept off the Streets.

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

Stables and Byres to be kept clean.

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

Penalty for obstructing Scavengers.

CLVII. And be it enacted, That any Person who shall refuse to permit the Inspector, or those employed under him, or the Contractors or their Servants, to remove such Dung and other Matters, or who shall obstruct the said Persons in the Performance of their Duty, shall for every such Offence be liable in a Penalty not exceeding Forty Shillings; and every Person, other than those employed by the said Commissioners, or by some Person contracting with them for that Purpose, who shall carry away any Dung or other Matter the Property of the Commissioners, shall be liable in a Penalty not exceeding Twenty Shillings for every such Offence.

Penalty on Obstruction of Inspector.

CLVIII. And be it enacted, That any Person who shall obstruct or in any way impede or interfere with the Inspector of Cleansing and of Nuisances, or any Person acting for him, in the Discharge of his Duties under this Act, or any Bye Law to be made in virtue thereof, shall be liable in a Penalty not exceeding Five Pounds.

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

CLIX. And be it enacted, That if the Magistrates and Council and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Limits of this Act, and with whom the Magistrates and Council may be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration; and for that Purpose the Clauses of the Lands Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Penalty for wilfully breaking Lamps.

CLX. And be it enacted, That if any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light or damage the Iron or Appurtenances of any 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 the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable, or other Officer, in order to be secured and taken before a Magistrate;

Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession, or on the Evidence of One credible Witness, or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Three Months.

Persons accidentally breaking Lamps to repair the Damage.

CLXI. And be it enacted, That if any Person shall through Negligence or Accident break any Lamp set up in any of the Streets, Lanes, Passages, or in common Closes or Stairs, or injure or damage any Person or Property therein, and shall not, upon Demand, make Satisfaction for such Injury or Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to, not exceeding Five Pounds; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful for such Magistrate to cause the same to be enforced and recovered in the same Manner as Penalties directed to be recovered under this Act.

Vagrants and Beggars to be apprehended.

CLXII. And be it enacted, That it shall be lawful for the Officers of Police to apprehend and detain, in order to their being brought before the Magistrates or any of them, all Vagrants and common Beggars, for Examination; and if it shall appear that the Persons so apprehended do not belong to any of the Parishes within the Burgh of *Leith* such Persons may be ordered to quit or be conducted beyond the Limits of this Act; and if any such Vagrants or common Beggars shall after the Expiration of Forty-eight Hours be again found begging within the said Limits it shall be lawful for the Magistrates or any of them to adjudge them to be imprisoned for a Period not exceeding Thirty Days; and it shall also be lawful for the Officers of Police to apprehend and detain in Custody all incorrigible Vagrants and common Beggars who refuse to give up their vagrant Habits, or to cease from begging, after being admonished or required so to do, and for the Magistrates or any of them, on Conviction of such Offence, to adjudge such Persons to be imprisoned for a Period not exceeding Thirty Days.

Regulations as to Lodging Houses for the Reception of Labourers and others.

CLXIII. And whereas the Keepers of Lodging Houses for the Accommodation of Labourers, Mendicants, Strangers, and other Persons for the Night or other short Periods frequently allow the same to be crowded, by receiving greater Numbers of Persons than such Lodging Houses are adapted to contain with a due Regard to Health, and likewise receive and allow Persons affected with Fever and other contagious Diseases to remain in such Houses till Infection has been communicated to other Lodgers, and also receive other Lodgers into the Apartments and Beds from which diseased Persons have been removed, without any purifying or disinfecting Process: Be it

it enacted, That no Keeper of any such Lodging House within the Limits of this Act shall accommodate or receive such Lodgers without such House having been previously inspected and approved of for that Purpose by the Inspector of Cleansing or other Officer specially authorized; and it shall be lawful for the Superintendent from Time to Time to fix and determine the Number of Lodgers who shall be accommodated in each Apartment of such Lodging House, and by a written or printed Certificate, signed by him, to license such Lodging House accordingly, and to order that a Ticket containing the Number of Lodgers for which the House and each Apartment therein is licensed, and any Rules or Instructions made by the Magistrates for promoting Health, Cleanliness, or Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times allow Access thereto, when required by the District Surgeon, in the Discharge of his professional Duty as such, or by any Medical Practitioner who may be called to attend any Lodger or any other Person therein, and shall also at all reasonable Times give Access, when required, to the said Inspector, or any other Officer appointed by the Magistrates or Inspector, for the Purpose of Inspection and Inquiry, or for the Purpose of carrying out any disinfecting Process which the Magistrates or any Two of them, upon the Advice and Recommendation of any Two Medical Practitioners, may order; and if any Keeper of any such Lodging House shall offend against any of the said Provisions he shall be liable for every such Offence in a Penalty not exceeding Two Pounds; and the Names of the Keepers of all such Lodging Houses, the Name and Number of the Street or Place where the same are situated, the Number and Dimensions of the Apartments, and the Number of Lodgers for whom each such House is adapted and is licensed to contain, shall be inserted in a Book to be kept for the Purpose in the Police Office.

Keepers of such Lodging Houses to report Cases of Disease.

CLXIV. 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 of any other Disease, be bound forthwith to make Intimation thereof to the Inspector of Cleansing; and if any Lodger or other Person in any 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 Five Pounds.

When infectious Diseases occur, Magistrates may adopt Measures for cleansing, &c.

CLXV. And be it enacted, That on its being ascertained that any contagious, 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 the Inhabitants of such Houses or Apartments shall not have taken due Precaution against such Disease, and where there may be reasonable Apprehension of its spreading or continuing, it shall be lawful for the Magistrates or any Two of them to cause and direct all proper Measures to be taken for the Fumigation or Disinfection 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 Two of them to be necessary for the Preservation and Security of the

Inhabitants

Inhabitants in the Neighbourhood and others against the Danger of Contagion or Infection; and it shall be lawful for any Superintendent, Inspector, or other Person appointed by the Magistrates to enter into any such House or Apartment, and to do or assist in doing or causing to be done all Matters and Things for the Purposes aforesaid; and in the event of Access to such House or Apartment for such Purposes being refused it shall be lawful for the Magistrates or any of them to grant Warrant for entering such House or Apartment by Force, if necessary.

Procedure for Regulation of Lodging Houses.

CLXVI. And be it enacted, That all judicial Proceedings to be adopted for executing the Powers herein contained in regard to the Regulation of Lodging Houses, and for the Prevention of such Diseases as aforesaid, shall be conducted in a summary Form, without written Pleadings, by Complaint at the Instance of the Superintendent of Police in the Police Court.

Keepers of Lodging Houses for Mendicants to report Persons resorting thereto.

CLXVII. And be it enacted, That all Persons letting Lodgings or giving Accommodation for the Night or Day to mendicant or idle Persons within the Limits of this Act shall, if required by any General Order of the Magistrates, or any Special Order of any One of them, or on the Application of the Superintendent of Police or other Officer acting by his Direction, be bound to report, each and every Day, at the Police Office, at any Hour appointed, every Person who has resorted to such House during the preceding Night or Day; and if any Person as aforesaid shall fail to comply with any such Order or Application he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings.

Privies and other Conveniences may be erected and regulated.

CLXVIII. And be it enacted, That it shall be lawful for the Commissioners to build, form, and erect such Privies, Urinals, and other similar Conveniences, in such Situations as they shall deem proper, for the Accommodation of the Public, the Expense of which, and of keeping the same in good Order, shall be defrayed from the Assessment for Police Purposes under this Act; and the Commissioners are hereby authorized to establish Regulations, with suitable Penalties, not exceeding Forty Shillings, in relation to the Conveniences so built, formed, and erected.

Closes, Areas, and Wastages to be cleansed by Proprietors.

CLXIX. And be it enacted, That all Closes and Thoroughfares, and all Areas and Wastages, which are not cleansed by Scavengers appointed under this Act, shall be kept clean and clear of all Dung, Filth, and Rubbish, and such Closes and Thoroughfares shall at least Three Times in every Week, and such Areas and Wastages as often as may be necessary, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Proprietors of such Closes, Thoroughfares, Areas, or Wastages, or of Houses or other Buildings therein respectively; and if such Closes, Thoroughfares, Areas, or Wastages shall not be so kept and cleansed, the Proprietors, or their Factors or Agents having Charge thereof, may be summoned to appear before any One of the Magistrates, at the Instance of the Superintendent of Police, and on Conviction be subject to a Penalty not exceeding Ten Shillings for every such Offence.

Penalty for Neglect.

CLXX. And

Nuisances to be removed and discontinued.

CLXX. 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 where Dungsteads, Privies, 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, or so constructed and enclosed, as that such Offence or Nuisance may be prevented; and where such Dungsteads, Privies, or other similar Erections are removed and discontinued as aforesaid, other and suitable Accommodation for such Purposes shall be provided, by or at the Expense of the Proprietors requiring the same.

Manure not to be collected, and offensive Accumulations to be removed.

CLXXI. And be it enacted, That it shall not be lawful for any Dealer in Dung or other Person to form Dunghills or to collect Manure within the Burgh of *Leith*, or to lay down Dung, Ashes, or Refuse on any Passage, Close, Area, or Place, whether a Thoroughfare or not; and if it shall appear, from a Certificate signed by any licensed Medical Practitioner and a Commissioner, that any Accumulation of Dung or Fulzie found or collected in any Dungstead or other Place within the said Burgh ought to be removed, as being prejudicial to the Health or Comfort of any Inhabitant in the Neighbourhood, and if the same shall not be removed within Forty-eight Hours of Notice given to the Owner thereof, or to the Person on whose Ground the same may be, or the known Agent or Servant of any such Party, the Superintendent of Police or Inspector of Cleansing shall be and is hereby authorized, without any other Warrant or Authority than this Act, to seize and carry away such Dung or Fulzie, and dispose thereof, and the Proceeds, after defraying Expenses, shall be applied to Police Purposes under this Act: Provided always, that Dung accumulated in any Depôt formed by the Commissioners, or by a Farmer upon any Part of the Lands occupied by him, for the Purpose of being laid as Manure thereon, shall not be subject to such Prohibition or Seizure; and it shall be lawful for the Magistrates and Council to form Manure Depôts in convenient and suitable Situations for facilitating the Removal of Manure from the Limits of this Act.

Dungsteads, &c. to be cleaned out.

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

As to Removal of Dung.

CLXXIII. And be it enacted, That every Person who shall lay or cause to be laid on any of the Streets or public Ways any Dung or Manure,

Manure, for the Purpose of carrying the same to adjacent Grounds, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in the said Streets or public Ways from the First Day of *October* to the First Day of *April*, and before Seven of the Clock of the Day from the First Day of *April* to the First Day of *October*; and if Dung or Manure shall be allowed to remain on any Part of the said Streets or public Ways after the said Hours the Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Shillings for such Offence, to be levied and applied as herein directed, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the said Officers of Police, who shall have Power to dispose of the same for the Purposes of this Act.

Depôt for Dung, &c.

CLXXIV. And be it enacted, That it shall be lawful for the Commissioners to take upon Lease or purchase from any Person 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 to erect on such Lands the necessary Sheds and other Buildings.

Present Slaughter-houses to be suppressed.

CLXXV. And be it enacted, That it shall be lawful for the Magistrates and Council to suppress the existing Slaughter-houses or Shambles situated betwixt the Street called the *Tolbooth Wynd* and the Street called *Saint Andrew Street*, and to prevent the slaughtering of Cattle or other Bestial therein, or in any Place within the Limits of this Act, under a Penalty not exceeding Five Pounds Sterling for each Offence, to be sued for and recovered in the summary Manner prescribed by this Act for the Recovery of Penalties.

Restrictions as to slaughtering Cattle.

CLXXVI. And be it enacted, That it shall not be lawful for any Butcher or other Person to use any Stable, Cowhouse, Cellar, or other Place within the Limits of this Act as a Slaughter-house, or to slaughter any Cattle of any Description in any other Place than a Slaughter-house established under the Authority of the Commissioners, unless with the special Sanction of the Magistrates, and under such Restrictions and Regulations as they shall deem proper, which Sanction the Magistrates or any Two of them may suspend or recall, when it shall appear necessary so to do for the Health and Comfort of the Inhabitants in the Neighbourhood thereof, on a Certificate to that Effect of any Two licensed Medical Practitioners; and if any Butcher or other Person shall use any such Place as a Slaughter-house without such Sanction, or while such Sanction is suspended, or after the same has been recalled, he shall for every such Offence forfeit a Sum not exceeding Two Pounds.

Slaughter-houses to be provided.

CLXXVII. And be it enacted, That it shall be lawful for the Commissioners or other Persons duly authorized by them to provide and establish in the Suburbs or other proper and convenient Place of the Burgh fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle and other Beasts; and it shall not be lawful thereafter for any Flesher or Butcher or other Person to slaughter Cattle or other Beasts

elsewhere than in the Shambles or Slaughter-houses so to be provided; and any Person thereafter using any other Shambles or Slaughter-house shall be liable in a Penalty not exceeding Five Pounds for each Offence, to be recovered in the summary Manner provided by this Act for the Recovery of Penalties; and it shall and may be lawful for the Commissioners to demand and take, for the Use of the said Shambles or Slaughter-houses, such reasonable Rate of Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses or Shambles, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings; and the Decision of the Sheriff shall be final and conclusive, and not subject to Review in any Court of Law or Equity.

Regulations for Slaughter-houses to be made.

CLXXVIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized from Time to Time to make such Regulations as they may consider proper for the due Care and Management of and the Preservation of Cleanliness in the Slaughter-houses to be erected as aforesaid, and the Pertinents thereof, and regarding the Conduct of all Persons resorting thereto, and may appoint any Penalty not exceeding Forty Shillings for any Breach of such Regulations.

Keeping and rearing Swine within Old Bounds prohibited.

CLXXIX. And be it enacted, That it shall not be lawful for any Person to keep or rear Pigs or Swine within the Old Bounds, under a Penalty for every Offence not exceeding Forty Shillings, to be recovered in the summary Manner provided by this Act for the Recovery of Penalties.

Removal of Swine in other Cases.

CLXXX. And be it enacted, That it shall be lawful for any One of the Magistrates to order Swine to be removed within a limited Time from 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 and pay a Sum not exceeding Forty Shillings; 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 Twenty-four Hours, and Access shall be given at all reasonable Hours to the Inspector of Cleansing, for the Purpose of Inspection, under a Penalty not exceeding Twenty Shillings for each Offence.

Provisions as to Premises for collect-

CLXXXI. 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

Satisfaction of the Superintendent of Police or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of the Superintendent or other Inspector, or of any Person acting under them, and Access shall at all seasonable Times be given to the Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

ing offensive Substances.

CLXXXII. And be it enacted, That the Proprietors, Owners, or Occupiers of all Cotton Works, Foundries, Mills, Distilleries, Smithies, 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, where practicable in the Opinion of the Magistrates, construct the Furnaces or Flues of their said Works in such a Manner as to consume their own Smoke; and in case they refuse so to do, when required by the Commissioners, the Magistrates or any One of them shall have Power and they are hereby authorized and empowered to cause the same to be done in such Manner as to them shall seem best calculated to prevent such Consequences in Time coming, at the Expense of such Proprietors or Occupiers; and the said Magistrates, or any One of them, are hereby further authorized and empowered, on the Complaint of the Commissioners, to prevent all Persons from charring Coals within the Limits of this Act; and in case any Person shall so offend, after One Intimation, to impose a Fine on the Persons offending not exceeding Twenty Shillings for each Offence.

For preventing Nuisances from Steam Engines.

CLXXXIII. 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 River, Stream, Ditch, or Sewer; and if they refuse so to do, when thereto required by the Commissioners, the said Magistrates or any One of them, or the Sheriff, are hereby authorized and required to order the same to be done, at the Expense of the Owners or Occupiers of such Distilleries or Occupiers of such Distilleries and other Works.

Distillers to construct Reservoirs to deposit Refuse.

CLXXXIV. And

Inspector of Markets to be appointed, and Sale of unwholesome Meat prohibited.

CLXXXIV. And be it enacted, That the Commissioners may appoint from Time to Time an Inspector of Markets, with such Salary or Wages, and with such Orders and Instructions as they may from Time to Time establish and issue for his Government, which they are hereby authorized to do; and it shall be lawful for the Superintendent of Police or the Inspector of Markets, or any Police Officer or other Person whom the Magistrates or any of them shall authorize, to bring before the Magistrates or any of them any Person who shall sell or expose to Sale, or have any in his Possession for the Purpose of selling, in any Market, Shop, Stand, or Place within the Limits of this Act, the dressed Carcase or any Part of the Carcase of any Animal which shall appear to have died of Disease, or any Butcher's Meat, Fish, Poultry, or other Article of Provision of an unsound or unwholesome Description, or in a State unfit or unsuitable for Human Food, and to seize and take possession thereof; and if after Inspection Two or more respectable Dealers in such Articles shall certify that the same is unwholesome, and ought to be buried or otherwise disposed of, it shall be lawful for the Superintendent or Inspector, or any other Officer acting in their Absence, immediately to cause it to be buried or otherwise disposed of; and any Person who shall be convicted of selling or exposing to Sale, or having in his Possession for the Purpose of selling, any such unwholesome Articles as aforesaid, shall for every such Offence forfeit a Sum not exceeding Ten Pounds, and the Articles so seized shall, upon Conviction, be forfeited, and if not buried shall be disposed of as the Magistrates or any of them trying such Case shall direct; and it shall be lawful for the Superintendent, Inspector, or other Police Officer to convene before the Magistrates or any of them any Butcher or other Person who shall within the Limits aforesaid sell or expose to Sale, or have in his Possession for the Purpose of selling, any blown, stuffed, or pricked Veal, Lamb, or Butcher's Meat, or shall sell or expose to Sale any Bull Beef without having the Words "Bull Beef" exhibited on a Board in Roman Characters of at least Three Inches in Length and of a proportionate Breadth over the Stall or Place in which it shall be exposed to Sale, and to seize and take possession of such Veal, Lamb, Beef, or other Butcher's Meat, to be produced in Evidence; and the Magistrates or any of them shall be empowered to declare such Veal, Lamb, Beef, or other Butcher's Meat to be forfeited, and dispose thereof as they shall think fit, as well as to fine the Person convicted of selling the same or offering the same for Sale, or having the same in his Possession, contrary to this Act, in any Sum not exceeding Five Pounds.

Duties of Inspector of Markets.

CLXXXV. And be it enacted, That it shall be lawful for the Inspector of Markets and it shall be his Duty to see that the Regulations for Markets and Slaughter-houses are duly observed; that no Carcase of any Animal which may appear to have died of Disease is dressed, prepared, or kept therein; that no Butcher's Meat or Fish of an unwholesome Description, or adulterated Butter, Meal, Bread, or other Article of Food whatever, is exposed for Sale or kept in Markets, Shops, Stalls, or other Places; and that all Markets, Slaughter-houses, and Shops, Stalls, and other Places for the Sale of Butcher's Meat, Fish, or other Provisions are clean and in good Condition; and all Keepers of Slaughter-houses, Markets, and of Shops, Stalls, and other Places for the Sale of Butcher's Meat, Fish, or other Provisions,

Provisions, shall at all seasonable Hours allow the Inspector Access to their Premises, for the due Performance of the Duty of the said Office, under a Penalty of Ten Shillings for every such Offence.

Power to seize and confiscate adulterated Butter.

CLXXXVI. And be it enacted, That it shall be lawful for the Magistrates or any One of them, on the Application of the Procurator Fiscal of Court, or to the Superintendent of Police or to the Inspector of Markets, having received Information and having just Cause to believe that adulterated Butter is in the Possession of any Importer thereof, Manufacturer or Dealer therein, or of any Agent or other Person, for the Purpose of being disposed of, to grant Warrant to seize such Butter, and if it shall be ascertained by chemical Analysis or other satisfactory Examination made by Order of the Magistrates or any of them that the Butter so seized is adulterated, it shall be lawful for the Magistrates or any One of them to declare the same forfeited, and to fine the Importer, Manufacturer, Agent, Dealer, or other Person possessed thereof as aforesaid in a Sum not exceeding Five Pounds for every Cask or Parcel so found.

Penalty on Persons selling same.

CLXXXVII. And be it enacted, That if any Person shall sell any such adulterated Butter, knowing the same to be adulterated, to any Person not in the Knowledge thereof, such Person so offending shall for every such Offence forfeit and pay a Penalty not exceeding Ten Pounds.

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

CLXXXVIII. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, be it enacted, That it shall be lawful for the Superintendent of Police or Inspector of Markets within the Limits of this Act, at any Time, or to any Officer of Police having Orders or Instructions to that effect from the Magistrates or any One of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the said Limits for Sale, or sold or exposed or kept for Sale in any Shop or Market Place within the said Limits; and it shall be lawful for the Superintendent, at any Time when he shall deem it necessary or proper, or to such Inspector acting by the Directions of the Superintendent, or for any Officer of Police on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the said Limits in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office for Examination; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at

the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

Commissioners may erect Weigh-houses.

CLXXXIX. And be it enacted, That it shall be lawful for the Commissioners, out of the Rates or Assessments hereby authorized to be imposed, to erect and maintain a Weigh-house or Weigh-houses and Steelyards or Weighing Machines, and other Conveniences within the Burgh, with proper Weights, Scales, and Measures, for the Use of the Inhabitants or other Persons, for weighing, measuring, and inspecting Goods and Commodities sold or delivered or offered for Sale or Delivery within the said Limits, and to establish such reasonable Charges, and to make such Orders and Regulations, under Penalties not exceeding Forty Shillings, as they shall judge fit and expedient, which Penalties shall be enforced by the Magistrates or any of them in the summary Manner provided by this Act.

Buyer or Seller of Goods may have them weighed.

CXC. And be it enacted, That the Owner or Driver of every Cart, Waggon, or other Carriage with Goods or Commodities brought within the said Limits to be sold or delivered therein shall, if requested by the Buyer or Seller of any such Goods or Commodities, or the Person on whose Behalf the same shall be consigned, or their respective Agents, take and carry such Cart, Waggon, or other Carriage, with or without the Loading thereof, to be weighed at the nearest Weighing Machine or Weigh-house erected or to be erected as aforesaid, for the Purpose of ascertaining the Weight or Measurement of such Goods or Commodities, for proceeding to which Weighing Machines or Weigh-houses no additional Charge shall be made by the Owner or Driver, unless such Cart, Waggon, or other Carriage shall for such Purpose be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in conveying the Goods or Commodities laden therein to their Place of Destination than Half a Mile, including the going to and returning from such Weighing Machine or Weigh-house, in which Case the Owner or Driver of such Cart, Waggon, or Carriage shall be allowed to make an additional Charge of Three-pence for every Horse used in drawing the same, and a further Charge of the like Amount for every additional Half Mile after the first that any such Cart, Waggon, or other Carriage shall be taken out of the direct Road for the Purpose aforesaid; and all such additional Charges for Carriage, together with the Rates or Fees to be paid for such weighing or measuring, shall be paid by the Person requiring such weighing or measuring to be done; and if the Driver or other Person having the Charge of any such Cart, Waggon, or other Carriage shall not, upon being so requested as aforesaid, take the same to such Public Weighing Machine or Weigh-house as is herein-before directed, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

CXCI. And

Penalty on committing Frauds in Weight of Bread.

CXCI. And be it enacted, That all Bakers and Dealers in Bread shall on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls) impress thereon in large and distinct Figures the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell or offer or expose for Sale any Bread which shall be deficient or under the Weight so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

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

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

Penalty.

Carter to deliver Memorandum.

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

Penalty for selling Coals by retail of short Weight.

CXCIV. And be it enacted, That any Person who shall sell Coals by Retail or in any Quantity less than Half a Ton in Weight, and shall expose or offer for Sale or sell any such Quantity of Coals represented to be a certain Weight, but which shall be deficient or under the Weight so represented, such Person shall be liable in a Penalty not exceeding Five Pounds; and all such Persons, whether selling at a Fold or other fixed Place, or from Carts in the Streets, shall be bound to keep Scales and Weights, and to weigh such Coals, when required either by a Purchaser or by any Officer of Police, under a Penalty not exceeding Forty Shillings for each Neglect or Refusal.

Penalty on Keepers of Weighing Machines committing Frauds in weighing.

CXCV. And be it enacted, That if the Keeper of any Weighing Machine or Weigh-house used within the said Limits for the Purpose of ascertaining the Weight of Coals or other Articles bought or sold, or brought within the said Limits for Sale or Delivery, or the Seller of any Article which shall be weighed at such Weighing Machine or Weigh-house, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Waggon, Cart, or Carriage, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Article weighed thereat shall not be ascertained, or if the Owner or Driver of any Cart, Waggon, or other Carriage shall place or knowingly have any Article, Matter, or Thing in or about such Cart, Waggon, or Carriage, other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of

any

any Cart or Waggon or the Loading thereof, or shall make, use, or be privy to the making or using of any false or fraudulent Ticket respecting the Weight of any such Cart, Waggon, or Loading, or if by reweighing or otherwise it shall be discovered that any Coals or other Articles have been abstracted by such Owner, Driver, Keeper, or Servant from such Cart, Waggon, or other Carriage, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver of any Cart, Waggon, or other Carriage, or the Keeper of any Machine or Weighing House as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart, Waggon, or Carriage, or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart, Waggon, or Carriage, or of the Load therein, or if any other Person shall knowingly act or assist in the committing of any Fraud respecting the Weight of any Cart, Waggon, or Carriage, or the Load therein, weighed, or stated or represented to be weighed, at any such Machine or Weigh-house as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Application of surplus Monies received for Weighing.

CXCVI. And be it enacted, That any Surplus from the Sums received for weighing Coals or other Goods or Commodities as aforesaid at the Steelyards or Weighing Machines erected or to be erected by the Commissioners, after deducting the Expense of that Department, shall be applied in aid of the Funds for Police Purposes to be levied by this Act.

Penalty on licensed Spirit Dealers permitting Breaches of the Peace, &c.

CXCVII. And be it enacted, That if any Person licensed for the Sale of Ale, Beer, or Spirituous Liquors within the Limits of this Act shall permit any Breach of the Peace or riotous or disorderly Conduct within any Hotel, Inn, Tavern, Shop, Cellar, House, Room, or other Premises occupied or rented by him, or shall knowingly permit or suffer Men or Women of notoriously bad Fame, or dissolute Boys or Girls, to assemble and meet therein, such Person shall, on summary Conviction, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, and may further be ordained to find Security for his good Behaviour for any Period not exceeding Twelve Months, under a Penalty not exceeding Twenty Pounds; and in the event of such Security not being found within a reasonable Time, to be specified, or if the Offence be repeated after a previous Conviction, it shall be lawful for the Magistrates or any of them to deprive every such Person of his Licence.

Licensed Publicans and Persons keeping Public Houses without Certificates, under 9 G. 4., c. 58., may be

CXCVIII. And be it enacted, That if any Person holding a Certificate under an Act passed in the Ninth Year of the Reign of His 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 Ale, 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*

Houses being kept without such Certificate, shall offend against any of the Terms and Conditions contained in the Certificate so held by him, or if any Person shall keep a common Inn, Alehouse, or Victualling House, and sell Ale, Beer, Spirits, Wine, or other exciseable Liquors by Retail, to be drunk or consumed on such Premises or the Places immediately adjoining the same, without a Certificate to him in that Behalf granted according to the Provisions of the said recited Act, such Person may be prosecuted in the Court of Police, at the Instance of the Procurator Fiscal, according to the Forms and in the Manner used in the said Court, and if convicted in Terms of the said Act shall be subjected in the several Penalties, and on Failure to make Payment of such Penalties shall be forthwith imprisoned for the Periods severally prescribed by the said Act.

prosecuted in Police Court.

CXCIX. And be it enacted, That any Person holding a Certificate as aforesaid who shall purchase any Article of Wearing Apparel or Bed Clothes, or any Goods, or who shall receive any Article in Pawn, as the Price or as Security for the Price of any spirituous Liquors, shall be liable in a Penalty not exceeding Five Pounds; and in the Case of such Pawn the Article so received shall be restored to the Owner, and the Person so offending may be deprived of his Certificate

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors.

CC. And be it enacted, That any Person holding a Certificate as aforesaid who shall supply any Sort of spirituous Liquors to and for the Use on the Premises of any Boy or Girl apparently under Fourteen Years of Age shall be liable, for the First Offence, to a Penalty not exceeding One Pound; for the Second Offence, to a Penalty not exceeding Two Pounds; and for a Third Offence, to a Penalty not exceeding Five Pounds, besides Deprivation of his Certificate.

Penalty for supplying Liquors to Persons under Fourteen Years of Age.

CCI. And be it enacted, That if any Person within the Limits of this Act, whether dealing in exciseable Liquors or not, shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or Premises occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour any idle Rogue or Vagabond, such Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds, to be recovered in the summary Manner authorized by this Act, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for Twelve Months, under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days: Provided always, that if any Person shall be found guilty of any such Offence a Second Time it shall be lawful for the Magistrates or any of them, on the Application of Three Householders or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds, with Costs, as to the Judge may seem fit.

Penalty for permitting Breaches of the Peace, or harbouring Persons of bad Fame.

Officers may enter Public Houses on hearing disorderly Noise therein.

CCII. And be it enacted, That the Superintendent of Police, or any Officer acting under him, shall have Power, by virtue of his Office, to enter any Public House, or any Room, Booth, Tent, Caravan, or other Place, or any Vessel, on hearing any disorderly Noise therein, or having just Reason to believe that Persons are harboured or entertained therein contrary to the Provisions of this Act; and if the Keeper of any such House, Room, Booth, Tent, Caravan, or Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall not admit such Officer, when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Brokers and Dealers in Second-hand Goods to be licensed.

CCIII. And be it enacted, That from and after the first Term of *Whitsunday* after the passing of this Act no Person shall within the said Limits exercise or carry on the Trade or Business of a Broker or Dealer in Second-hand Goods or Articles, or a Dealer in old Metals, unless he shall have first obtained a Licence so to do from the Magistrates or any Two of them, which Licence the Magistrates or any Two of them shall be and are hereby authorized from Time to Time to grant, under such Conditions and Restrictions as they shall consider proper, to such Persons as shall produce to them satisfactory Evidence of their good Character, and which Licence shall continue in force until the Term of *Whitsunday* in each Year, unless sooner revoked or suspended, which the Magistrates or any Two of them are hereby authorized to do, on legal Conviction of the Violation of any of the Conditions of such Licence, or of the Provisions of this Act, and no longer; and it shall not be lawful for Persons so licensed to keep or have in their Possession any Smelting Pot or other Implement for melting Silver, Lead, or other Metals; and every Person to whom such Licence shall be given or renewed shall for every such Licence or Renewal thereof pay a Sum not exceeding Two Shillings and Sixpence, as the Expense of such Licence or Renewal, and of recording the same in a Book to be kept for the Purpose by the Town Clerk; and if any Person shall within the said Limits exercise or carry on the Trade or Business of a Broker or Dealer in old Metals without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, or if any such Broker or Dealer shall receive or take any Goods or Articles in Pawn without having been licensed as a Pawnbroker in Terms of Law, such Person, Broker, or Dealer shall for every such Offence forfeit and pay a Penalty not exceeding Three Pounds.

Brokers Names to be painted over Shop Doors.

CCIV. And be it enacted, That every Person licensed as a Broker under this Act shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance into his Premises, in large Characters, either in Black on a White Ground or in White upon a Black Ground, and shall from Time to Time replace the same when obliterated or defaced, under a Penalty not exceeding Twenty Shillings for each Case of Refusal or Neglect.

Brokers not to transact

CCV. And be it enacted, That any Broker who shall, either by himself or his Servant, or by any other Person having the Charge of his

his Premises or Business, and for whom in such Case he shall be held responsible, sell to, or purchase from, exchange or barter, or have any Business Transaction whatsoever with, any Person, between the Hours of Eleven of the Clock on each *Saturday* Night and Seven of the Clock of the Morning of the following *Monday*, shall for each such Offence be liable to a Penalty not exceeding Five Pounds.

Business between certain Hours.

CCVI. And be it enacted, That any Broker who shall at any Time, either by himself or by his Servant or by any other Person having the Charge of his Premises or Business, for whom in such Case he shall be held responsible, sell to, or purchase from, exchange or barter, or have any Business Transaction whatsoever with, any Person under Fourteen Years of Age, shall be liable to a Penalty not exceeding Five Pounds.

Brokers not to transact Business with Persons under Fourteen Years Age.

CCVII. And be it enacted, That all such Brokers and Dealers shall keep Books in which they shall enter the Description of the Articles purchased or received by them, the Name and Place of Abode of the Person from whom they purchased or received the same, and the Date and the Hour of the Day of each such Transaction; and if any such Broker or Dealer shall fail to keep such Book and make such Entries he shall for every such Offence forfeit and pay a Penalty not exceeding Forty Shillings.

Brokers to keep Books.

Penalty for Neglect.

CCVIII. And be it enated, That all Pawnbrokers, and all Brokers or Dealers in Second-hand Goods or Metals, of whatsoever Kind or Description, shall at all reasonable Times show and produce, on Demand, to the Superintendent of Police, or to any Officer acting under a special Order (written or printed) from him, or other Officers authorized by Warrant of the Magistrates or any of them, all and every Article or Articles in their Possession, or which they may have received in pawn or purchased, and shall also produce their Books in which the Description of any such Articles may have been entered; and as often as it shall be found that any Goods or Articles which have been stolen or fraudulently obtained shall be in the Possession of any such Persons, they are hereby required, on being informed by the Magistrates, Superintendent of Police, or other Officer specially authorized as aforesaid that such Goods or Articles were stolen or fraudulently obtained, to deposit the same with the Superintendent or other Officer of Police, in order that they may be produced in such Manner as may be necessary for the Ends of public Justice, or, upon Proof of Ownership to the Satisfaction of the said Magistrates, restored to the proper Owner or Owners thereof; and every Person so dealing in Second-hand Articles who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same are described, on being required so to do as aforesaid, or who shall not deposit any such Goods or Articles stolen or fraudulently obtained as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, upon Conviction before the Magistrates or any of them, such Forfeiture to be recovered and applied in manner herein-after directed, and without Prejudice to such Persons being also proceeded against as Receivers or Resetters of stolen Goods according to Law.

Brokers to produce Goods, on Demand of Superintendent of Police, &c.

CCIX. And

Penalty on Broker neglecting to give Notice of stolen Goods being in his Possession.

CCIX. And be it enacted, That if any Goods or Articles regarding which written or printed Information shall be given by an Officer of Police to any Pawnbroker or other Broker, or Dealer in Metals or Second-hand Goods or Articles aforesaid, as having been stolen, embezzled, or fraudulently obtained, and which Goods shall then be in or shall thereafter come into the Possession of such Broker or Dealer, such Broker or Dealer shall without unnecessary Delay give Information at the Police Office that certain Goods or Articles answering the Description of such Goods or Articles are in his Possession, and shall also state from whom the same were received, under a Penalty not exceeding Five Pounds for every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for the Pawnbroker or other Person as aforesaid to trace out and identify, no Fine shall be due or exigible in respect of such Broker or Dealer not reporting such Articles, unless it shall appear to the Court that such Articles had been knowingly concealed by such Pawnbroker or other Person as aforesaid.

Broker altering stolen Goods to be deemed a Receiver of stolen Goods.

CCX. And be it enacted, That if any Broker or Dealer in Metals or Second-hand Goods or Articles as aforesaid shall, after receiving Information of the Theft or fraudulent Disposal of any such Metals, Goods, or other Articles, of whatsoever Description, melt, alter, deface, or put them away, without having previously received the Permission of the Magistrates or Superintendent of Police, and if it shall be found that such Metals or Articles were stolen or fraudulently disposed of by the Person from whom such Broker or Dealer received them, or by any other Person, then and in such Case it shall be assumed and held that such Dealer or Broker knew that such Metals or Articles were stolen or fraudulently disposed of, and such Broker or other Dealer shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving such Information as aforesaid.

Broker not to carry on Business of a Publican, nor to purchase Tickets of a Pawnbroker.

CCXI. And be it enacted, That it shall not be lawful for any Broker or Dealer in Second-hand Goods or Articles, or for any Pawnbroker, to carry on Business as a Publican or Retailer of exciseable Liquors; and it shall not be lawful for any Broker or Dealer in Second-hand Goods or Articles to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person on his Behalf, for the Purchase of Goods or Articles specified therein, without first getting the same transferred in his own Name on the Books of the Pawnbroker, and endorsed on the Back of the Ticket that such Transference has been made, paying the Pawnbroker a Sum not exceeding One Penny for each such Transference and Indorsation; and if any Broker or Dealer shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker or Dealer shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

CCXII. And

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

CCXII. And be it enacted, That it shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles shall be offered to be pawned, sold, or delivered, which shall be reasonably suspected to be stolen or illegally obtained, to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody, for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination; and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained, he may commit the Person charged to Prison, to be dealt with according to Law: Provided always, that the Superintendent or other Person on Duty at any Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his determining, in the Absence of the Magistrate as Prosecutor Fiscal, whether the Party shall be immediately discharged or liberated on Bail in manner herein provided.

Punishment of Chain-droppers, and other Swindlers.

CCXIII. And be it enacted, That all Chain-droppers, Thimblers, Loaded-dice Players, and other Swindlers of that or any similar Description, who shall exhibit Implements or Articles for practising Games of Hazard, to induce or entice any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen and cheat, or attempt to cozen and cheat, any Person, in any House, Shop, or other Premises, or on any of the Roads, Streets, Lanes, or Passages, or in any Field or open Place, or in any Waggon, Booth, or Tent, or at any Market, Fair, Race, or other public Assemblage, or in the Vicinity thereof, within the Limits of this Act, may be brought before the Magistrate officiating as Judge in the Police Court, and shall, on being convicted under the summary Procedure authorized by this Act, and on the Testimony of One credible Witness or other legal Evidence of any such Offence, forfeit a Sum not exceeding Ten Pounds, or, in the Option of the Magistrates, be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be ordained to repay any Money or restore any Property which he may have obtained by means of any such Offence, and failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for a further Term not exceeding Sixty Days.

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

CCXIV. And be it enacted, That all Goods, Parcels, Bank Notes or Money, or other Articles found within the said Limits, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in *Leith*; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid shall

shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and forfeit a Sum not exceeding Five Pounds; and if any Person who shall find such Goods, Articles, Parcels, Bank-Notes, or Money, shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and forfeit a Sum not exceeding Ten Pounds, besides restoring the same to the Owner thereof.

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

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

How stolen or unclaimed Goods may be kept.

CCXVI. 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.

Unclaimed Goods may be disposed of after Twelve Months.

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

CCXVIII. And

CCXVIII. And be it enacted, That it shall be lawful for the Magistrates from Time to Time to license such Number of Hackney Coaches or Carriages of any Kind or Description to ply for Hire within the Limits of this Act as they shall think fit. **Hackney Coaches to be licensed.**

CCXIX. And be it enacted, That every Licence so to be granted shall be signed by Two Magistrates, and shall express the Number of the Hackney Coach or Carriage, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any such General Licensing Day shall be appointed by the Magistrates, as they are hereby authorized to do. **Licences to be signed by Two Magistrates.**

CCXX. And be it enacted, That every Licence shall be made out by the Town Clerk, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Coach or Carriage shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Coach or Carriage; and for every such Licence there shall be paid to the Town Clerk the Sum of Two Shillings and Sixpence. **Licences to be registered.**

CCXXI. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Hackney Coach or Carriage, be suspended or revoked by the Magistrates or any of them, as they shall deem right. **Licences may be suspended or revoked.**

CCXXII. And be it enacted, That if the Driver of any Hackney Coach or other Carriage shall be found standing or plying for Hire, or using any such Coach or other Carriage, within the Limits of this Act, without a Licence from the Magistrates, the Owner or Driver of such Coach or other Carriage shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings. **Penalty for plying without a Licence.**

CCXXIII. And be it enacted, That if any Person shall refuse to pay, on Demand, to any Hackney Coachman or Person, the regular Fare due to him for the Hire or Service of any licensed Hackney Coach or Carriage, he shall forfeit and pay a Sum not exceeding Ten Shillings. **Penalty for refusing to pay Hire of Coaches.**

CCXXIV. And be it enacted, That if any Person shall cut, break, or injure any such Coach or Carriage, such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall also pay to the Owner of such Hackney Coach or Carriage reasonable Satisfaction for the Damage sustained by the same, and such Satisfaction shall be ascertained and fixed by any of the Magistrates before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty. **Penalty for damaging Coaches.**

CCXXV. And be it enacted, That for better regulating the Hackney Coaches and other Carriages to be so licensed as aforesaid it shall be lawful for the Magistrates from Time to Time to make such Bye Laws **Bye Laws for regulating Hackney Coaches.**

Laws as they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Number of such Hackney Coaches or other Carriages:

For regulating the Number of Persons to be carried by such Coaches or other Carriages, and what Number of Horses or other Animals are to draw the same:

For fixing, altering, and regulating the Stands of such Coaches or other Carriages, and the Distance to which such Hackney Coachmen or Persons attending the Carriages shall be obliged to drive, not exceeding Five Miles from the Burgh Court House or Council Chamber of *Leith*:

For fixing the Rates or Fares to be paid for such Hackney Coaches:

For punishing the Misconduct of Hackney Coachmen and Persons attending such Carriages, whether in the Way of Imposition by demanding or receiving more than the regular Fare or otherwise:

And the Magistrates may from Time to Time, as they shall think fit, rescind any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *Scotland* or the Provisions of this Act.

Bye Laws may be enforced by Penalties.

CCXXVI. And be it enacted, That it shall be lawful for the Magistrates by the Bye Laws so to be made by them to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any One Offence.

Regulations as to Omnibuses or Carriages plying betwixt Leith and Edinburgh.

CCXXVII. And be it enacted, That the said Magistrates shall be empowered and they are hereby authorized to prevent, within the Limits of their Jurisdiction, the plying or running of Omnibuses or other Carriages for the Conveyance of Passengers betwixt *Leith* and *Edinburgh*, or betwixt *Edinburgh* and *Leith*, which shall be in a State of Disrepair or Insecurity, or not drawn by sufficiently able-bodied Horses, and adapted in all other respects for the Conveyance of Passengers with Safety and Comfort, by imposing Penalties on the Owners or Conductors or Drivers of such Omnibuses or other Carriages, which shall, on the Complaint of the Superintendent of Police, be found by the Judge of Police before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, not exceeding for each Offence Five Pounds; and the Magistrates are further empowered to make Bye Laws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and to enforce the same against the Owners or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police, in like Manner and under a like Penalty.

CCXXVIII. And

For licensing Sedan Chairs, Carts, and Porters.

CCXXVIII. And be it enacted, That it shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Bye Laws as they may think fit for licensing Sedan Chairs, Carts, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of 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 come in and through the said Burgh, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Bye Laws so to be made by them, and shall set down what Penalties shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

Power to restrain and regulate public Shows, &c.

CCXXIX. And be it enacted, That it shall be lawful for the Magistrates to restrain and regulate all public Shows or Exhibitions, and to prohibit any such, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, or at any Time, as shall appear necessary for preserving Order and Decorum, and to prevent the Obstruction of the Streets within the Limits of this Act, in Times of public Processions, Rejoicings, or Illuminations, and in all Cases when the Streets may be thronged or liable to be obstructed, and for preventing Disturbance, Annoyance, or Interruption in the Neighbourhood, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall contravene any such Regulation or Prohibition such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

Penalty on Persons committing Offences herein mentioned in the Streets.

CCXXX. 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 Constable or other Officer appointed by virtue of this Act shall take into Custody without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of 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

rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

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

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

Every Person having the Care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof, or 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 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 or other lawful Authority; and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Foot-path 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 rides 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 Showboard, on any Footway; or who places any Blind, Shade, Covering, Awning,

or

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, or 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 so enclosed as to prevent Mischief to Passengers):

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

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

Every Person who throws or lays any Dirt, Litter, or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street; or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases.

Punishment of Persons found drunk and being *riotous*.

CCXXXI. And be it enacted, That every Person who shall be found drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person who shall be 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 Judge before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

Power to Superintendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

CCXXXII. And be it enacted, That it shall be lawful for the Superintendent of Police, and the Officers acting under him, when they have good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein;

Penalties.

and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Proof of Gaming for Money not necessary in support of Prosecution.

CCXXXIII. And be it enacted, That it shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

CCXXXIV. And

Penalty for obstructing or assaulting Officers on Duty.

CCXXXIV. And be it enacted, That if any Person shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty or the Performance of any Work by virtue of this Act, or of any Warrant of the Magistrates or any of them, or of any Bye Law, Regulation, or Order of the Commissioners, or shall aid or incite any Person so to do, such Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other Person Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence forfeit a Sum not exceeding Ten Pounds, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Penalty for harbouring Watchmen, &c. while on Duty.

CCXXXV. And be it enacted, That if any Person shall lodge, harbour, or entertain, or entice from their Duty, any Watchman or other Police Officer during their Hours of Duty, every such Person shall, on Conviction, forfeit and pay a Sum not exceeding One Pound for every such Offence, to be recovered in the summary Manner by this Act provided.

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

CCXXXVI. 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.

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

CCXXXVII. And be it enacted, That any Person found committing any Offence punishable either by Indictment or Criminal Libel or upon summary Conviction under this Act may, without a Warrant, be taken into Custody by any Police Officer, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Officer or other Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; and any Police Officer may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained or fraudulently carried away may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently

obtained or carried away: Provided always, that no Person arrested under the Powers of this Act shall be detained in Custody by any Police Officer or Constable, without the Order of some Magistrate, longer than shall be necessary for bringing him before a Magistrate, or than Forty Hours at the utmost.

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

CCXXXVIII. And be it enacted, That when any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Officer under the Provisions of this Act, it shall be lawful for any Officer to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

Attending Officer may take Bail in certain Cases.

CCXXXIX. And be it enacted, That when any Person charged with any petty Misdemeanor shall be brought without the Warrant of the Magistrates into the Custody of any Officer appointed under this Act during his Attendance at the Police Office, it shall be lawful, in the Absence of the Judge or Judges officiating in the Court of Police, for the attending Officer, if he shall deem it prudent, to take Bail, by Bond or Deposit, from such Person, that such Person shall appear for Examination before One or more of the Magistrates at some Time and Place to be specified; and every Bond or Deposit so taken shall have equal Effect and be of equal Obligation on the Parties entering into or making the same, and shall be liable to such and the like Proceedings for the forfeiting thereof, as if the same had been taken before any One or more of the Magistrates; and the Officer shall enter in a Book to be kept for that Purpose in the Police Office the Name, Residence, and Occupation of the Party, the Amount or Nature of the Pledge, and his Surety or Sureties, if any, entering into such Bond, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Magistrate as shall be present at the Time and Place when and where the Party is required to appear.

Bail Bond in certain Cases may be declared forfeited, and Recovery of Penalty.

CCXL. And be it enacted, That when 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 inferring Forfeiture of such Bail or Caution, it shall be competent for the Magistrates or any of them to declare the Bail to be forfeited, and to order 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 Six Days; 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 the Magistrates or any of them, and upon Failure of Payment it shall be competent

competent to grant Warrant to poind and sell the Cautioner's Goods and Effects for the same so forfeited, after a Charge of Ten free Days, and the Expense of such Proceedings, and of the Poinding and Sale.

Money or Articles deposited as a Security may be forfeited.

CCXLI. And be it enacted, That where any Money or Article has been or shall be deposited by any Person as a Security for his Appearance, and where such Person has failed or shall fail to appear, it shall be competent to the Magistrates or any of them to declare such Deposit to be forfeited; and if such Deposit shall be Money the same shall be forthwith paid to the Collector or Treasurer appointed under this Act; and if such Deposit be not Money, the Article deposited shall be ordered by the Magistrates or any of them to be sold by public Auction, and the free Proceeds shall be paid to the Collector, and in both Cases accounted for with the Fines and Penalties, and applied in the same Manner; the Surplus beyond the Amount of Penalty provided for the Offence, or if more is provided, which may be found by any One of the Magistrates, being always accounted for and paid to the Party, if and when applied for.

Magistrates to make Rules as to Bail.

CCXLII. And be it enacted, That it shall be lawful for the Magistrates to make and establish Rules for the Exaction of Security by Bond or Pledge for the Appearance of Parties brought to the Police Office while the Magistrates are now sitting, or from Parties on whose Information Charges are made, and Persons taken into Custody, especially where such Parties are not known to the Officer or Constable as Householders or Residents, in such Manner as may appear most expedient for preventing rash or groundless Charges, or under Apprehension or Detention of Parties, and securing the Ends of public Justice; which Rules shall be printed or painted, and exhibited in the Police Office, Watch-house, or other Place to which Parties are in the first instance brought in Custody, and in such other conspicuous Places in the Police Buildings as may be deemed proper.

Authority to Officers to cite Parties and Witnesses.

CCXLIII. And be it enacted, That this Act shall be sufficient Authority to the Officers of Police within the Limits to which the same extends for citing Parties charged with Offences within the Meaning of this Act or at Common Law, or of any Regulations made in virtue thereof, and for summoning Witnesses to give Evidence in relation to the same; and it shall be deemed a legal Citation of Parties if the Citation be left within their Dwelling Houses, or at the Hotel, Inn, Lodging House, or other Place in which they eat and sleep, (if no other Domicile can be found,) or in the Shop, Warehouse, Counting-house, or other Place of Business within the said Limits, or, in the Case of the Master or other Person belonging to any Ship or Vessel, if left on board such Vessel in the Hands of a Person on board thereof and connected therewith, which Citation shall specify the Charge, and the Time and Place of Appearance.

Magistrates to try, remit, or detain Offenders.

CCXLIV. And be it enacted, That it shall be lawful for the Magistrates and they are hereby authorized and empowered to try and punish all and every Person charged with or suspected or having committed the Crimes, Delinquencies, and Offences herein mentioned under the Powers granted, and in the Manner and within the

the Period prescribed by this Act, or to transmit such Person for Trial to a higher Criminal Tribunal; and it shall be lawful for the Magistrates or any of them, when the Crimes, Delinquencies, or Offences shall have been committed beyond the Limits of this Act, to authorize such Person to be detained in the Police Office or Prison until disposed of according to Law; and it shall be the Duty of the Superintendent of Police forthwith to give Notice of such Detention to the Procurator Fiscal for the City, County, Burgh, or other Jurisdiction within which the Crime, Delinquency, or Offence is alleged to have been committed.

Prisoners may be remanded and detained.

CCXLV. And be it enacted, That when the Magistrate officiating as Judge in the Police Court shall find it necessary to remand any Prisoner, for affording Time to find Caution, in manner herein provided, or for further Examination, it shall be lawful to detain such Prisoner in the Police Office or Prison until such Caution shall be found, or until such further Examination shall take place, such further Examination always taking place as soon as Circumstances will permit, and without any unnecessary Delay.

Actions to be tried in a summary Manner.

CCXLVI. And be it enacted, That in all Actions and Prosecutions brought before the Magistrates for petty Crimes and Offences committed within the Limits of this Act, at the Instance of the Procurator Fiscal or the Person acting as Procurator Fiscal, under the Powers conferred on him by this Act, and whether concluding for Fines or Penalties, or the Expense of Operations performed, where such Fines or Penalties or Expense concluded for shall not exceed Ten Pounds (and the Mode of recovering which is not otherwise herein provided for), or where such Imprisonment or Commitment shall not exceed Sixty Days, the Procedure against Offenders shall be of a summary Nature, by hearing Parties *vivâ voce*, without any written Pleadings or Record of Evidence; and the Magistrate or Judge competent shall have Power in all Cases either to grant summary Warrant of Imprisonment for the Period before mentioned against the Offender, for Payment of such Fines or Penalties or Expense of Operations, or against his Goods, Chattels, and Effects, as may be considered most expedient for the Ends of Justice; and in addition to either of such Punishments, or without either of them being awarded, the Magistrates may ordain the Party to find Caution to keep the Peace, or for good Behaviour, for a Period not exceeding Twelve Months, under a Penalty not exceeding Twenty Pounds, and failing such Caution may grant a Warrant in a summary Manner to imprison or commit as aforesaid: Provided always, that the Period of Imprisonment or Commitment in any such summary Case shall not exceed Sixty Days, and that a Record shall be kept of the Charge and of the Judgment pronounced.

Actions to be commenced within Six Months.

CCXLVII. And be it enacted, That all Actions for Recovery of pecuniary Penalties or Forfeitures by virtue of this Act shall be commenced within Six Months from the Time the Facts on which such Actions were brought shall have been discovered and known, and not thereafter; and if any Party, when called to answer any Charge under the summary Procedure herein authorized, shall not *in limine* object on the

the Ground of irregular Citation, Misnomer, or Informality, it shall not afterwards be competent on such Ground to challenge the Procedure.

Competency of Witnesses.

CCXLVIII. And be it enacted, That no Person shall be deemed an incompetent Witness to give Evidence in any Case under this Act by reason only of such Person being a Commissioner, or of his being liable to be assessed, or of his being employed in any Office under this Act.

Examination of Witnesses.

CCXLIX. And be it enacted, That where, from the Absence of the Witnesses in 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 Magistrate, at the Request of the Defender, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Defender's Witnesses before the Proof for the Prosecution has been led or 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 the usual Questions *in initialibus* have not been put to him, unless desired by the respective Parties, to whom it shall be competent to move the Magistrate to that Effect.

Penalty in case of Witnesses failing to appear, &c.

CCL. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before the Magistrates, either on the Part of the Prosecutor or of the Person accused, and shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied in the summary Manner herein-before provided; and it shall be lawful for the Magistrate, and he is hereby authorized, by Warrant under his Hand, to cause such Person to be apprehended and brought into Court to bear Evidence, or to commit such Person to Prison until he shall find Security to appear and give Evidence, besides Forfeiture of the said Sum; and if any Person appearing, on being called as a Witness, shall refuse to be sworn or examined upon Oath, or, in case of a Quaker or other legally privileged Person, to be examined upon solemn Affirmation, or, after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, or upon any Matter or Thing incidental or relating thereto, it shall be lawful for the Magistrate and he is hereby authorized, by Warrant under his Hand, to cause such Person to be apprehended and committed to Prison until such Person shall submit himself to be examined and give his Evidence before such Magistrate as aforesaid, or for such Period as the Magistrate shall consider proper for the Ends of Justice: Provided always, that Proof on Oath of the Officer, in the Case of a Person not appearing according to such Summons, shall be made before such Magistrate of the due Service of such Summons on every such Person, by delivering the same to him, or by leaving the same at the usual Place of Abode of such Person.

Summary Punishment for Offences in Court.

CCLI. And be it enacted, That if any Person shall be guilty of Contempt of Court, or shall resist or obstruct the Officers of the Law when in attendance on the Magistrate, it shall be competent for the Magistrate, on his own Motion, summarily, and without the Necessity of Complaint or other Procedure, or Record of the Proof, to punish the Offender by a Fine not exceeding Five Pounds, or by Imprisonment for a Period not exceeding Sixty Days, or he may direct the Offender to be prosecuted in the usual Form by the Procurator Fiscal, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in other Cases at his Instance: Provided always, that when the Magistrate shall proceed to punish summarily he shall award the Punishment by Sentence or Warrant in Writing, which shall set forth the Facts which led to such Punishment.

Witnesses prevaricating may be punished summarily.

CCLII. And be it enacted, That if any Person adduced as a Witness in the said Court shall wilfully or corruptly give false Evidence, or shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Judge, in open Court, and in a summary Way, to adjudge the Person so offending to Imprisonment for any Term not exceeding Three Months: Provided always that the Sentence awarding such Imprisonment shall set forth the Nature of such Offence.

Persons convicted and fined may be committed to Prison.

Scale of Fines and Imprisonments.

CCLIII. And be it enacted, That on Sentence being pronounced, awarding a Fine or Penalty, Damages or Expenses, in any Prosecution before the Magistrates or any One of them, at the Instance of the Procurator Fiscal, it shall be lawful, in the event of the Fine or Penalty, Damages or Expenses, not being paid, to grant Warrant to commit the Person convicted to Prison for a Period not exceeding Eight Days from the Date of Conviction or Sentence where the Amount of such Fine, Penalty, Damages, or Expenses does not exceed Ten Shillings, for a Period not exceeding Fifteen Days where the Amount exceeds Ten Shillings and does not exceed Twenty Shillings, for a Period not exceeding Thirty Days where the Amount exceeds Twenty Shillings and does not exceed Forty Shillings, for a Period not exceeding Forty Days where the Amount exceeds Forty Shillings and does not exceed Three Pounds, for a Period not exceeding Sixty Days where the Amount exceeds Three Pounds and does not exceed Five Pounds, and for a Period not exceeding Three Months where the Amount exceeds Five Pounds, on the Expiration of which respective Terms of Imprisonment the Party shall be set at liberty, and no further Proceedings shall be competent to be directed against him to enforce Payment; and in all Cases a Copy of the Sentence, certified by the Clerk, shall be deemed a sufficient Warrant for Commitment: Provided always, that where a Fine or Penalty or Expenses shall have been awarded, and the Party shall have undergone Imprisonment in consequence of the Nonpayment thereof, it shall nevertheless be competent to any private Party aggrieved to sue for Damages from the Party convicted in relation to the same Fact for which the Fine or Penalty or Expenses shall have been awarded.

Power to mitigate Punishments,

CCLIV. And be it enacted; That it shall be lawful for the Magistrates to shorten the Period of Imprisonment, or to modify or mitigate the Severity of any other Punishment awarded by them or him in virtue of

of this Act, if at any Time they or any of them may see Cause to do so.

Application of Penalties.

CCLV. And be it enacted, That all pecuniary Fines, Penalties, and Forfeitures imposed, and the Expense of Works or Operations authorized to be recovered, under this Act, after defraying Expenses, shall be sued for at the Instance of the Procurator Fiscal in the Police Court, and shall be applied to the Police Purposes of this Act.

Sist or Suspension of Sentence not competent in certain Cases.

CCLVI. And be it enacted, That it shall not be competent to any Court or Judge whatever to grant any Sist or Suspension of Decrees or Sentences pronounced by the Judge officiating in the Police Court under this Act in such Cases regarding Police Regulations, in so far as concerns Fines, Penalties, and Expenses, so as to prevent immediate Payment or Consignment in the Hands of the Clerk of Court of the Sums awarded.

Certain Offences not to be tried in Police Court.

CCLVII. And be it enacted, That if it shall appear to the Magistrates that any Person accused of having committed Crimes, Delinquencies, or Offences has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, *videlicet*, Murder, Robbery, Rape, or wilful Fire-raising, or with the Crime of Stouthrief, or of Theft by House-breaking, or of House-breaking with Intent to steal, or of Theft by opening Lockfast Places, or of Theft aggravated by being by habit and repute a Common Thief, or by having been Three Times previously convicted of Theft, or of Reset of Theft aggravated by having been Three Times previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition, aggravated by having been Three Times previously convicted of any Offence of that Nature, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument whereby Effusion of Blood has followed, or of Assault aggravated by Three previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Notes or Bankers Notes, or of making or altering or having in their Possession Instruments, Stamps, or Dies for making false or counterfeit Coin, it shall not be competent to insist in a Prosecution against such Person before the Police Court of *Leith*, but the Magistrate officiating as Judge therein shall be and he is hereby authorized and required to commit the Person accused to Prison for Examination, and the Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County of *Edinburgh*, in order that such Person may be proceeded against conformably to Law.

Penalty for conveying Spirits into Prisons, &c.

CCLVIII. And be it enacted, That if any Person shall bring, carry, or convey any spirituous Liquors into any Prison, Police Office, Watch-house, or Lock-up House, other than such in Kind and Quantity as are prescribed by a regular Physician or Medical Practitioner, it shall be lawful for any Officer or other Person, seeing such Offence committed, to apprehend, and for any other Person to assist in apprehending such Person, and to carry him before the Magistrate or to the Police

Police Office; and it shall be lawful for the Magistrates to convict the Person offending, either on his judicial Confession or on the Oath of One credible Witness, and to fine the Offender in a Sum not exceeding Five Pounds.

Billet Master to be appointed.

CCLIX. And be it enacted, That from and after the First *Tuesday* of *November* One thousand eight hundred and forty-eight it shall and may be lawful for the Magistrates and they are hereby authorized and required to appoint a Billet Master or Billet Masters, for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of the Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of their Office, and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit.

Commissioners not to contrract

CCLX. And be it enacted, That no Commissioner under this Act shall be entitled to contract with the Commissioners for any Goods or Furnishings to be made or supplied or for Work to be done for the Commissioners, or to be concerned, directly or indirectly, in any Contract with or participate in any Manner in the Profits of any Work to be done for or Furnishings to be made to the Commissioners; and on Contravention hereof he shall not only forfeit and pay a Penalty of One hundred Pounds for each Offence, to be recovered in the same Manner as the other Penalties under this Act, but he shall also cease to be a Commissioner, and the Vacancy thereby created shall be filled up in manner provided by the before-recited Act of the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth in regard to the occasional Vacancies occurring by Death or otherwise, and all Contracts made in contravention hereof shall be void and null.

Town Clerk to be Clerk of Police Court.

CCLXI. And be it enacted, That the Town Clerk of *Leith* shall be Clerk to the Court of Police to be held under the Authority of this Act, and shall have such suitable Salary for any additional Trouble which he may have in the Execution of his Duty as such Clerk as shall be fixed by the Commissioners: Provided always, that if the said Town Clerk shall neglect or refuse to discharge the Duties of Clerk to the Police Court a Representation to that Effect shall be made by the Magistrates to the Commissioners, who shall thereupon appoint a proper Person to discharge the Duties in his Stead.

Regulations of Harbour and Dock Commissioners may be enforced.

CCLXII. And be it enacted, That it shall be lawful for the Commissioners to enforce such Bye Laws, Rules, and Regulations as have been made or may from Time to Time be made by the Commissioners for the Harbours and Docks of *Leith*, regarding the Shipment of Gunpowder, and such Matters and Things as relate to the Police and good Government of the said Harbour and Docks, and Works therewith connected, and also such Regulations as may be in force or may be made regarding the Preservation of Cleanliness and good Order in the Markets of *Leith*, with Power to the Superintendent of Police to sue for the Penalties incurred for the Violation or Breach of such Regulations, in the same Way and Manner as he is authorized to sue for Penalties imposed by this Act.

CCLXIII. And

CCLXIII. 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 Operations of the same is hereby expressly excluded from the Limits of this Act. 3 & 4 W. 4. c. 46. excluded from Limits of this Act.

CCLXIV. Provided always, and be it enacted, That the Provisions contained in this Act shall not be deemed or construed to extend beyond the said Burgh of *Leith*, except as herein expressly provided. Act not to extend beyond Limits.

CCLXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Town or Burgh of *Leith* from the Provisions of any general Act relating to Police or Improvements, or for sanitary Purposes, which may be passed during the present or any future Session of Parliament. Act not exempt from Provisions of future General Act.

CCLXVI. And be it enacted, That the Commissioners may sue and be sued in the Name of their Clerk, and the Magistrates and Council may sue or be sued for anything done or ordered to be done by them in virtue of this Act in the Name of the Town Clerk for the Time being. Commissioners, &c. may sue in Name of their Clerks.

CCLXVII. And be it enacted, That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever concerning any Prosecution by virtue of this Act or of any Act herein recited shall be quashed or vacated for any Misnomer or Informality, and no Action shall lie or be competent against the Magistrates or any of them, officiating as Judges under this Act, for anything done in the Execution of this Act, unless wilful Corruption or Oppression be alleged or charged, nor in any Court shall such Action be competent after the Expiration of Three Months from the Time the alleged Fact is committed. Proceedings not to be void for Want of Form.

CCLXVIII. 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 aid and assist in putting this Act into due and lawful Execution. Judges and Officers to aid in executing Act.

CCLXIX. 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,) Interpretation of Act.

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

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 Persons exempted by Law from the Necessity of taking an Oath:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, Quay, 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 "Owner" shall include Fiar, Liferenter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioners of such Persons or any of them who shall intromit with or draw the Rents:

The Word "Tenant" shall include Occupant:

The Word "Occupier" shall include Tenant:

The Word "Gaol" or "Prison" shall be held to include every legalized Prison or other Place of Confinement:

The Word "Sheriff" shall mean the Sheriff of the County of *Edinburgh*, and shall include the Sheriff Substitutes:

The Words "Sheriff Clerk" shall mean the Sheriff Clerk of the County of *Edinburgh*, and shall include the Sheriff Clerk Depute:

The Word "Magistrate" or "Magistrates" shall include the Provost and Bailies:

The Words "Magistrates and Council" shall mean the Provost, Magistrates, and Council of *Leith*:

The Words "the Commissioners" shall mean the Magistrates and Council of *Leith* as Commissioners for the Police Purposes of this Act:

The Word "Town-clerk" shall mean the Town-clerk of the Burgh of *Leith*, and shall include the Town-clerk Depute:

The Words "Burgh," "the Town," "the said Town," shall mean the Burgh of *Leith* as defined in an Act of the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland:

The Words "the Limits of this Act," or the "said Limits," shall mean and include the Districts termed the "Old Bounds" and "New Bounds," as herein-before described and defined.

The Word "Street" shall extend to and include any Road, Square, Court, Close, and Thoroughfare, or public Passage within the Limits of this Act.

Expenses of Act.

CCLXX. And be it enacted, That the Expense attending the obtaining and passing of this Act and incidental thereto shall be paid by the Magistrates and Council and the Commissioners in the following Proportions; (*videlicet,*) One Third thereof by the Magistrates and Council out of the ordinary Funds and Revenue of the Burgh; and Two Thirds thereof out of the Sums authorized to be borrowed, or the Assessments authorized to be levied by this Act for Police Purposes.

Public Act.

CCLXXI. 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 in the foregoing Act.

SCHEDULE (A.)

Property to be taken under the Powers of this Act.

No.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Parish of South Leith and County of Edinburgh.			
1	Lane or Entry to Old Markets of Leith from Tolbooth Wynd.	The Incorporation of Fleshers of Leith, or the Provost, Magistrates, and Council of the Burgh of Leith, or the Magistrates and Masters of Incorporations of Leith, or William Anderson.	- -	The Owners or the Public.
2	Area of Old Flesh Market of Leith.	Ditto - -	- -	Ditto.
3	Stable, Old Flesh Market of Leith.	William Anderson -	- -	The Owner.
4	Dwelling House, ditto -	Ditto - -	- -	Ditto.
5	Slaughter-house, ditto -	Ditto - -	- -	Ditto.
6	Slaughter-house, ditto -	The Incorporation of Fleshers of Leith.	- -	John Hamilton or William Tod.
7	Slaughter-houses, nearly ruinous, ditto.	Ditto - -	- -	The Owners.
8	Piece of Ground, Old Flesh Market, Leith, on which Slaughter-houses formerly were built and are now taken down.	Ditto -	- -	Ditto.
9	Slaughter-house, Old Flesh Market Close, Leith.	William Dudgeon's Representatives.	- -	Ditto.
10	Ditto - -	Ditto - -	- -	Ditto.
11	Ditto and Yard, ditto	The Magistrates and Masters of Incorporations of Leith, or the Incorporation of Fleshers of Leith.	- -	Ditto.

No.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
12	Slaughter-house, Old Flesh Market Close, Leith.	Joseph Harper and Mr. J. B. Clarkson and Mrs. Clarkson.	- -	Thomas Henderson.
13	Cellar, ditto - -	William Pollock -	- -	The Owner (empty).
14	Dwelling House, ditto -	Ditto - -	- -	Mrs. Graham.
15	Ditto - -	Ditto - -	- -	Henry Paterson.
16	Ditto and Cellar, ditto	Ditto - -	- -	James Craig.
17	Dwelling House, ditto -	Ditto - -	- -	William Gibson.
18	Ditto - -	Ditto - -	- -	Mrs. M'Curthney.
19	Ditto - -	Ditto - -	- -	George Mein.
20	Ditto - -	Ditto - -	- -	William M'Neill.
21	Schoolroom - -	Ditto - -	- -	James Marshall.
22	Back Area, ditto -	William Pollock or Thomas Henderson, and John Orphoot.	- -	The Occupiers of Nos. 13, 14, 15, 16, 17, 18, 19, 20, and 21, or the Occupiers of Nos. 45, 46, 47, 48, and 49.
23	Cellar, ditto - -	The Incorporation of Hammermen of Leith.	- -	Peter Samuel.
24	Dwelling House, ditto -	Matthew Hutchinson	- -	Robert Irving.
25	Ditto	Ditto - -	- -	John Alexander.
26	Ditto - -	Ditto - -	- -	Robert Baillie.
27	Ditto - -	Ditto - -	- -	Mrs. Cummings.
28	Ditto, St. Andrew Street, ditto.	Ditto - -	- -	Robert Smith.
29	Ditto - -	Ditto - -	- -	David Archibald.
30	Garrets, ditto - -	Ditto - -	- -	The Owner (empty).
31	Back Area, ditto.	Ditto - -	- -	David Archibald or Robert Smith.
32	The Street called the Old Flesh Market Close, Leith.	The Provost, Magistrates, and Council of Leith, or the Incorporation of Fleshers of Leith, or the Magistrates and Masters of Incorporations of Leith, or William Anderson, or William Dudgeon's Representatives, or Joseph Harper and J. B. Clarkson and Mrs. Clarkson, and Mrs. Clarkson or William Pollock, or the Incorporation Hammermen of Leith, or Matthew Hutchinson.	- -	The Owners and the Public.

No.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
33	Yard, or Piece of inclosed Ground, Old Flesh Market Close, Leith.	The Incorporation of Hammermen of Leith.	- -	Peter Samuel.
34	Shop, St. Andrew's Street,	Andrew Beath -	- -	Mrs. Johnston.
35	Ditto - -	Ditto - -	- -	Ditto.
36	Shop, Riddle's Close, Ditto.	Heirs of Peter Mann	- -	Thomas Rose.
37	Dwelling House, ditto -	Ditto - -	- -	John Haldane.
38	Ditto - -	Ditto - -	- -	Ditto.
39	Ditto - -	Ditto - -	- -	John Mann.
40	Ditto - -	Ditto - -	- -	John M'Gregor.
41	Ditto - -	Ditto - -	- -	Robert M'Lachlan.
42	Ditto - -	Ditto - -	- -	Mrs. Rose.
43	Ditto - -	The Incorporation of Hammermen of Leith.	- -	The Owner (empty).
44	Cellar, ditto - -	Ditto - -	- -	Peter Samuel.
45	Dwelling House and Shop, ditto.	Thomas Henderson and John Orphoot.	- -	Peter Symons.
46	Dwelling House, ditto -	Ditto - -	- -	Henry Scott.
47	Ditto - -	Ditto - -	- -	James Barr.
48	Ditto - -	Ditto - -	- -	The Owner (empty).
49	Ditto - -	Ditto - -	- -	Mrs. Boon.
50	Shop and Dwelling House, Riddle's Place, Leith.	Joseph Harper and Mr. J. B. Clarkson, and Mrs. Clarkson.	- -	Mrs. Taylor.
51	Ditto and ditto -	Ditto - -	- -	Gilbert Gray.
52	Ditto and ditto -	Ditto - -	- -	James Cameron.
53	Dwelling House, ditto -	Ditto - -	- -	Robert Paterson.
54	Ditto - -	Ditto - -	- -	James Lawrie.
55	Ditto - -	Ditto - -	- -	Mrs. M'Kay.
56	Ditto, and Shop and Bakehouse, ditto.	Ditto - -	- -	Mrs. Watt.
57	Shop, ditto - -	Ditto - -	- -	The Owners (empty).
58	Back Area, ditto -	Ditto - -	- -	The Occupiers of Nos. 50, 51, 52, 53, 54, 55, 56, and 57.
59	Shop and Dwelling House, ditto -	James Kyle	- -	James Porteous.
60	Dwelling House, ditto -	Ditto - -	- -	Mrs. Dick.
61	Ditto -	Ditto - -	- -	William Dick.
62	Ditto - -	Ditto - -	- -	William Leask.
63	Ditto - -	Ditto - -	- -	Adam Sinclair.
64	Ditto - -	Ditto -	- -	Frederick Merkison.
65	Ditto - -	Ditto -	- -	Mrs. Blythe.
66	Ditto - -	Ditto - -	- -	John Blackie.
67	Shop, Tolbooth Wynd, Leith.	Ditto - -	- -	William Tod.
68	Ditto - -	Ditto - -	- -	Miss Purdie.

No.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
69	Cellar and Back Area, Riddle's Close, Leith.	James Kyle -	- -	The Occupiers of Nos. 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68.
70	Dwelling House and Shop, Tolbooth Wynd, Leith.	Heirs of William Young.	- -	Andrew M'Lean.
71	Dwelling House, ditto -	Ditto - -	- -	John Sutherland.
72	Ditto - -	Ditto - -	- -	James Walls.
73	Ditto - -	Ditto - -	- -	Frederick Brooks.
74	Ditto - -	Ditto - -	- -	Mrs. Bain.
75	Ditto - -	Ditto - -	- -	Mrs. Gilchrist.
76	Ditto - -	Ditto - -	- -	Mrs. Jackson.
77	Shop and Bakehouse, ditto	Ditto - -	- -	James Durie.
78	Shop, ditto - -	John Nimmo -	- -	William Moffat.
79	Dwelling House, ditto -	Ditto - -	- -	The Owner.
80	Ditto - -	Ditto - -	- -	Ditto.
81	Ditto - -	Ditto - -	- -	James Durie.
82	Ditto - -	Ditto - -	- -	George Ross.
83	Ditto - -	Ditto - -	- -	David Jack.
84	Ditto - -	Ditto - -	- -	Adam Brotherston.
85	Ditto - -	Ditto - -	- -	Alexander Orr.
86	Dwelling House, Fox's Lane, Leith.	Robert Cargill -	- -	John M'Donald.
87	Ditto and Shop, ditto -	Heirs of James Clapperton.	- -	Miss Wishart.
88	Dwelling House, ditto -	Ditto - -	- -	William and Thomas Carse.
89	Ditto - -	Ditto - -	- -	William Hosie.
90	Ditto - -	Ditto - -	- -	James Veitch.
91	Yard and Shed occupied as a Cooperage, ditto.	Joseph Harper and Mr. J. B. Clarkson, and Mrs. — Clarkson.	-	ThomasAlexander.
92	Tenement in Ruins, ditto	Heirs of Mrs. Mary Binnie.	- -	The Owners (in Ruins).

The Lord Provost, Magistrates, and Council of the City of Edinburgh are Superiors of the whole of the Property above mentioned in this Schedule.

SCHEDULE (B.)

Property to be taken under the Powers of this Act.

No.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Parish of South Leith and County of Edinburgh.			
93	Dwelling House, St. Andrew's Street, Leith.	James Millar -	- -	Hamilton Brown.
94	Ditto - -	Ditto - -	- -	Mrs. Duncan.
95	Ditto - -	Ditto - -	- -	Mrs. Forbes.
96	Ditto - -	Ditto - -	- -	Alexander M'Bain.
97	Ditto - -	Ditto - -	- -	Robert Strachan.
98	Dwelling Houses, Lofts, or Warehouses, Cellars, and Vaults, St. Andrew's Street, Leith.	James Giles -	- -	The Owner.
99	Cellar, St. Andrew's Street, Leith.	Ditto - -	- -	Mrs. Johnston.
100	Ditto - -	Ditto - -	- -	D. and G. M'Laren.
101	Dwelling House and Stable, ditto.	Ditto - -	- -	Charles Williamson.
102	Dwelling House, ditto -	Ditto - -	- -	George Trotter.
103	Ditto - -	Ditto - -	- -	John Young.
104	Back Area, ditto -	Ditto - -	- -	The Owner and the Occupiers of Nos. 99, 100, 101, 102, and 103.
105	Shop, Cellar, and Back Area, ditto.	Mrs. Russell -	- -	Robert M'Lachlan.

The Lord Provost, Magistrates, and Council of the City of Edinburgh are the Superiors of the whole of the Property above mentioned.

SCHEDULE (C.)

Form of Conveyance.

I in consideration of the Sum of paid [*or other Consideration, as the Case may be*], do hereby sell, assign, dispose, and convey to the Magistrates and Council of the Burgh of Leith, and their Successors in Office, for behoof of the Community of the said Burgh, 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 Magistrates and Council and their Successors in Office for ever, by virtue of The Leith Municipal and Police Act, 1848 [*here insert 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 (D.)

Form of Bond or Assignment of Rates.

BY virtue of The Leith Municipal and Police Act, 1848, I Clerk to the Commissioners of Police of the Burgh of Leith, in consideration of the Sum of advanced and paid by *A. B.* of to the said Commissioners of Police, do hereby assign and make over to the said *A. B.*, his Heirs, Executors, Administrators, and Assigns, all and sundry the Rates and Assessments payable to the said Commissioners of Police in virtue of the said Act [*or other Property*], and all Right, Title, and Interest of, in, and to the same: To be held by the said *A. B.* and his foresaids till the said Sum of with the legal Interest thereof, shall be fully satisfied and paid [*here insert the Rate of Interest, Terms of Payment, and other Conditions of the Loan, and a Testing Clause, according to the Law of Scotland*].

SCHEDULE (E.)

Form of Transfer of Assignment.

I *A. B.* in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.*, his Heirs, Executors, Administrators, and Assigns, the Sum of contained in a certain Bond or Assignment in my Favour by Clerk to the Commissioners of Police of the Burgh of Leith, together with the said Bond and Assignment itself, bearing Date the Day of and all Interest now due and to become due thereon [*here insert the Conditions, if any, of the Transfer, and a Testing Clause, according to the Form of the Law of Scotland*].

SCHEDULE (F.)

	s.	*d.*
Rents under £5 - - - -	0	3
amounting to £5 and under £10	0	6
£10 and under £20	0	9
£20 and under £40	1	0
£40 and upwards	1	6

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.