ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. cxii.

An Act to provide for the Municipal Government of the Town and Suburbs of *Leith*; for the further Administration of Justice; and for the Regulation of the Police therein.

[2d *July* 1827.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act for cleansing and lighting* 11G. 3. c. 30. *the Streets of the Town of* South Leith, *the Territory of* Saint Anthony's, *and* Yard Heads *thereunto adjoining, and for supplying the several Parts thereof with fresh Water:* And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act for amending an Act passed in the Eleventh Year of His* 46G. 3. c. 36 *present Majesty, intituled 'An Act for cleansing and lighting the Streets of the Town of* South Leith, *the Territory of* Saint Anthony's, *and* Yard Heads *thereunto adjoining, and for supplying the several Parts thereof with fresh Water;' and for the better regulating the Police of the said Town and Territory, and of the Town of* North Leith, Coalhill, *and* Citadel; *and for other Purposes therein mentioned relating thereto:* And whereas it is expedient that the said Acts should be repealed, and that the Commissioners of Police hereinafter appointed should be enabled to maintain an efficient Police, and to preserve Peace and good Order within the whole District comprehended under this Act, and hereinafter described; and that Provisions should be made for the watching, paving, cleansing, and lighting the said District: And whereas from the great and increasing Population of the said Town of *Leith*, and the Increase of Trade and of the Shipping frequenting the Docks and Harbour thereof, it is necessary to provide

for the further Administration of Justice within the said Town and District: But as these Objects cannot be attained without the Aid and Authority of Parliament; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after Six Weeks after the passing of this Act, the said recited Acts of the Eleventh and Forty-sixth Years of the Reign of His late Majesty shall be and the same are hereby repealed, and the Provisions herein contained shall from that Period commence and be in full Force.

Recited Acts repealed.

Boundaries described.

II. And be it further enacted, That from and after Six Weeks after the passing of this Act, the Provisions, and the Powers and Regulations herein contained, shall extend over and comprehend the following District; *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 Westermost 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 Manner as to include the Houses on both Sides of *Albany Street*, *Portland Place*, *Portland Terrace*, *Cooper Street*, and *Admiralty Street*, and thence from the South-east End of *Cooper 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 intersect 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 belonging to Mr. *Stewart*; then along the Boundary Line between *Hadaway's Park*, *Swanfield*, and the Garden Ground 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.

The District described to be called the Town of Leith.

III. And be it further enacted, That the said District so described, and all the Lands, Streets, Roads, Houses, Buildings, and Heritages therein included, shall be now and in all Time hereafter called and known by the Name of the "Town of *Leith*," for the Purposes of this Act.

Sheriff Substitute to be appointed.

IV. And be it further enacted, That within Six Weeks from and after the passing of this Act, it shall and may be lawful for the Sheriff Depute of the County of *Edinburgh*, and he is hereby specially authorized and required to nominate and appoint, and from Time to Time thereafter as any

any Vacancy may occur, or *pro tempore*, if necessary, a fit Person, qualified according to Law, to be the Sheriff Substitute in and for the said Town of *Leith*, and such District adjoining thereto as to the said Sheriff Depute shall seem proper, for the due Administration of Justice within the same; and that no Appointment of any such Person as Sheriff Substitute shall be valid, or enable any such Person to do any Act by virtue thereof, unless and until there shall be annexed a Certificate under the Hands of the Lord President of the Court of Session and the Lord Justice Clerk, bearing that such Person is duly qualified and capable to discharge the Duties of the said Office, which Certificate, after due Enquiry made, the Lord President and Lord Justice Clerk are hereby required either to grant or refuse.

Salary to Admiral Depute if appointed by Judge Admiral.

V. And be it further enacted, That if the Judge Admiral of *Scotland* shall grant to the said Sheriff Substitute of the said District of the Town of *Leith* a Deputation of his the said Judge Admiral's Powers and Jurisdictions over the Bounds and Territories of the said District of the Town of *Leith*, and upon such Part of the Waters of the Frith of *Forth* as the said Judge Admiral shall judge necessary and expedient, then and in such Case the Commissioners of Police of the said Town of *Leith* shall be obliged, and they are hereby obliged and required to make Payment to the said Sheriff Substitute, in addition to any Salary to be received by him from any other Source as Sheriff Substitute, of the Sum of Two hundred Pounds *per Annum*, to be paid Half-yearly, and to be raised and levied by Assessment upon the Property within the District aforesaid, in Manner hereinafter provided.

Sheriff Substitute to hold Courts in Leith.

VI. And be it further enacted, That the said Sheriff Substitute shall be resident within the said Town of *Leith*, and shall keep or hold such daily or regular Courts therein, in the Court Room to be provided for that Purpose in Manner after mentioned, as shall be necessary for the full and due Administration of Justice, both Civil and Criminal, as fully as it is competent to any Sheriff Substitute elsewhere in *Scotland*; and the Sentences or Judgments of the said Sheriff Substitute, as Sheriff Substitute, or as Depute Admiral, shall be subject to such and the like Review as the Sentences or Judgments of any Sheriff Substitute or Depute Admiral are severally and respectively subject and liable to by the Law and Practice of *Scotland*.

A Leet for Magistrates to be chosen.

VII. And be it further enacted, That on the First *Thursday* after the Term of *Michaelmas* in this present Year, the Admiral and Resident Magistrates of *South Leith*, the Masters of the Four Incorporations of *Leith*, namely, of the Trinity House, Maltmen, Convener of the Trades, and Master of the Traffickers, commonly called the Merchant Company, together with all and every Person who shall at any Time have held the Office of Resident Magistrate of *South Leith*, shall assemble in the Council Chamber of *Leith* at Twelve o'Clock Noon, and shall make choice of a Leet of Nine Persons, qualified to hold the Office of Resident Magistrate of *South Leith*, to be presented to the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, on or before the Second *Wednesday* after the said Term of *Michaelmas* in this present Year: Provided always, that at the said Meeting so to be held on the First *Thursday* after *Michaelmas*, and at all subsequent Meetings to be held for

for the choosing of Leets in Manner hereinafter directed, the Admiral or Senior Bailie of *Leith* present shall be Preses, and in case of an Equality of Votes shall, besides his own deliberative Vote, have a casting Vote; and if at any such Meeting neither the Admiral nor any Bailie of *Leith* shall be present, the Persons present shall choose a Preses, who in like Manner, besides his own Vote, shall have a casting Vote; and at all such Meetings Ten shall be a Quorum.

Magistrates of Leith to be chosen.

VIII. And be it further enacted, That the Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall, on or before the Third *Wednesday* after *Michaelmas* in this present Year, out of the Leet of Nine Persons so to be presented to them in Manner foresaid, elect and choose Three Persons to be the Resident Magistrates of *Leith* for the Year next ensuing, who shall have Precedence according to the Order in which their Names shall have been set down in the said Leet of Nine, and who shall, in virtue of their Election, have, possess, and enjoy all the Powers, Jurisdictions, and Privileges heretofore enjoyed by the Resident Magistrates of *Leith* appointed by the said Lord Provost, Magistrates, and Council of *Edinburgh*.

One of the Magistrates to go out of Office annually.

IX. And be it further enacted, That at the Expiration of One Year from the Date of his Appointment, the Senior Magistrate of *Leith* so chosen shall go out of Office, and at the Expiration of every subsequent Year the Senior Magistrate for the Time being shall go out of Office, and another Magistrate shall be elected and chosen by the said Lord Provost, Magistrates, and Council, out of a Leet of Three to be chosen and presented to them annually by the Admiral and Resident Magistrates of *Leith*, and the Masters of the Four Incorporations of *Leith* for the Time being, together with all and every Person who shall have held the Office of Resident Magistrate of *South Leith*, who shall for that Purpose assemble annually on the First *Thursday* after *Michaelmas* in each Year, at the Place and Time above directed in regard to the choosing of the Leets for Magistrates in this present Year; and which Magistrate so to be annually chosen hereafter shall be held to be the Junior Magistrate of *South Leith* until the next Annual Election, or until another Magistrate shall have been chosen to supply any Vacancy, in Manner hereinafter directed.

Vacancies how to be filled up.

X. And be it further enacted, That if a Vacancy shall at any Time occur by any of the Magistrates of *Leith* so to be chosen refusing to act, or by Death or Resignation, it shall and may be lawful to the Town Clerk of *Leith* for the Time being, and he is hereby required, within Forty-eight Hours after such Vacancy shall have been notified to him by Order of the Lord Provost, Magistrates, and Town Council of *Edinburgh*, to convene a Meeting of the Admiral and Resident Magistrates of *Leith*, the Masters of the Four Incorporations of *Leith*, and of all and every Person who shall have held the Office of Resident Magistrate of *Leith*, in the Council Chamber of *Leith*, by Notices addressed to each Individual, (through the Post Office,) to be held at Twelve of the Clock Noon, on some Day not sooner than Five nor later than Ten Days after the Date of such Notice, in order that they may choose a Leet of Three, to be presented to the said Lord Provost, Magistrates, and Council on the First Council Day thereafter, towards their choosing a Magistrate to supply the Vacancy: Provided always, that the said Lord

Provost, Magistrates, and Council shall be and they are hereby required to make such Choice within Ten Days after such Leet shall have been presented; and that the Magistrate so chosen shall be the Junior Magistrate until the next General Election; and provided also, that if more than One Vacancy shall occur at the same Time, a Leet of Three shall be presented to the said Lord Provost, Magistrates, and Council, for the filling up of each such Vacancy: Provided also, that if the Persons entitled to present the Leets in the Manner above mentioned shall fail to present the same, it shall and may be lawful to the said Lord Provost, Magistrates, and Council, to nominate and appoint fit Persons to be the Resident Magistrates of *Leith* as heretofore.

Magistrates and Masters to administer Property.

XI. And be it further enacted, That the Resident Magistrates of *Leith*, and Masters of the Four Incorporations for the Time being, shall be entitled to hold and to administer all Property of whatever Description, Heritable or Moveable, to be acquired by them for the Use and Behoof of the Inhabitants of the said Town; and at all Meetings of the said Resident Magistrates and Masters the Senior Magistrate present, or, in his Absence, the Senior Master present, in the Order in which the said Incorporations are hereinbefore set down, shall be Preses, and shall have a deliberative as well as a casting Vote; and all Acts and Things done by a Quorum of not less than Three of the said Magistrates and Masters shall be as valid and effectual as if done by the Whole.

How to sue and be sued.

XII. And be it further enacted, That in all Matters and Things touching the said Property, whether Heritable or Moveable, it shall and may be lawful for the said Magistrates and Masters to sue and be sued, in any Court of Law or Equity, in the Name of the Senior Resident Magistrate of *Leith* for the Time being; and no such Suit or Action shall fall or become abated by the Death, Removal, or Resignation of such Magistrate.

Court House and Offices to be provided.

XIII. And be it further enacted, That the Commissioners hereinafter named shall, out of the said Assessment vested in them by this Act, be obliged, and they are hereby authorized and empowered, if necessary, to provide a suitable Court House and other proper and necessary Offices for the Use of the said Sheriff Substitute, and for the Books, Records, and Proceedings of the said Sheriff Court; and for that End it shall be lawful for them, and they are hereby authorized to contract and agree with any Person or Persons, and any Body or Bodies Politic, Corporate, or Collegiate, for the Purchase of a suitable Building or Buildings for the aforesaid Purposes; or it shall and may be lawful to the said Commissioners to purchase any Land or Ground not exceeding One Acre, and to build thereon or contract for the building of a suitable Court House and other proper and necessary Offices, and in the mean time to rent or take upon Lease any such Building or Premises as may be suitable or necessary; and also to pay the Salaries of Schoolmasters in the High School of *Leith*, should the Funds pertaining to the said School, or applicable to the Purposes of the said School, be inadequate to such Purposes, and for the Improvement of the said Schools, Markets, or any Heritable Property of the Inhabitants of *Leith*.

Saving Rights of Edinburgh.

XIV. And be it further enacted, That nothing herein contained shall take away or affect any Power, Authority, or Jurisdiction now competent to the

the Sheriff Depute of the County of *Edinburgh*, and in particular his Right to decide, in the First Instance, all Civil Causes competent to be brought before the Sheriff Court, as also his Right to exercise and discharge all Powers and Duties competent to any of his Substitutes, including all those entrusted to his Substitute at *Leith* under the Provisions of this Act; neither shall any thing herein contained take away or be construed to take away from, or to deprive the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, the Admiral and Resident Magistrates of *South Leith*, the Baron Bailie and Resident Magistrates of *Canongate*, the Ministers, Deacons, and Elders of *South Leith*, the Justices of the Peace of the said County, and the Justices of the Peace of the City of *Edinburgh* and its Liberties, the Town Clerks of *South Leith* and of *Canongate*, the Society of Solicitors before the Commissary, Sheriff, and City Courts of *Edinburgh*, incorporated by Royal Charter, or any other Body or Bodies Politic, Corporate, or Collegiate, or Superior or Vassal, or Person or Persons whatsoever, of any Power, Privilege, Authority, Jurisdiction, Patronage, Office or Casualty, or any Right, Title, or Interest, patrimonial or pecuniary, civil or feudal, or of any other Description whatsoever, or to alter, impair, or affect any Tenure, Title, or Holding within the said District; but all such Powers, Privileges, Authorities, Jurisdictions, Patronages, Offices, Casualties, Rights, Interests, Tenures, Titles, and Holdings, and others, are hereby saved and reserved as ample and entire as if this Act had not been passed: Provided always, that nothing herein contained shall recognize or bestow any Right or Power on any Persons or Bodies Corporate hereinbefore mentioned that they do not already possess.

City of Edinburgh, &c. to be indemnified.

XV. Provided also, and be it further enacted, That the said Lord Provost, Magistrates, and Town Council of the said City of *Edinburgh*, or Community of the said City, the Burgh of *Canongate*, and all and every Body or Bodies Politic, Corporate, or Collegiate, and all and every public Officer or Officers, Person or Persons, shall be fully indemnified, paid, and remunerated for the Value of any Superiority, Right, Privilege, Immunity, or Revenue, or other Interest whatsoever, which they respectively, or any of them, now lawfully enjoy or can claim within the said Town of *Leith*, and of which they, or any of them, shall be deprived by the Operation of this Act; and which Value shall be fixed and determined by a Jury to be summoned and impannelled, on Application to the Sheriff Depute of the said County, in the Manner in which Juries are usually summoned and impannelled for such Purposes in that Part of the United Kingdom called *Scotland*, within Twelve Calendar Months next after any Claim for Compensation shall have arisen; and such Value being so ascertained, the said Commissioners of Police shall be bound and obliged, within Two Years from the Date at which such Valuation shall be declared, to make Payment to the Party or Parties entitled thereto of the Sum or Sums so awarded to them, or any of them, in such Manner and by such Instalments, or otherwise, as the said Jury shall award and direct, and which Sums shall be raised in Manner after mentioned.

District divided into Wards.

XVI. And be it further enacted, That for the more effectual Execution of the Powers hereby granted, the District hereinbefore described shall be divided into the following Wards; *videlicet*,

Ward First to be bounded on the South and South-west by the Street leading from the Lower Drawbridge along by the Custom House, back of the Warehouses and Dock Walls, to the North-west Point of the Sea Wall of the Inner or Westermost Wet Dock, Western Extremity of the Docks; on the East by the Harbour of *Leith*, and on the North and North-west by the Sea:

Ward Second to be bounded on the South-east by the Harbour from the Lower Drawbridge to the Lane or Vennel between the Old *North Leith* Church and the *North Leith* Sugar House; on the West by the said Vennel, *Johnston Street*, and the *Citadel Port*, to the Back of the Warehouses, and on the North and North-west by the Street at the Back of the Docks by *Commercial Place*, and the Street in Front of the Custom House to the Lower Drawbridge:

Ward Third to be bounded on the South-east by the River or Harbour of *Leith*, from the Lane or Vennel between the Old *North Leith* Church and the *North Leith* Sugar House to the Western Extremity of the District; on the West by the said Western Extremity to the Dock Wall, and on the North by the Road from the Western Extremity of the *Citadel* by the Dock Wall and Warehouses to the *Citadel Port*, and on the East by *Johnston Street*, and the Lane or Vennel between the Old *North Leith* Church and the *North Leith* Sugar House:

Ward Fourth to be bounded on the East by the *Kirkgate*, on the North and North-east by *Giles Street* and the *Leith Mill* Road, and on the West and South-west by the Boundary Line between Mr. *Boyd*'s Property of *Leith Mills*, and Mr. *Dunlop*'s Lands of *Bowling Green*, the River of *Leith*, the Boundary Line between *Hadaway's Park*, *Swanfield*, and the Garden Ground belonging to Mr. *Stewart*, the Water-Run from the Foot of *Leith Walk*, where it crosses the *Bonnington* Road, and the Boundary Line of the District on the West from that Point to the Head of the *Kirkgate*:

Ward Fifth to be bounded on the East by the *Kirkgate*, on the North-east by *Saint Andrew's Street*, on the North by the River or Harbour of *Leith*, on the South by the *Leith Mill* Road, and on the South-west by *Giles Street*:

Ward Sixth to be bounded on the East by the *Kirkgate*, on the North-east by the *Tolbooth Wynd*, on the North by the River or Harbour of *Leith*, and on the South-west by *Saint Andrew's Street*:

Ward Seventh to be bounded on the West by the *Kirkgate*, and from the South End thereof by the Boundaries of the District to *Restalrig* Toll Bar, and on the North by the Road in Front of *James's Place* and *Charlotte Street*:

Ward Eighth to be bounded on the South by the *Tolbooth Wynd* and *Charlotte Street*, on the East by *Constitution Street*, on the North-east by *Bernard Street*, and on the North-west by the River or Harbour of *Leith*:

Ward Ninth to be bounded on the South and South-east by *Bernard Street*, *Baltic Street*, and *Salamander Street*, on the North by the Sea, and on the North-west by the River and Harbour of *Leith*:

Ward Tenth to be bounded on the West by *Constitution Street*, on the South by *Charlotte Street* and the Road along by *James's Place* to the *Restalrig* Toll Bar, on the South-east by the Road leading from the *Restalrig* Toll Bar to the Wall between the *Seafield* Baths and the House of *Seafield* to the *Seafield* Toll Bar, on the South by the said Wall,

and

and on the North and North-west by the Sea, *Salamander Street*, and *Baltic Street*.

Line of Division between Wards.

XVII. And be it further enacted, That where any Streets or Roads are taken as the Boundaries or Divisions between any of the foregoing Wards, the Centre of the Street or Road shall be the Line of Division between the adjoining Wards respectively.

Ex officio Commissioners.

XVIII. And be it further enacted, That the Lord Provost of *Edinburgh*, the Dean of Guild, the Four Bailies of *Edinburgh*, and the Admiral and Baron Bailie, the Three Bailies of *Leith*, the resident Bailies and Treasurer of *Canongate*, the Lord Advocate of *Scotland*, the Sheriff Depute of the County of *Edinburgh*, and his Substitute in *Leith*, all for the Time being, the Bailie of *Saint Anthony*'s for the Time being, and the Masters of the Four Incorporations of *Leith* for the Time being, shall *ex officio* be Commissioners for putting this Act in Execution, along with the Commissioners to be annually elected and chosen in Manner after mentioned; and at all the Meetings of the said *ex officio* Commissioners the Members present at such Meetings shall elect their own Preses; and the Clerk of the said Commissioners shall have the Power of calling Meetings of the said *ex officio* Commissioners, whenever he shall be required so to do by any Three or more of them.

Clerk to summon Meetings of them.

Incorporations to elect Two Commissioners each.

XIX. And be it further enacted, That each of the said Four Incorporations of *Leith*, *videlicet*, the Shipmasters, the Maltmen, the Trades, and the Merchants or Traffickers, commonly called the Merchant Company, shall annually elect Two of their Number (qualified as hereinafter required) to be Commissioners for executing the Purposes of this Act, along with the other Commissioners appointed, and to be annually elected and chosen in virtue hereof.

Commissioners for Wards.

XX. And be it further enacted, That there shall be Two Commissioners (qualified as hereinafter required) elected also in Manner after mentioned by and for each of the said Wards, One of whom at least shall be resident within the Ward for which he is chosen.

Commissioners to have the Power of Constables.

XXI. And be it further enacted, That the said Commissioners, whether elected or acting *ex officio*, shall be and they are hereby authorized and empowered to exercise and enjoy within the Limits of this Act all the Powers which by the Law of *Scotland* belong to the Office of Constable; and the Resident Commissioner, and where both are resident, the Senior Commissioner, shall be Head Constable within his respective Ward, and shall take all Measures necessary for promoting the general Peace, Order, and Comfort of the Inhabitants of such Ward.

Commissioners named till First Election.

XXII. And be it further enacted, That until the First Election to take place under the Authority of this Act, the Persons following shall be and they are hereby appointed Commissioners for the said Incorporations, and for the said several Districts or Wards; *videlicet*,

For the Incorporation of Ship Masters, *David Gourlay* and *John Smith*;
For the Incorporation of Maltmen, *William Miller* junior and *John Menzies*;

For

For the Trades' Incorporation, *Robert Nielson* and *Robert M'Kinlay*;
For the Incorporation of Merchants or Traffickers, *George Crichton* and *Andrew Adam Thomson*;
For the First Ward, *Alexander Sime* and *Robert Douglas*;
For the Second Ward, *John Gavin* and *Hugh Kinghorn*;
For the Third Ward, *John Hutchinson* and *John Wishart*;
For the Fourth Ward, *Alexander Dudgeon* and *James Bairnsfather Scott*;
For the Fifth Ward, *William Auld* and *David Brash*;
For the Sixth Ward, *James Reoch* and *John Russell*;
For the Seventh Ward, *John Hardie* and *Charles Murray*;
For the Eighth Ward, *Charles White* and *Robert Bruce*;
For the Ninth Ward, *James Miller* and *William Herriot*;
For the Tenth Ward, *James Scarth* and *Robert Grieve*.

New Election of Commissioners.

XXIII. And be it further enacted, That the Commissioners before named shall remain in Office till the last *Monday* of *June* One thousand eight hundred and twenty-eight, when a new Election shall take place; and upon the said last *Monday* of *June*, and upon the last *Monday* of *June* annually thereafter, Two Commissioners shall be chosen by each of the said Incorporations; and also upon the said last *Monday* of *June* One thousand eight hundred and twenty-eight, and upon the last *Monday* of *June* annually thereafter, Two Commissioners for each of the said Wards shall be chosen in Manner after mentioned.

Commissioners may be re-elected.

XXIV. Provided always, and be it enacted, That Persons going out of Office as aforesaid as Commissioners may be immediately re-elected, in the Option of the Electors.

Qualification of Electors and Commissioners.

XXV. And be it further enacted, That the said Commissioners for Wards shall be elected on the said last *Monday* of *June* annually by a Majority of Votes of the Heritors, Life-renters, and Occupiers of Lands, Dwelling Houses, Shops, Warehouses, and other Buildings and heritable Subjects within the respective Wards, the Yearly Rent or Value of which, to be ascertained by the Roll or Book for the Assessment authorized to be levied by this Act, shall amount to Fifteen Pounds Sterling or upwards; and no Person shall be eligible or be elected as a Commissioner, or shall be entitled to act as a Commissioner under this Act (other than the said *ex officio* Commissioners), unless he is either Proprietor, Life-renter, or Occupier of Property within the District comprehended under this Act, the yearly Rent or Value of which, to be ascertained in Manner before mentioned, shall amount to Fifteen Pounds Sterling or upwards: Provided always, that no Person shall have more than One Vote in any One Ward, but without Prejudice to his voting in any other Ward or Wards in which he may be qualified to vote as before mentioned; and provided further, that no Person shall be entitled to vote or to be elected a Commissioner who shall not reside or have a Place of Business situated within the Bounds of Police, or District, before defined; and also provided, that in case of Error in the said Roll or Book of Assessment, the same may be rectified by the Magistrates or Sheriff Substitute of *Leith*, or any One of them, on Petition, in Manner hereinafter provided in respect of Errors and Complaints against Elections made in virtue of this Act.

Copartneries may vote by One of their Partners.

XXVI. Provided always, and be it enacted, That where Companies or Copartnery Concerns, consisting of more than One Person carrying on Business, shall be Occupiers of any heritable Subject within the Bounds comprehended under this Act, the yearly Rent or Value of which shall amount to Fifteen Pounds Sterling or upwards, then any One of the Partners of the said Companies or Copartnery Concerns shall be entitled to vote at the Elections of the said Commissioners for the Wards in which the said Subjects may be situated, and may also be elected a Commissioner or Commissioners under this Act; but such Company or Copartnery shall have no more than One Vote, and no more than One Partner of any Company or Copartnery shall be elected a Commissioner, unless qualified individually.

Proprietors of Houses rented at 15*l.* Sterling entitled to vote and be elected.

XXVII. Provided always, That all and every Proprietor or Life-renter of Houses, Warehouses, Lofts, or other Property let for a less Period than One Year, whose gross yearly Rental or Valuation in respect of such Houses or Warehouses in any One Ward, after Deduction as hereinafter mentioned, shall amount to Fifteen Pounds Sterling yearly, shall be entitled to vote for, and may be elected a Commissioner for the Ward in which such Property is situated, in the same Manner as if he or they were the actual Occupiers of Property to that Amount: Provided always, that when such Property shall belong to any Company or Copartnery, any One of the Partners of such Copartnery shall be entitled to vote for, and may be elected a Commissioner for the Ward in which such Property shall be situated, the Rental of such Property amounting to Fifteen Pounds in the Gross.

Mode of Election of Commissioners.

XXVIII. And be it further enacted, That the Votes shall be given in each Ward separately by Lists subscribed by each Elector severally, specifying the Name and Designation of such Elector, and containing the Names and Designations of the Person or Persons voted for, which Lists shall on the Day appointed for the Election be put into the Box which the Commissioners of each Ward are hereby required to provide for the Purpose, in such Form as to them shall seem expedient, and such Box shall be put up in such Place within each Ward as to the said Commissioners shall seem proper; and the said Commissioners shall give or cause to be given not less than Three Days Notice by Intimation in such Way as they may deem proper, of the Places where the said Boxes are severally put up, and of the Day of Election; and on the Day of Election so to be intimated the said Boxes shall remain where so put up between the Hours of Ten of the Clock Forenoon and Four of the Clock Afternoon, in order that the Voters may put their Lists into the same, and at which last Hour the Election shall be closed, and the Boxes removed, and the said Boxes shall thereafter be opened in the Presence of the Resident Commissioners, or such of them as shall attend, or of the Clerk or other Person appointed by them for that Purpose, and the State of the Votes shall be ascertained, and the Persons having the Majority of Votes shall be the Commissioners for the ensuing Year; and in case any Dispute or Difference shall arise in relation to the Qualification of the Electors or of the elected, or to the Validity of the Election on any Grounds, the same shall be referred to and determined by the before-mentioned Magistrates or Sheriff Substitute of *Leith*, or any One of them, who shall be the sole Judge without Appeal, and whose Determination

Magistrates or Sheriff Sustitute to decide Differences.

tion shall be final and binding on all concerned; and the said Magistrates or Sheriff Substitute of *Leith*, or any One of them, shall likewise, in case there shall be an Equality of Votes in any of the Wards, determine which of the Candidates shall be preferred: Provided that no Objection shall lie against any such Election on any Grounds, unless the same shall have been stated by Petition to the said Magistrates or Sheriff Substitute of *Leith*, or any One of them, within Fourteen Days from the Day of Election, by whom it shall be finally determined and decided within Fourteen Days thereafter; failing which, such Election shall be and be deemed to have been good.

Penalty for unqualified Persons voting.

XXIX. And be it further enacted, That in case any Person or Persons not qualified to vote as hereinbefore provided shall nevertheless vote or attempt to vote at the said Elections, any Person so offending shall be liable in a Penalty not exceeding Five Pounds Sterling for every such Offence; which Penalty shall and may be recovered, levied, and applied in Manner hereinafter directed.

No Person in Arrear entitled to vote for or act as a Commissioner.

XXX. Provided also, and be it further enacted, That no Person shall be eligible as a Commissioner, or entitled to vote at the Election of Commissioners, who shall be at the Time of the Election in Arrear for any Part of the Assessment leviable under this Act, whether such Arrear shall be due by himself or by any Company or Copartnership of which he may be a Member; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrear.

Persons elected for more than One Ward to choose their Ward.

XXXI. Provided always, and be it further enacted, That in the Event of any Person being elected a Commissioner for more than One Ward, he shall act for One Ward only, but he shall be entitled to make Choice of the Ward for which he shall act, by signifying such Choice to the Clerk to the Commissioners within Three Days after his being so elected; and failing his doing so, the *ex officio* Commissioners before mentioned shall declare the Ward for which such Person shall act; and in case he shall refuse to act for such Ward, he shall forfeit the Sum of Five Pounds, to be recovered, levied, and applied in Manner hereinafter directed.

Vacancies how to be filled up.

XXXII. And be it further enacted, That when the Place of any of the said Commissioners shall become vacant, either by the Death, or wrongous Election, or Refusal to act, of any of the Commissioners hereinbefore named, or to be elected in Manner aforesaid, or by any of them ceasing to be qualified or to reside within the Bounds of Police, or by any elected Commissioner being elected to Two Wards or becoming an *ex officio* Commissioner, the Clerk of the said Commissioners hereinbefore appointed shall, within Fourteen Days after such Vacancy or Vacancies may happen, or become known to them, give Notice, in such Manner as they may deem proper, of an Election or Elections, to be made in Manner before appointed, not more than Four Days after such Notice, of a Commissioner or Commissioners qualified in Manner aforesaid to supply such Vacancy or Vacancies.

In case of Refusal to elect.

XXXIII. And be it further enacted, That in case the said Incorporations, or any of them, or the Electors of any of the said Wards, shall refuse to elect

elect or shall not elect Commissioners as before pointed out, or shall elect a Person or Persons not duly qualified, then and in every such Case it shall be lawful to the Commissioners hereinbefore appointed to nominate Commissioners, One or more, as the Case may require, qualified in Manner before directed, for the said Incorporations or Wards for which Elections shall not have been made or unduly made; and such Persons when so nominated shall have and enjoy the same Powers and Privileges, and shall remain during the same Time in Office, as if they had been elected by their respective Incorporations, or by the qualified Electors in their respective Wards, in Manner herein first before directed.

No Person to act as Commissioner while he holds any Office of Profit.

XXXIV. Provided always, and be it further enacted, That no One of the Commissioners for the Purposes of this Act shall be capable of acting as such during the Time he shall enjoy any Office of Profit to be created or established by virtue of this Act, nor shall any Commissioner be entitled to vote in or touching any Matter or Thing in which he shall have a direct Interest.

Powers and Duties of Commissioners.

XXXV. And be it further enacted, That it shall be the Duty of the said Commissioners, and they are hereby authorized and empowered, to appoint a Clerk, Collector, Treasurer, Assessor, Intendant, and all other Persons necessary towards the Execution of this Act, and to remove all or any of such Officers at Pleasure, to fix the Number of Watchmen, Scavengers, and other inferior Officers to be employed, and the Wages to be paid to them, and to increase or diminish their Number from Time to Time as the said Commissioners shall see Cause; to make Orders and Regulations (not being contrary to the Law of *Scotland*, or inconsistent with the Provisions of this Act) relative to the widening or improving the Streets, Ways, and Passages within the said District, causewaying, and paving, and lighting, watching, cleansing, guarding, and patrolling the same, constructing Common Sewers, purchasing and maintaining the Fire Engines, regulating the calling of Auctions or Sales at Shop Doors or in the Public Streets, and the exposing of Goods at Shop Doors, and to exact Penalties for enforcing such Orders and Regulations, not exceeding in any Case the Sum of One Pound Sterling, and generally to execute the whole Matters by this Act committed to their Charge.

Contracts under recited Acts to remain effectual.

XXXVI. And be it further enacted, That all Debts contracted, and all Contracts entered into by the Commissioners under the before-recited Acts, or either of them, shall remain valid and binding upon the Commissioners hereinafter appointed and named, and to be elected and chosen in Manner hereinafter mentioned for executing this Act, and be chargeable upon the Rates and Assessments hereinafter authorized to be levied; and that the whole Property heritable and moveable, of whatever Description, which was acquired by and vested in the Commissioners under the before-recited Acts now repealed, shall and the same is hereby declared to belong to and be vested in the Commissioners under this Act, for executing the Purposes thereof: Provided further, that the whole Rates assessed, and Monies levied, in virtue of the before-recited Acts, now repealed, or either of them, and all Arrears of the same, shall be and the same are hereby vested in and made payable to the Commissioners acting under the Authority of this Act; and also that all Monies payable to the Collector

lector of the Town Tax of *Leith* shall, from and after Six Weeks after the passing of this Act, be, and the same are hereby vested in and made payable to the Commissioners under this Act, and shall be applied by them to the Purposes specified in the Act or Acts under which the same are payable.

Power to grant Exemptions.

XXXVII. And be it further enacted, That it shall and may be lawful to the said Commissioners at their Meeting to be held annually for the Purpose of ascertaining and imposing the Assessment to be made for the general Purposes of this Act, or at any other General Meeting to be called and held for the special Purpose, to exempt for a Time, and as long as the said Commissioners shall think proper, any Place or Places, Grounds and Houses within the Limits before described, from all or any of the Regulations hereinafter established in regard to lighting, cleansing, and watching; and any such Place or Places, Grounds or Houses, if so exempted from all of the said Regulations, shall, during the Continuance of such Exemption, be free from Payment of any Part of the Assessment by this Act authorized to be levied; but in the Event of any such Place or Places, Grounds or Houses, being only partially exempted from the Regulations as to lighting, cleansing, and watching, or any of them, then such Grounds, Houses, Place or Places so partially exempted shall be liable in Payment of such Part of the said Assessment as shall be fixed and determined by the said Commissioners.

Commissioners to hold General Meetings.

XXXVIII. And be it further enacted, That the said Commissioners shall hold Four stated General Meetings in the Year for carrying this Act into Execution, that is to say, on the Second *Mondays* of *July*, *October*, *January*, and *April*, within the Council Chamber of *Leith*, or such other Place within the Bounds and Limits comprehended under this Act as the Commissioners under this Act shall fix, with Power to adjourn to such Times and Places as to the Commissioners present shall seem expedient; and in the Event of such Adjournment taking place, the Clerk to the said Commissioners shall summon the said Commissioners to such adjourned Meetings, by causing Notices to be served in the Way and Manner hereinafter prescribed for the calling of Special Meetings authorized by this Act.

Power to call Special Meetings.

XXXIX. And be it further enacted, That it shall and may be lawful to the said Commissioners, or any Five of them, when they shall see Cause, or to the Clerk of the said Commissioners, upon the Requisition of any Two of the said Commissioners, to call a Special Meeting, and the Clerk to the said Commissioners shall, upon receiving a signed Requisition to that Effect, specifying the Object of the intended Meeting, call such Meeting at the Time to be fixed by the Requisitionists, (the Time for such Meeting being at least Forty-eight Hours after the lodging the Requisition with the Clerk,) by serving, delivering, or causing to be delivered, a written or printed Notice to each Commissioner personally if he can be found, and if not, by leaving the same, or causing it to be left, at his Dwelling House or Place of Business, which Notice shall specify the Time and Place appointed for such Meeting, and shall bear that the Requisition (which as before provided must set forth the Purpose of such Meeting) is in his the Clerk's Hands for the Inspection of the Commissioners; and the Oath or Oaths of the Officer or Officers or Person or Persons employed to serve such Notices shall in every Case, where

where the same is required, be taken and deemed to be legal Evidence of their Delivery or being left as aforesaid.

Ex officio Commissioners may call Special Meetings.

XL. And be it further enacted, That it shall be lawful to any Three of the *ex officio* Commissioners under this Act, and they are hereby authorized and empowered, by themselves, or by Requisition upon the Clerk as aforesaid, to call a Special Meeting of the said Commissioners at any Time they may think fit, by the delivering or leaving, or causing to be delivered or left, Notices in the same Way and at the like Distance of Time as is hereinbefore directed in regard to the calling Special Meetings.

Acts not to be inconsistent with Acts of General Meeting.

Quorum.

XLI. Provided always, and be it further enacted, That nothing shall be done at the said Special Meetings which may be derogatory from or inconsistent with the Acts, Orders, or Regulations of any of the said stated General Meetings: Provided further, that Seven Commissioners must be present at all and each of the Quarterly, Adjourned, and Special Meetings, to constitute a Quorum.

Power to appoint Committees.

XLII. And be it further enacted, That the aforesaid Commissioners shall and they are hereby authorized and empowered, if it appears to them to be necessary, to form Committees of their Number for carrying the various Purposes of this Act into more prompt and immediate Execution, and to remit and delegate to such Committees the whole Powers competent to the said Commissioners under this Act, or in such other Way and Manner as they shall consider expedient and proper with regard to the Subject which may be remitted; to name the Convener, and to fix the Number of Members of said Committees who shall form a Quorum; and where any Meeting of a Committee is called, and the requisite Number of Members, or Quorum, shall attend, they shall be entitled to proceed with the Business remitted to them in the same Manner as if the whole Members of such Committee were present; and the Convener or Conveners of such Committee or Committees shall be entitled to convene the Members by Notices, or in the Way they shall think most convenient.

Quorum of Committees.

Commissioners to elect Preses.

Preses to have a deliberative and casting Vote.

XLIII. And be it further enacted, That at all Meetings of the said Commissioners, the Lord Provost of *Edinburgh*, the Admiral or Senior Bailie of *Leith* present, or the Sheriff Substitute of *Leith*, the Senior Magistrate of *Canongate* present, or, in their Absence, such One of the Commissioners as shall for that Purpose be chosen by a Majority of the Commissioners assembled at the Time, shall be Preses; and all Questions that shall arise before the said Commissioners in the Execution of this Act shall be determined by a Plurality of Votes, and the Preses to be chosen in Manner before provided, besides his deliberative Vote in common with the other Commissioners, shall in all Cases of Equality of Voices have a casting or decisive Vote.

Clerk to be appointed.

XLIV. And be it further enacted, That the Commissioners shall annually at their first Meeting elect and appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees, which Books or Records being signed by the Chairman or Preses of each respective Meeting, or any Copy or Extract therefrom authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever in any Case

or

or Matter concerning this Act; and such Books or Records shall be open and liable to the Inspection of any Person interested therein without Payment of any Fee or Reward, and the Clerk shall always when required give certified Copies or Extracts therefrom upon Payment of such reasonable Sum as shall be fixed by the said Commissioners, not exceeding One Shilling for every Three hundred Words of such Copies or Extracts.

Treasurer and Collector to be appointed.

XLV. And be it further enacted, That the Commissioners shall in like Manner annually, at their first Meeting, elect and appoint a Treasurer and Collector, and that during their Pleasure; and such Collector and Treasurer, before he or they shall be permitted to take upon him or them the Execution of their Offices, shall grant Bond, with sufficient Sureties, to the said Commissioners for his or their Intromissions, and for the just and faithful Execution of his or their Office, to such an Amount as the said Commissioners shall think reasonable; and all and every Collector and Treasurer who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum or Sums of Money received by him as Collector or Treasurer foresaid, shall forfeit Triple the Amount thereof to the said Commissioners.

Same Person not to be Treasurer and Clerk.

XLVI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or to appoint the Person or Persons who may be appointed by them their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Present Officers to account.

XLVII. And be it further enacted, That each and every Treasurer, Clerk, Collector, Surety, or other Officer or Person whatsoever, in whose Hands, Custody, or Control any Money received or collected under the said recited Acts, or either of them, or any Property of the said Commissioners for the Time being, shall, within Six Weeks after the passing of this Act, be

be and remain liable to pay, deliver up, and account for the same, as if such Money or Property had been collected or received by virtue of this Act.

Accounts to be kept.

XLVIII. And be it further enacted, That Accounts of all Property, heritable and moveable, vested in the said Magistrates and Masters and Commissioners respectively, showing the Nature of such Property, and of all Money received and disbursed, and all Acts, Orders, and Proceedings of the Magistrates and Masters and Commissioners respectively for the Time being, shall be fairly entered and kept in Books by their respective Clerks; and that Transcripts of all Acts, Orders, and Proceedings of any Meeting of the said Magistrates and Masters and Commissioners respectively, which shall be entered in Books as aforesaid, shall be examined and signed by the respective Chairmen at their next Meeting, and being so signed shall be deemed to be Originals, and shall and may be produced in Evidence in all Courts whatsoever; and a true and perfect Account of such Proceedings, and of all Money received and paid by the said Magistrates and Masters or Commissioners respectively, shall be made out once in every Year, and shall be signed by their respective Chairmen and Clerks, and the said Accounts shall be examined and settled on or before the last *Monday* of *June* in every Year, or within One Month afterwards; and all such Accounts shall be kept, and shall and may at all seasonable Times be inspected and perused without Fee or Reward by any Person rated, and also by the respective Persons who shall be entitled to any Money due and owing on the Credit of such Rates; and all Books of Accounts and Proceedings of the said Magistrates and Masters and Commissioners respectively, during the Time they remain in their Custody, shall and may be perused and inspected at all seasonable Times as aforesaid, and the several Persons aforesaid may take Copies of or Extracts from any of the said Books, Accounts, and Proceedings, and of the said respective Rates, without Fee or Reward; and any Person or Persons in whose Custody or Power any such Books, Accounts, and Proceedings are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be rated shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Account, such Person may appeal against the same by Petition to the said Magistrates or Sheriff Substitute, in which shall be specified the Grounds of Objection to such Accounts, Items, or Articles, and the said Magistrates or Sheriff Substitute, or any one of them, shall proceed to hear and determine the Matter of such Appeal, whose Decree thereon shall be final, unless the Party dissatisfied with the Decree of the said Sheriff Substitute shall appeal therefrom to the said Sheriff Depute: Provided always, that no such Petition shall be presented to the said Magistrates or Sheriff Substitute after the Expiration of Four Calendar Months from the Day such Account was signed as aforesaid; and the Decision of the said Magistrates or Sheriff Depute shall be final, and shall not be subject to be reviewed by Advocation, Suspension, or otherwise.

Assessment to be levied.

Rate of Assessment.

XLIX. And be it further enacted, That from and after the Term of *Whitsunday* in this present Year, it shall and may be lawful to the said Commissioners to levy an annual Assessment for the 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 Bounds and Limits

Limits comprehended in this Act, upon the valued Rent of such Subjects, according as the same shall be ascertained and fixed in Manner after mentioned, and which annual Assessment shall be calculated from *Whitsunday* to *Whitsunday* yearly, and shall be payable at the Term of *Martinmas* in each Year, and shall commence at the Term of *Martinmas* next: Provided always, that nothing in this Act contained shall authorize the Imposition of the Assessment hereby authorized upon any Part of the Rates and Duties leviable at the Harbour and Docks of *Leith*, nor to alter or affect any existing Obligations upon the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or the Commissioners for the Docks and Harbour of *Leith*, to watch or light the Docks and Harbour aforesaid, or any Part thereof.

Description of Subjects liable to Assessment.

L. Provided always, and be it enacted, That with regard to Houses, Lands, and Tenements liable to be assessed as before provided, which shall be let for a less Period than One Year, the Landlords or Proprietors thereof shall be deemed and taken as the Tenants or Occupiers for the Purposes of this Act, and shall be assessed accordingly.

Proprietors in certain Cases to be held as Tenants.

LI. And be it enacted, That the said 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*; nor any Place of Public Worship, nor any Buildings which are solely occupied for the Purposes of public Charity, or of Science or Education; but declaring that this Exemption shall not be construed or held to apply to any Person or Persons who, besides their Dwelling Houses, shall also occupy other Property, the Yearly Rent of which shall collectively exceed the foresaid Sum of Three Pounds Sterling; but all such Properties and Persons shall be liable in the Assessments authorized by this Act.

Houses under 3*l.* of yearly Rent not to be assessed.

LII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized to appoint Assessors, One or more, during their Pleasure, for taking up and ascertaining the real Rent of the whole Property within the District comprehended under this Act, for the Purposes thereof, in Manner hereinafter mentioned.

Assessors to be appointed.

LIII. And be it further enacted, That in order to ascertain the yearly valued Rents of all Houses, Lands, and Tenements hereby authorized to be assessed, the said Commissioners may either appoint a Surveyor or Surveyors, with Power to survey and report upon such yearly valued Rents or Value of all such Premises as aforesaid, or to call on the Tenants, Occupiers, and Possessors of all such Houses, Lands, and Tenements liable to be assessed, to make Returns of the yearly valued Rents 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 valued Rents of all such Premises as aforesaid; or the said Commissioners may require the Surveyors appointed to make Surveys or Assessments for the Purpose of collecting any of the Taxes payable to His Majesty or His Successors, to furnish certified Copies of the Rent Rolls or Valuations made by them of all Houses, Lands, and Tenements within the Bounds hereinbefore described; and the said Surveyors and Assessors are hereby authorized and required, upon

Rents of Houses, &c. to be ascertained.

receiving Payment for the same at the Rate of Sixpence for every Seventy-two Words, to furnish such certified Copies; from which Returns to be made to, and the Surveys and Reports to be made by, their own Surveyors, or the said certified Copies of the Rent Rolls or Valuations made by the Surveyors for Public Taxes, they shall annually cause a Rent Roll of the yearly Value of the whole Houses, Lands, and Tenements within the Bounds foresaid, liable to be assessed, to be made up, according to which the said Assessments shall be made and levied: Provided always, that when any other Mode of ascertaining the yearly Value of such Houses and other Subjects liable to be assessed shall be used, other than the Copies of Rent Rolls made up for the Purpose of assessing and collecting Taxes payable to His Majesty or His Successors, the yearly Value of all such Houses and other Subjects liable to be assessed in any Ward shall be ascertained in one and the same Manner: Provided always, that the valued Rent shall be and be deemed to be Four Fifths of the real Rent.

Assessor to take Oath.

LIV. And be it further enacted, That after being so appointed, the said Assessor or Assessors shall take an Oath *de fideli Administratione Officii* before One of the Magistrates of *Leith*, or the said Sheriff Substitute, and thereafter shall be entitled to proceed in the Execution of his or their Duty; and the said Assessor or Assessors shall annually, in the Months of *July*, *August*, or *September*, take up the real Rent of the whole Lands, Houses, and Tenements, as aforesaid, within the Bounds and Limits comprehended under this Act, and shall send printed Schedules to each Person or Persons liable to be rated and assessed under this Act, stating the Rent at which his, her, or their Property is to be so assessed, and also the Day of Meeting of the Committee of Appeal to be appointed in Manner particularly after mentioned; and any Person alleging that his or her Rent is overstated, may apply to the said Committee of Appeal for Redress, by Letter to the Clerk of the Commissioners, stating the Causes or Grounds of Complaint; but failing his doing so at least Eight Days before the Day fixed for hearing and determining Appeals, the Rent assessed by the Assessor or Assessors, or by the said Commissioners, or by any One or more of their Number, as the Case may be, as after provided, shall remain the Rule for the Assessment for that Year; and the Books of the Assessor or Assessors, containing the Rent of the whole Property within the said District, shall lie in the Office of the Clerk to the Commissioners from the Time they are made up until Eight Days previous to the Meeting of the Committee of Appeal, open to the Inspection of all concerned, without Fee or Reward; and for the Purpose of hearing and determining any Complaint that shall be made against the Rent so taken up, the said Committee of Appeal shall meet upon the First *Monday* of *October* yearly, or upon any subsequent Day or Days which the Committee may appoint or adjourn to, and whatever they shall determine in such Matters shall be final and conclusive with regard to such Rent and corresponding Assessment; and it shall not be competent to any Person to refuse Payment of such Assessment on any Pretence whatever, or to any Judge to grant a Suspension of any Decree or Warrant that may be issued for Recovery thereof.

Time of taking up Rental.

Assessor to send printed Schedules to those assessed.

Appeal.

Books of Assessment to lie for Inspection.

Time for determining Appeals.

Commissioners in certain Cases may

LV. Provided also, 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 One

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 valued Rent at which the said 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 Assessor or Assessors to be appointed in virtue hereof shall be entitled to fix and determine the valued Rent of such Subjects, and shall allow a Deduction of One Fifth Part thereof, and which valued Rent, under Deduction as aforesaid, shall be the Rule for imposing and levying such Assessment; the Person or Persons from whom such Assessments are leviable having always Redress by Appeal, in case they shall consider themselves aggrieved, as before provided.

compound with Landlords, &c.

LVI. And be it further enacted, That the said Commissioners shall annually appoint a Committee for hearing and determining the Appeals and Complaints aforesaid respecting the Rents or yearly Value of Property taken up by the Assessor or Assessors, or by the said Commissioners, or any Three or more of their Number, as before provided, as the Case may be, in Manner aforesaid, for the Purposes of this Act.

Committee for determining Appeals.

LVII. And be it further enacted, That after the said Committee of Appeal shall have discussed and determined all the Appeals lodged with the Clerk as hereinbefore provided, the Book or Books containing the Rental of the District comprehended under this Act, docqueted and signed by the said Assessor or Assessors who may have taken up the Assessment, and also by the presiding Member of the said Committee, shall be delivered over to the Collector of the said Assessment as his Rule for allocating the same, according to the Rate which may be fixed by the said Commissioners, agreeably to the Powers hereby conferred on them.

Rental Books to be delivered to the Collector.

LVIII. And be it further enacted, That after the said Collector shall have allocated the said Assessment, he shall present the Book or Books containing the said Rental and Allocation to any One of the said Magistrates of *Leith*, or to the said Sheriff Substitute, who is hereby authorized and required to grant such summary Decreets and Warrants as may be necessary for levying the same; and where any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Rate or Assessment charged upon him, her, or them for the Space of Ten Days next after his, her, or their Rate or Rates, Assessment or Assessments shall be due and demanded by the Collector, such Demand being either personally made, or left in Writing at the Places rented or possessed by the Person or Persons assessed respectively, then and in every such Case it shall be lawful for the said Collector to apply to the said Magistrates, or Sheriff Substitute, or any One of them, for a Warrant to any of their Officers to enter the House or Houses or other Places rented or possessed by them respectively as aforesaid, and to seize and take Possession of the Goods and Effects of the Person or Persons assessed, and refusing and neglecting as aforesaid, and which Warrant the said Magistrates or Sheriff Substitute are hereby authorized and required to grant, upon a Certificate signed by the Collector or Person who made the Demand,

Recovery of Rates.

Demand, of such Demand having been made, and of such Person or Persons being in Arrear to the Amount to be stated in the Certificate; and if such Rate or Assessment shall not be paid within Three Days after such Seizure is made, together with the Costs or Charges thereby incurred, then the said Collector is hereby authorized to sell by Public Auction, either at the Premises where the said Goods were seized, or any other Place, such Part of the said Goods or Effects as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, with the Costs and Charges attending such Seizure and Sale, returning the Surplus, if any be, to the Owner or Owners; and failing the Recovery of all or any Part of the Rate or Assessment in Arrear in Manner before described, the said Collector shall be and he is hereby authorized and empowered to sue for and otherways recover the same according to Law; and the Collector shall be bound to preserve the Warrants of such Seizures and Sales, and enter in a Book, to be kept for that Purpose, the Names of the Parties proceeded against, the Assessment due, the Expence of the Proceedings, and the true Proceeds of each Sale; which Book shall be open to the Inspection (without any Fee) of all Parties interested, for One Year after the Date of each Sale respectively; and at any Time within that Year it shall be competent to any Party considering himself aggrieved to complain to the said Magistrates or Sheriff Substitute or any One of them, of any thing done unjustly or oppressively in regard to such Seizure or Sale; such Complaints being made in the Form of Petitions (subscribed by the Complainer or Complainers), One Petition only being allowed in each Case; and the Decision of the Judge shall be final, and not subject to Review in any Court or by any Form whatever.

Collector to lodge all Monies received by him in Bank.

LIX. And be it further enacted, That the Collector appointed by the said General Commissioners shall find sufficient Security to the said General Commissioners for his Intromissions with the Funds which he shall be empowered to levy and collect; and the said Collector shall be obliged to lodge all Money received by him in one or other of the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, upon an Account to be opened in the Name of the General Commissioners, and to be operated upon by the said Collector for the Time; and shall never retain in his own Hands above Twenty Pounds Sterling; and if any such Collector shall act in the contrary, he shall be liable for Ten Pounds *per Centum per Annum* on whatever exceeds the Sum of Twenty Pounds remaining in his Hands, in the Name of Interest and Damages; and the said Collector shall make no Drafts on the said Account for any private Purpose, on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the said General Commissioners, or their Committees, for the Objects of this Act, as the same shall be certified to the said Collector by the Clerk to the said Commissioners.

On Insolvency of Collectors, Deficiency may be assessed.

LX. And be it further enacted, That in case any Collector appointed by the said General Commissioners shall become insolvent, and the Sum or Sums chargeable against such Collector shall not immediately be paid by his or their Sureties, then and in every such Case the Sum deficient shall be assessed upon all the Wards in the Manner before prescribed, and shall be payable at such Time as the said General Commissioners

shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the Annual Assessment.

Power to Commissioners to purchase Police Office.

LXI. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to purchase, rent, or erect a proper Police Office, and other suitable Accommodation for the Officers of the Establishment, with Apartments for Cells for confining Prisoners as hereinafter provided for, and also Watch Houses in the different Wards or other Places where the Commissioners may consider the same to be necessary; and in the Event of the said Commissioners acquiring such Property or Accommodation by Purchase, then and in that Case, and in every Case where the Commissioners shall become Proprietors of heritable Subjects, the Rights and Titles of all such Property so to be acquired by them in the Execution of this Act, shall be taken in Favour of the Clerk to the Commissioners for the Time and his Successors in Office, and which Conveyances so to be made and taken shall be sufficient for vesting the said Subjects in the said Commissioners.

Heritable Rights to be taken in Name of Clerk.

Lamps, &c. vested in Commissioners.

LXII. And be it further enacted, That the Monies arising from the foresaid Assessment, and the Property of the Lamps, Lamp Posts and Irons, and also all the Dust, Dung, Ashes, and Fulzie and other Materials (excepting always Stable and Byre Dung, and the Fulzie and Refuse of Slaughter Houses), within the Bounds before described, and all and singular other Matters and Things acquired and purchased and made by the said Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the said Commissioners for the Uses and Purposes before and after mentioned; and all such Monies shall be applied, laid out, and expended in paving, causewaying, lighting, sweeping, cleansing, guarding, watching, and patrolling the different Streets, Roads, Lanes, Wynds, Closes, and others, and in widening and improving the Streets, Roads, Lanes, Wynds, or Closes within the Bounds of Police, and in constructing proper Sewers or Drains in all Places requiring the same, and in purchasing and maintaining Fire Engines, and in defraying the Expence of the Police Establishment within the Towns and District aforesaid, in paying suitable Salaries to the Assessors, Clerk, Collector, and Treasurer, and to the Intendant, Watchmen, and other Officers to be appointed in Manner directed by this Act, and in defraying the necessary Expences incurred by them in the Execution of the Duty of their respective Offices, and the other necessary Charges and Expences of the aforesaid Establishment, and generally to the other Purposes of this Act, and to no other Purpose whatever; and in case any surplus Monies shall remain after properly executing these Purposes, upon settling the Accounts thereof at the End of each Year, the same shall be applied towards the Expenditure of the Year following, or to paying the Debt owing upon the Credit of the said recited Acts hereby repealed, or hereby authorized to be contracted by the Commissioners under this Act.

Application of Monies.

Power to borrow Money;

LXIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to borrow and take up, for the Purposes of this Act, any Sum or Sums of Money, not exceeding Three thousand Pounds Sterling, over and above the Sums which have already been borrowed by the Commissioners in virtue of the

Powers contained in the before-recited Acts hereby repealed, and to grant and assign the Rates and Assessments authorized to be levied by this Act for securing Repayment of the same with the legal Interest thereof; and it shall be lawful for the said Commissioners, and they are hereby empowered, to apply the Rates and Assessments hereby authorized to be levied in Payment or Extinction of the Debts or Obligations contracted by the Commissioners under the said recited Acts hereby repealed, or that may be contracted under the Authority of this Act.

and to apply Assessments to defray the Debts.

Commissioners not to be personally liable.

LXIV. Provided always, and be it enacted, That no Commissioner or Collector acting under the Authority of this Act shall be held or adjudged to have rendered himself personally liable for the Repayment of any Money so to be borrowed, by reason of his having signed any Authority to borrow any such Money, or by reason of his having signed any Bill, Bond, or other Security for the same, but all such Bills, Bonds, or other Securities shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied, and pledged as aforesaid.

Account of Application of Monies to be made out and distributed among Commissioners.

LXV. And be it further enacted, That the said Commissioners shall, yearly, between the last *Monday* in *June* and the last *Monday* in *July*, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, signed by the Preses of the Meeting and Clerk, shall be deposited with the Clerk, who shall cause to be printed, and shall deliver or cause to be delivered to each of the Commissioners, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act to inspect and examine the same at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Officers to account.

LXVI. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act, shall from Time to Time, when thereunto required by the said Commissioners, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Ten Days next afterwards, make out and deliver to the said Commissioners, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purposes the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him or her to the said Commissioners, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner and within the Time aforesaid, or shall neglect or refuse on such Requisition as aforesaid to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating

relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Commissioners, then and in every such Case, Complaint being made by the said Commissioners, where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received by virtue of this Act shall be in the Hands of or owing from such Officer or Person to the said Commissioners, the said Justice may, and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Commissioners, then and in any of the Cases aforesaid, the said Justice is hereby authorized and required, by Warrant under his Hand to commit such Officer or other Person to the Common Jail or House of Correction for the County, Burgh, or Place where he or she shall live or reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to the said Commissioners, and the reasonable Charges of such Distress and Sale, if any, as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Monies and Charges, and paid the Composition Money to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Commissioners are hereby empowered to make; and shall have delivered up as aforesaid such Books, Papers, Writings, Matters, and Things as aforesaid, or have given to the said Commissioners Satisfaction in respect thereof: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Sixty Days; and provided also, that if the Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties; but such Officer or Person, and his Surety or Sureties, shall remain liable to the Payment

Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

For indemnifying Commissioners in respect of their Guarantee with the Edinburgh Water Company.

LXVII. And whereas the Commissioners of Police acting under the said recited Acts hereby repealed have come under a Guarantee to the *Edinburgh* Water Company, incorporated by an Act of the Fifty-ninth Year of the Reign of His late Majesty, which was amended by an Act of the Seventh Year of the Reign of His present Majesty, intituled *An Act for more effectually supplying the City of* Edinburgh *and Places adjacent with Water, and for supplying the Town and Port of* Leith *and Places adjacent and His Majesty's Dock Yard at* Leith *with Water:* And whereas it is just and reasonable that the Commissioners of Police who have come under such Guarantee as aforesaid should be indemnified and secured against all personal or individual Responsibility arising or to arise from their so doing, and that any pecuniary Demand under the said Guarantee, if any such shall arise, should be defrayed out of the Assessments already imposed under the Authority of the said last-recited Acts hereby repealed, or that may be levied in virtue hereof; be it therefore enacted, That the Commissioners appointed and named and to be elected and chosen under this present Act, shall be entitled, and they are hereby authorized and required, to apply the Funds raised and levied under the said recited Acts hereby repealed, and now vested in the said Commissioners, or the Monies or Assessments to be levied under the present Act, in Payment of any Debt already incurred or that may be incurred to the said *Edinburgh* Water Company under the Guarantee aforesaid.

Powers to take in Water Pipes into Flats or Floors.

LXVIII. And be it further enacted, That the Proprietor or Proprietors of any Floor or Flats shall be entitled to have a Service Pipe from the Main Water Pipe in the Street (paying therefor the Water Rate lawfully exigible) brought up, at the Sight of the Engineer of the *Edinburgh* Water Company, along the inside back Wall of the Tenement of which such Floor or Flat forms a Part, and passing under Ground, where necessary, through the sunk Story or lowest Flat of such Tenement, or brought up by the inside Stair, or in such other Way as the said Engineer shall direct: Provided always, that Authority shall first be obtained from the said Commissioners for laying and putting up such Pipe, and that the Expence thereof, and of keeping it in Repair, and of the Damage occasioned thereby, shall be defrayed by the Person or Persons using the same, according to their respective Rents, as fixed by the Books of Assessment.

Present Water Establishment in Leith may be abolished.

LXIX. And whereas, if it shall appear at any Time unnecessary or inexpedient, in consequence of the Supply of Water already provided or to be hereafter provided by the said *Edinburgh* Water Company, to maintain and keep up the present Water Establishment in *Leith*, vested in the Commissioners of Police under the said recited Acts hereby repealed; be it enacted, That such Water Establishment shall be and is hereby vested in the said Commissioners appointed and named and to be elected and chosen under this Act, who shall have Power and are hereby authorized to abolish the Whole or such of the Public Wells belonging to the said Establishment, and situated within the Bounds of Police, as they may judge fit and proper, and to sell and dispose of the Whole or such Part of the said Water Establishment, including

Water

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; the Price or Money to be paid to the Commissioners therefor to be accounted for and to be applied by them to the like Purposes and in the like Manner as the other Monies leviable under this Act are directed to be accounted for or applied: Provided always, that it shall only be lawful for the said Commissioners to exercise the Power hereby conferred upon them, to abolish the Public Wells and to dispose of the present Water Establishment, after a Supply of Water for the Dwelling Houses of such of the said Inhabitants of *Leith* as shall have applied or may apply for the same, shall have been introduced by the said *Edinburgh* Water Company under the Agreement and Guarantee aforesaid: Provided also, that until such Time as the said 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 they are hereby authorized to defray, from the Rates and Assessments to be levied in virtue hereof, all the necessary Expences connected with the upholding and maintaining of the said Water Establishment; saving always and reserving to all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, all and whatever Right or Claim of Right any such Person or Persons or Body or Bodies have or may claim to have in, to, or concerning the Water of *Lochend*, or other Springs or Sources connected with the said Water Establishment.

Commissioners to provide Fire Engines.

LXX. And be it further enacted, That the Commissioners appointed and named, and to be elected and chosen under the present Act, shall have Power and are hereby authorized to take under their Direction and Management all the Fire Engines, Pipes, and other Apparatus used in the extinguishing of Fires, provided under the said recited Acts hereby repealed, and to provide One or more Fire Engines and Fire Cocks or Plugs, as the said Commissioners may judge necessary for the Use of the Inhabitants and Protection of their Property situated within the Bounds described by this Act, and to apply such Parts of the Assessments hereby authorized to be levied as may be necessary for the purchasing, upholding, and Management and keeping of the said Engines.

Commissioners to improve the Streets.

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to widen and improve the Streets, Lanes, Ways, and Accesses within the said Town and District hereby described, and for that Purpose to take and appropriate such Part of the adjoining Grounds, whether the same shall be built upon or not; provided always, that the Consent in Writing of the Owner and Occupier thereof shall be first had and obtained thereto; and provided also, that in taking the Ground necessary for such Purpose, or in taking down any House or Houses, or any Part or Parts of any House or Houses, by Authority of this Act, if the said Commissioners shall not come to an Agreement with the Owner or Owners and Occupier or Occupiers of any such Ground, or House or Houses, or Part or Parts of any House or Houses, and the Parties shall be desirous that Application shall be made to the Sheriff Depute of *Edinburgh*, or any of his Substitutes, to summon a Jury, in order to value the Ground necessary to be

Sheriff to summon Jury to fix Value of Lands and Houses taken.

be taken and used, or Houses or Parts of Houses necessary to be taken down as aforesaid; and the said Sheriff Depute or his Substitute is hereby empowered and required, upon Application, to order Notice thereof to be given to the Owner or Owners and Occupier or Occupiers of such Ground or Houses, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury, consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict, upon Oath, as to the Value of such Lands, Houses, or Parts of Houses, and the Damage sustained by the Proprietor thereof;

Sheriff to adjudge Payment of the Sum awarded by the Jury.

and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded, to the Persons having a Right thereto; and upon Payment being made by the said Commissioners out of the Money raised by virtue of this Act of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company, the said Commissioners shall from thenceforth have Right and be at liberty to take and use the Ground, and to take down the Houses or Parts of Houses so valued for the Purposes of this Act, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners and Occupier or Occupiers of such Ground or Houses had executed regular Dispositions of the same, and thereupon Infeftment had followed; and the said Proceedings and Orders of the Sheriff Depute, or any of his Substitutes, shall be final, and not removable or questionable by Bills or Letters of Advocation or Suspension to or by any other Court whatsoever, any Law or

Commissioners may take Possession.

Usage to the contrary notwithstanding: Provided also, that after Payment to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, or Consignation as aforesaid, of the Value or Damage awarded as aforesaid, it shall and may be lawful for them to enter into and upon such Lands and Houses for the Purposes of this Act; and no Stop shall in the mean time be put to the Operations of the said Commissioners, on Pretence of settling the said Damage, or that they have not been satisfied and paid.

By whom Expences of Juries shall be paid.

LXXII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Lands, Tenements, or Heritages as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Thirty Days after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, under a Warrant to be issued for that Purpose by the said Sheriff Depute, or any of his Substitutes, for the said County of *Edinburgh*, or District of the Town of *Leith*, which Warrant any such Sheriff Depute or Substitute is hereby authorized and required to

issue

issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned and by the said Commissioners; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners, in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by the said Sheriff Depute or any of his Substitutes, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof being first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof, in the like Manner as the Rates leviable by this Act may be recovered.

Incapacitated Persons may sell Lands.

LXXIII. And be it further enacted, That the said Commissioners shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, dispone, feu, and convey all such Lands or Houses as may be necessary for the Purposes of this Act.

Application of Compensation when amounting to 200*l.*

LXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Houses purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits

Profits of the said Lands or Houses, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the said Lands or Houses, or affecting other Lands or Houses standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court in the Purchase of other Lands or Houses, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Houses which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Houses so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where the Compensation shall be less than 200*l.* and not less than 20*l.*

LXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Houses purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Houses so purchased, taken, or used, and of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his or their Accounts as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by Three or more of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hand of the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in Manner hereinbefore directed, so far as the Case may be applicable.

When less than 20*l.*

LXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Houses so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles,

LXXVII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any

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

Purchase Money to be paid into Bank.

LXXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any of the said Banks, in pursuance of this Act, for the Purchase of any Lands or Houses, or of any Estate, Right, or Interest in any Lands or Houses to be purchased in pursuance hereof, the Person or Persons who shall have been in Possession of such Lands or Houses at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Houses according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Houses, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money.

LXXIX. Provided also, and be it further enacted, That where, by reason of any Disability and Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases to be made from Time to Time in pursuance of this Act, or so much of such Prices or other

Court may order Payment of Expences.

Expences as the Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct; and provided also, that in all Cases where it shall be necessary to make Application to the said Court in regard to any Monies so paid into the said Court, the Expence of such Application shall be paid by the said Commissioners.

Commissioners may construct Sewers and Drains.

LXXX. And be it further enacted, That it shall and may be lawful to the said Commissioners to construct proper Main Drains or Sewers in all Places or Situations where they may consider the same to be necessary, within the Bounds hereinbefore described, and also proper conducting Drains for leading Rain or other Water or Soil into such Main Drains, all of such Dimensions and in such Manner and Form as the said Commissioners shall judge proper.

Powers given to Proprietors of Flats or Floors to erect foul or waste Water Pipes.

LXXXI. And whereas the Practice of throwing out foul Water and other Filth upon the Streets is a Nuisance which the Occupiers of Houses divided into separate Floors or Flats, and having no Communication with Common Sewers, cannot easily avoid; be it enacted, That in all Streets or other Places within the Limits of this Act, where Common Sewers are now or may hereafter be constructed, it shall be lawful to the Proprietor or Proprietors of One or more of the said Floors or Flats, with Consent of the Commissioners, to erect one waste or foul Water Pipe along the Back Wall of the Tenement on the Outside, to communicate with any Drain under Ground leading into a Common Sewer where there is such Drain, and with Power to make such Drain if there is not one already, and afterwards to keep the same in good and sufficient Repair; and provided further, that the Expence and Damage occasioned by the erecting and constructing such Pipe, Communication and Drain, and the Expence of keeping the same clean and in good Repair, shall be defrayed by the Proprietors of the Flats or Floors making use of the same, in Proportion to their respective Rents, to be ascertained by the Books of Assessment.

Expence to be defrayed by Proprietors of Floors or Flats.

Power to Commissioners to causeway and pave within the Boundaries of Act.

LXXXII. And be it further enacted, That where any of the Streets, Roads, Lanes, Wynds, Closes, and other Ways within the Bounds comprehended under this Act, are not properly made, paved, or causewayed, the Commissioners aforesaid are hereby authorized and empowered to make, pave, or causeway the same, at such Time and in such Manner as they shall think proper, and to keep the same in constant Repair: Provided always, that nothing herein contained shall tend to affect, alter, or diminish the existing Obligations on the Lord Provost, Magistrates and Council of *Edinburgh*, or on the Commissioners for the said Harbour and Docks, in regard to the Streets of *Leith* and Shore thereof, and the Streets connected with the said Harbour and Docks; and also provided, that nothing in this Act contained shall be construed to apply to the keeping in Repair of the Road from *Leith Walk* across the *New Bridge*, or the Roads within the said District of the Town of *Leith* which the Road Trustees of the Middle District of the County of *Edinburgh* or others have heretofore been obliged or in use to keep in Repair; any thing in this Act contained to the contrary notwithstanding.

Foot Pavements.

LXXXIII. And be it further enacted, That the Owners or Proprietors and those in the Right, Administration, or Management 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 Road, Street, Square, or other public or principal Place within the Bounds before described, shall at their Expence cause the Ground before their Property respectively on the Sides of the said Roads, Streets, Squares, or other public or principal Places, to be well and sufficiently paved with flat hewn or other Stones, or in such other Manner and Form and of such Breadth as the said Commissioners shall direct and appoint: Provided always, that in case such Owners or Proprietors shall refuse or neglect or delay to cause such Pavement to be made in the Manner and Form and of the Breadth to be so directed, it shall and may be lawful for the said Commissioners to cause such Pavements to be made at the Charge and Expence of such Owners or Proprietors respectively; and in case such Owners or Proprietors shall refuse or delay to pay such Charges, when required, it shall and may be lawful to the said Magistrates, or the Sheriff Substitute, or any One of them, upon an Application by the Intendant of Police to be appointed in virtue hereof, to decree such Charges and Expences to be paid by such Owners or Proprietors, either to the Tradesman by whom the Work shall have been done, or to the said Intendant, or other Person authorized by the said Commissioners to receive the same, with the additional Expence incurred in recovering the same; declaring that the Pavements already made, or that may be made in virtue of this Act, shall be kept in Repair by the several and respective Proprietors, each keeping in Repair that Part which is immediately before his or her own Property, and where the Houses or Buildings are divided into Floors or Stories, the Proprietors of each shall bear a Proportion of the Expence, both of making and keeping in Repair the said Foot Pavements, effeiring to their respective Rents, as the same shall be fixed and ascertained by the Books of Assessment under this Act.

Intendant and other Officers to be appointed.

LXXXIV. And be it further enacted, That it shall and may be lawful for the Commissioners aforesaid, and they are hereby authorized and required, annually at their first Meeting, or at any other Meeting, to appoint an Intendant, removable at their Pleasure, and also from Time to Time, as they shall judge necessary, appoint such a Number of Watchmen and other Officers as may appear to them to be requisite, removable at their Pleasure, or to order and direct the said Intendant to appoint the said Watchmen, removable at his Pleasure, for guarding, patrolling, and watching the different Streets, Roads, Lanes, Closes, and Places within the Bounds and Limits of this Act, in such a Manner, and under such Rules and Regulations as to the said Commissioners shall appear proper and expedient, and for aiding and assisting the Admiral and Magistrates of the said Town of *Leith*, and the said Sheriff Substitute and Commissioners, in executing the Matters and Powers committed to them by this Act; which Intendant, Watchmen, and other Officers shall act under the Authority and Direction of the said Admiral, Magistrates, and Sheriff Substitute and Commissioners, and each of them, in all Matters and Things touching the Execution of this Act, with Power to the said Commissioners to make such Rules and Regulations for their Order and Government as to the said Commissioners shall appear proper.

Duty of Intendant.

LXXXV. And be it further enacted, That the said Intendant, Watchmen, or any other Officers of Police shall have Power and they are hereby authorized

authorized to apprehend, seize, and detain all Persons who shall be found within the said Bounds actually committing any criminal, riotous, or disorderly Act, or accused or suspected of having committed any such Act, whether within or beyond the said Bounds, and all and every Vagrant, Idler, or disorderly or suspected Person who may be found within the District, in order that such Person may be examined and disposed of by the said Magistrates or Sheriff Substitute, or any One of them, in Manner directed by this Act; with Power to the said Intendant, Watchman, or any other Officer of Police to seize, secure, and detain all Articles, Goods, and Wares, and Property of whatever Nature, Description, or Denomination, which may be found in the Custody or Possession of such Vagrant, idle or disorderly or suspected Person, and report the same to the said Magistrates, or any of them, or to the said Sheriff Substitute, that they or he may order the necessary Steps to be taken for having the Offender or Offenders dealt with, and the said Articles disposed of, according to Law.

Further Duty of Intendant and other Officers.

LXXXVI. And be it further enacted, That the said Intendant, Watchman, and other Officers shall be and they are hereby authorized and required to aid and assist the said Admiral, Magistrates, and Sheriff Substitute in preserving Peace and good Order within the Bounds and Limits of this Act, and in otherwise executing the Purposes thereof, and to apprehend and bring before the said Magistrates or Sheriff Substitute, or any One of them, for Examination and Punishment, or otherwise bringing to Justice, Persons charged as guilty of Street Robberies, Housebreaking, Assaults, Thefts, Reset of Theft, Shoplifting, picking Pockets, Swindling, and all other Crimes, Misdemeanors, and Offences, and also all Vagabonds, Vagrants, idle and disorderly or suspected Persons, and public and sturdy Beggars, and others who follow no lawful Employment or Occupation, and all Persons charged with or suspected of having committed Crimes, Delinquencies, or Offences of whatever Description, and at what Period soever the same may have been or are suspected to have been committed, and also to assist the said Magistrates and Sheriff Substitute in suppressing disorderly Houses, and other Houses frequented by Persons of the foregoing Descriptions, in suppressing Mobs and Riots, in extinguishing Fires, and in putting the Law and Regulations into Execution regarding Carters and Drivers or Owners of Carriages, and also Obstructions and Offences against the Acts regulating the Highways within the District aforesaid, and in taking Cognizance that the said Streets, Roads, Lanes, Passages, and other Places are properly lighted, cleansed, guarded, patrolled, and watched, for enforcing the Regulations made or to be made with regard to Hackney Coaches, Sedan Chairs, Carts, Waggons, Porters, and Meters of Corn, and in general in aiding and assisting the Admiral, Magistrates, and Sheriff Substitute in all Matters relative to preserving the Peace and good Order of the District, and executing the different Purposes of this Act.

Regulations as to Sale of Gunpowder.

LXXXVII. And be it further enacted, That no Gunpowder shall be sold within the Bounds before described by Candle-light, or other artificial Light, under a Penalty not exceeding Two Pounds, to be paid for each Offence, by the Person or Persons selling the same; and no Merchant, Shopkeeper, or other Person shall have at any Time between Sun-setting and Sun-rising under One Roof above Four Pounds Weight of Gunpowder, under a Penalty not exceeding Five Pounds Sterling

Sterling for every Offence; besides forfeiting all the Gunpowder which shall be found after Sunset under One Roof exceeding the aforesaid Weight; but nothing herein contained shall extend, or be construed to extend, to Gunpowder belonging to His Majesty, His Heirs and Successors.

Rubbish to be removed.

LXXXVIII. Provided always, and be it enacted, That all Coal, Culm, Sweepings of Cellars, and other Rubbish which may have been collected within any of the Houses within the Bounds before described, and of which the Inhabitants may wish to be relieved, shall be forthwith removed under the Direction of the Inspector, or any Person employed by him, in such Way, and at such Times, and at the Expence either of the public or of the private Party, as shall be directed by the Regulations of the said General Commissioners.

Officers to be Constables.

LXXXIX. And be it further enacted, That the said Officers to be appointed by the said Commissioners shall be Constables for issuing Summonses and executing the Warrants and Sentences to be pronounced in virtue of and for the Purposes of this Act, and with all the Powers belonging to Constables by the Law of *Scotland*.

Penalty for obstructing Officers.

XC. And be it further enacted, That if any Person or Persons shall at any Time or Times abuse, assault, strike, obstruct, hinder, or molest any Officer or other Person employed under this Act, every Person or Persons so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, to be levied and recovered in Manner hereinafter directed, without Prejudice to the Officer or other Person so abused, assaulted, struck, obstructed, hindered, or molested, to sue for and recover a Recompence, Damages, or Expences for the Injury which he may sustain, and to have the same awarded in the due Course of Law.

Penalty for enticing Watchmen off their Duty.

XCI. And be it further enacted, That if any Person within the foresaid District 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.

Sheriff Substitute, &c. empowered to dismiss Watchmen and suspend Officers.

XCII. And be it further enacted, That it shall be in the Power of the said Resident Magistrates of *South Leith*, or any of them, and of the Sheriff Substitute of *Leith*, to suspend any of the said Watchmen, and to direct the Intendant to appoint other Watchmen in the Room of those dismissed, and other Officers to act in the mean time in the Room and Place of those suspended, declaring that 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.

Commissioners to appoint Scavengers.

XCIII. And be it further enacted, That the said Commissioners shall be and they are hereby empowered to appoint Paviors, Scavengers, and others, for paving, causewaying, sweeping, and cleansing the said Streets, Roads, Lanes, and other Places, or to contract with any Person or Persons for these Purposes, and to remove the Dung or Fulzie thereof to such Place as the said Commissioners shall deem least offensive to the

Inhabitants, with Power to the said Commissioners to rent or purchase Depots for that Purpose within or without the Bounds described by this Act, from such Person or Persons as may be willing to contract and agree with them therefor, and to make and enact such Rules and Regulations as they shall from Time to Time consider necessary and proper for their Order and Government, for regulating the Time and Manner of paving, sweeping, and cleansing the different Streets, Roads, Lanes, and Places within the said District, and for prohibiting and preventing the Inhabitants from throwing out and laying down upon the said Streets, Roads, Lanes, Closes, and other Places, any Dung, Ashes, Filth, Rubbish, Stones, or other Nuisance, and generally for the Enforcement and effectual Execution of the Purposes of this Act, under a Penalty not exceeding Twenty Shillings.

Power to open Streets for laying Pipes.

XCIV. And be it further enacted, That in case it shall be necessary, for the Purpose of laying Pipes for the Service of the said Town with Water, or for any other Purposes, that the Streets within the said Bounds and Limits, or any Part thereof, should be opened, it shall be in the Power of the said Commissioners, and they are hereby authorized and empowered, to grant Warrant for that Purpose, on the Application of the Intendant, or of any Party or Parties suing therefor.

Holes or Openings in Streets and Building Materials to be fenced and lighted.

XCV. And be it further enacted, That it shall and may be lawful for the Intendant of Police, and Persons acting under his Orders, and they are hereby required to provide, that where any House shall be building or repairing, or other Reparations of the like Kind carrying on, the Foundations or Grounds adjoining shall be fenced in, so that the Inhabitants may run no Risk of Danger from the same; and in case any Hole or Opening shall be made in any of the Streets, Lanes, Passages, Squares, or Public Places of the said Town and Places within the Limits of this Act, for the Purpose of digging Foundations for building, for paving the Streets, for digging Wells, Drains, laying Pipes, or any other Purposes, the Persons or Body Corporate making or causing to be made such Holes or Openings, and the Persons employed or concerned therein, shall at their own Expence cause a sufficient Rail or Fence to be put round such Holes or Openings, and shall also cause a Lamp or Lamps, Light or Lights, to be affixed at or near the same, to be kept burning every Night that such Holes or Openings shall remain unfilled up from Sun-setting to Sun-rising; and in case any of the said Persons or Bodies Corporate aforesaid shall refuse or neglect to fence such Foundations or Holes, or to affix and keep burning such Lamps or Lights in Manner aforesaid, it shall and may be lawful for the Resident Magistrates or any of them, or the Sheriff Substitute aforesaid, on the Complaint of the said Intendant, to decern the Person or Body Corporate so offending to pay any Sum not exceeding Two Pounds for each Day or Night that the same may remain without a sufficient Rail or Fence and Light during the Night; and also to order such Foundations, Holes, or Openings to be fenced, and Lamps or Lights to be affixed and kept burning, at the Expence of the Persons employed or concerned therein; reserving always to any Persons who may suffer Injury by such Operations to prosecute for Reparation and Damages according to Law.

XCVI. And

Pavements to be fenced when Houses are taken down or unroofed.

XCVI. And be it further enacted, That when any House or Tenement adjoining to the Street is to be taken down or unroofed, the Proprietor or Proprietors thereof, or the Person or Persons carrying on such Works, shall erect and keep in Repair a Fence round the Foot Pavement which is opposite to such House or Tenement, during the whole Time such Works are carrying on, under the Penalty of Five Shillings Sterling for each Day's Failure; and the said Commissioners or their Intendant shall order and direct such Foot Pavement so to be fenced in at the Expence of those carrying on such Works, and the Extent of the Space to be so fenced in shall be fixed by the said Magistrates or any of them, or the Sheriff Substitute; and no Part of any Street or Road shall be so occupied without a Warrant being previously obtained, under the Penalty of Two Pounds for each Transgression, over and above all Damages which may be any way incurred by the Person or Persons so contravening.

No Carts or Carriages, &c. to be left on the Quays, Streets, &c.

XCVII. And be it further enacted, That if any Person or Persons shall place, or leave or cause to be placed or left, upon any Quay, or any Street, Road, Lane, Passage, or Side Pavement within the foresaid District, any Cart or Carriage of any Description, or any Lead, Iron, Wood, Goods, Commodities, Provisions, or other Articles, Matter, or Thing whatever, which may be calculated or considered to render dangerous or obstruct the free and commodious Passage through or along such Quays, Streets, Roads, Lanes, Passages, or Side Pavements, (except where Permission is granted by the said Magistrates or the Sheriff Substitute, or any One of them,) the Person or Persons so offending shall be liable in a Fine not exceeding One Pound Sterling for each Offence; and it shall be in the Power of the Intendant acting under this Act to cause all such Articles to be immediately removed, at the Expence of the Person or Persons so offending, and to detain the same, if he shall consider it necessary, till such Expences, and the Fine which may be imposed, are paid.

If not removed before dark, may be removed by Intendant.

XCVIII. And be it further enacted, That if any such Cart, Carriage, Lead, Iron, Wood, Goods, Commodities, Provisions, or other Article, Matter, or Thing whatever, shall be allowed to remain where they are so placed or left until it becomes dark, it shall be lawful to and in the Power of the said Intendant 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 of the Owner and Person or Persons offending, at the Expence of the Owner or Person or Persons so 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 said Intendant, if he shall consider it necessary, to detain the Article so removed till such Expences and Fine are paid.

For preventing Nuisances.

XCIX. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Town, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof, unto, upon, from or out of any Carriage or Cart, or wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle, which such Person

Person may be riding, driving, or leading, to go thereon, or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever across any of the said Highways, Footways, or Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall on or in the said Footway or Foot Pavement, or erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment on the Footway or on the Foot Pavement, or shall in any Street, Highway, or Public Place as aforesaid, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose, or wet, slack, or mix any Lime, or wet, mix, or make any Mortar, or shoe, bleed, or farry any Horse or other Beast, unless in case of sudden Accident, or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or show or expose any Stallion or Stone Horse (except only in such Place as the said Commissioners shall direct), or show or expose, or exercise or expose to Sale any Horse or other Beast, or kill or slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shamble into the said Streets, Highways, or Places, or any of them, or shall sell or assist in selling, by Auction or public Sale, any Cattle, Goods, Wares, Merchandize, or Thing or Things whatsoever, without the Leave of the said Commissioners for that Purpose had and obtained, or hang up, place, or expose to Sale, or cause or permit to be hanged up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Matter or Thing, in or upon, or so as to project over or upon, the Footway or Carriageway of any such Street, Highways, or public Places, or beyond the Line, or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage, or leave open after Sunset the Door or Window of any Cellar or other underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Highways, and public Places as aforesaid from falling into such Cellars or other underground Rooms or Apartments, or without having properly secured the same, or play at Football or at any other Game to the Annoyance of any Inhabitant or Passengers, or shall wilfully break, aid or abet or assist in wilfully breaking any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building, or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any other kind of Obstruction or Annoyance in or upon any such Street, Highway, public Passage, or Place as aforesaid, or shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon within the said Town, then and in every such Case every Per-

son so offending shall forfeit and pay any Sum not exceeding Five Pounds, and not less than Ten Shillings; and it shall and may be lawful to and for any Constable or other Peace Officer, or any Officer or other Person acting by or under the Authority of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before the said Resident Magistrates or Sheriff Substitute, or any Justice or Justices of the Peace, in order to his, her, or their Conviction for such Offence.

Offenders may be apprehended without Warrant.

C. And be it further enacted, That every Person who shall throw out or lay down upon, or cause to be thrown out or laid down upon any Street, Road, Lane, Wynd, Close, or Passage within the District aforesaid, any Stones, Lime, Rubbish, Ashes, Dung, Filth, Refuse of Vegetables, or any Thing else whatever which may be considered a Nuisance or Annoyance, at any Time or in any Manner, or who shall shake or dust any Carpet, Rug, Crum Cloth, or other Article, either upon such Street, Road, Lane, Wynd, Close, or Passage, or from any Window, Stair, or other Place within the District aforesaid (except as shall be permitted by the Regulations which may be made from Time to Time by the said Commissioners), or who shall collect any Dung, Ashes, or Fulzie, or any Thing which may be considered a Nuisance, either upon any of the said Streets, Roads, Lanes, Wynds, Closes, or Passages, or upon any Place within the Limits of this Act, shall for every such Offence forfeit and pay a Fine not exceeding Twenty Shillings Sterling, and that besides being obliged, if required, to remove the Articles so thrown or laid down as aforesaid, or to pay the Expence incurred in removing the same.

No Person to throw out or lay down Stones, or to shake Carpets, &c. on Streets.

CI. And be it further enacted, That if any Carts, Carriages, Lead, Iron, Wood, Goods, Commodities, Provisions, or other Things seized and detained as before authorized, shall not be removed by the Owner or Owners thereof, and the said Fine and Expences paid, within Three Days after being so removed and deposited as aforesaid, it shall and may be lawful to the said Intendant to sell by Public Roup, in the Place where the same may be deposited, as much thereof as will satisfy and pay the said Fine and Expences, together with the Expences of the Sale, the Surplus, if any, to be returned to the Owner or Owners; provided that the said Intendant shall be obliged to give Notice of such Sale to the Owner or Owners at least Twenty-four Hours before the same shall take place.

Intendant may sell Articles seized.

CII. And be it further enacted, That it shall and may be lawful to and in the Power of the said Commissioners, where they may see it proper, to direct the said Intendant to apply to the said Resident Magistrates or any of them, or to the said Sheriff Substitute of *Leith*, for Warrant to take down, remove, alter, or regulate in such a Manner as they shall judge proper from Time to Time, all Signs, Sign Irons, Sign Posts and other Posts, Shades, Penthouses, Spouts, Gutters, Steps, Window Shutters, Trees, Rails, Poles, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections, and Annoyances affixed to or belonging, or which shall hereafter be affixed or belong to any House or Houses or other Buildings, or any other Obstruction or Encroachment whatever, and which do or shall, in the Judgment of the said Magistrates, obstruct the commodious Passage along the Streets or

Power to remove Signs, &c.

Foot Pavements of any of the Quays, Streets, Lanes, Roads, Public Passages, Highways, or Places of and within the District comprehended under this Act, or any Part or Parts thereof, and, upon hearing Parties, it shall be in the Power of the said Magistrates or any of them, or of the Sheriff Substitute aforesaid of *Leith*, to grant Warrant for removing the said Obstructions, or give such other Judgment in the said Matter as to them shall seem just and proper.

Penalty for conveying Washings into Rivers, Streams, &c.

CIII. And be it further enacted, That if the said Commissioners, or Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow any Washings, or any waste Liquid, Substance, or Things whatsoever, which may arise or be produced in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Spring Head, or Well, or in any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, Well, Drain, Sewer, or Ditch, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any competent Court in *Scotland*, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for and recovered or not, and in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Commissioners, or Body or Bodies Politic or Corporate, or to such Person or Persons as aforesaid, and the said Commissioners, or the Person or Persons, Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or of-

fensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Court where the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Penalty for allowing Gas to escape.

CIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons, shall, at their own Expence, immediately after Notice thereof by Parole or in Writing from any Person or Persons whomsoever, given to the said Commissioners, or their Clerk or other Officer or Agent of the said Commissioners, or any such Body or Bodies Politic or Corporate, or Person or Persons, stop and prevent such Gas from escaping; and in case the said Commissioners, or Body or Bodies Politic or Corporate, or Person or Persons, shall not, within Twelve Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, as far as possible stop and prevent the Gas from escaping, and thereby remove the Cause of Complaint, that then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or Person or Persons, shall, for every such Offence, forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before One or more Justice or Justices of the Peace for the County of *Midlothian*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or such Body or Bodies Politic or Corporate, or Person or Persons, by the Warrant of any Justice or Justices of the Peace as aforesaid, in Manner hereinafter directed.

Persons contracting to light with Gas liable to be indicted for Nuisances.

CV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Person or Persons from proceeding by Indictment, or otherwise, against the said Commissioners, or any Body or Bodies Politic or Corporate, or any of his or their Servants, Workmen, or Officers, or Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action or Actions against the said Commissioners, or Body or Bodies Politic or Corporate, or any of their Servants, Workmen, or Officers, or Person or Persons, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting

lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

For preventing Escape of Gas and Contamination of Water.

CVI. And be it further enacted, That whenever the Water of any Company of Proprietors, or other the Owners or Proprietors of any Water Works within the said District, shall be contaminated or affected by the Gas of the said Commissioners, or of the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and the same shall be applied to and for the Use and Benefit of the Company of Proprietors or other the Owners or Proprietors of any Water Works; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or by any Person using the Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works; and in case the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contaminations, whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, shall, on each and every such Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any one of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, for the Use and Benefit of the same Proprietors or Owners, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Occupiers of any Water Works, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, at the Option of the Parties prosecuting

cuting such Information against the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, before any Justice of the Peace for the said County, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer or to One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of Water Works, for the Use of the said Proprietors or Owners.

For ascertaining if the Water is contaminated.

CVII. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Road or Pavement of the Street, Highway, or Place which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if, upon the Examination, it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Road or Pavement of the said Street, Highway, or Place so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

CVIII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Highway, or Place in the said District, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street, Highway, or Place will allow thereof, at

at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Highways, or Places in the said District, as also from the nearest Part of any Main or Conduit Pipe already laid down or hereafter to be laid down by or by the Order of the said Commissioners, or of any Gas Light Company, or Person or Persons whomsoever, for the Conveyance of Gas in, under, through, along, across, or round any Street, Highway, or Place in the said District, unless in Cases where it shall be unavoidably necessary to lay any such Pipes across any of the Pipes of any Water Company or any Gas Light Company, or of any Person or Persons whomsoever, in which Cases the said Pipes shall be laid over and above such Water Pipes, or such Pipes of any Gas Light Company, or of any Person or Persons whomsoever (as the Case may be), at the greatest practicable Distance therefrom, and shall form therewith a right Angle; and that in such Cases the said Pipes so crossing the said Pipes of any Water Works Company, or any Gas Light Company, or of any Person or Persons whomsoever, shall be at least Nine Feet in Length, so that no Joint of any of the said Pipes shall be nearer to any Part of the said Pipes of any Water Works Company, or any Gas Light Company, than Four Feet at least; and that in laying down the said Pipes, the said Commissioners, or Person or Persons, Body or Bodies Politic or Corporate, or Person or Persons whomsoever, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials; and also to make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon Pain of forfeiting for every Offence the Sum of Five Pounds, to be paid to the Company of Proprietors of the Water Works, or Gas Light Company, as the Case may be.

Power to regulate Slaughter-Houses.

CIX. And whereas from the Slaughter Houses in the Town of *Leith* being situated in the Centre of the Town, it is desirable that the same should be kept in the best and cleanest Condition; be it further enacted, That the said Commissioners are authorized to make and ordain such Rules and Regulations for the Cleanliness and good Order thereof as they may consider requisite and necessary, and that they shall be authorized to enter into Transaction, Contract, or Agreement with the Incorporation of Fleshers and other Proprietors of the said Slaughtering Houses for the Purpose of rendering them more commodious: Provided always, that it shall not be compulsory on the said Incorporation of Fleshers or other Proprietors to enter into any such Transaction, Contract, or Agreement interfering with their Right of Property in such Slaughter Houses, unless agreed to by the Majority of said Incorporation, or by the said Proprietors.

Property to be acquired vested in

CX. Provided always, and be it enacted, That the said Commissioners shall hold and be possessed of the Subjects and Property vested in the Commissioners under the said Acts hereby repealed, and such as shall

hereafter be acquired by the said Commissioners hereby appointed, in Manner before mentioned, 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. Commissioners.

CXI. And be it further enacted, That where any Part of the Pavements or Footpaths, Spouts, Shores, or Pipes, Drains or Common Sewers, or Water Pipes, within the Bounds and Limits of this Act, whether already made or hereafter to be made by Order of the said Commissioners, shall get into Disrepair, it shall be lawful for the said Intendant and he is hereby required to give an Intimation in Writing to the Person or Persons liable to repair the same, requiring him or them to make such Repair within a Time to be specified in such written Intimation, and failing of due Attention being paid thereto, it shall be competent for the said Magistrates, or Sheriff Substitute, or any One of them, upon the Application of the said Intendant, to authorize and direct such Repairs to be made, and to find the Person or Persons complained of liable in the Expence of the same, and in all the Costs and Charges connected therewith. Pavements going into Disrepair.

CXII. And be it further enacted, That it shall not be lawful for nor in the Power of any Person or Persons to set or place upon the Outside of any Windows or Projections of any Buildings fronting any of the Streets, Roads, Lanes, Wynds, Closes, or Passages within the Limits of this Act, any Flower Pot or Box, either for raising or preserving Flowers, Shrubs, or any other Plants or Vegetables, unless the Soles and Outside of the Windows or Projections at which such Pots or Boxes are set or placed, be sufficiently railed in and secured, and any Person or Persons setting out any Pot or Box at their Windows or Projections before described, unless railed in in Manner foresaid, shall forfeit and pay a Sum not exceeding One Pound for each Offence, to be recovered and applied in Manner herein directed. No Flower Pots, &c. to be placed in Windows, unless properly secured.

CXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or their Intendant of Police, instantly to remove and take down, or to order to be removed and taken down, all Chimney Cans or Pots, Tiles, Slates, Shutters, or Windows on the Tops of Houses, or such Parts of the Ridges, Coping, or other Parts of the Roofs of Houses, or Tickets, or other Projections, as may be broken or loosened, or in such a State as to be dangerous to Passengers, or if the same can be repaired or properly secured, so as to prevent all Danger, then and in that Case it shall and may be lawful for the said Intendant or other Officers aforesaid to order the Proprietor of such House or Houses to repair and secure the same immediately, and failing his or their doing so at the Sight of the said Intendant or other Officers aforesaid, then it shall and may be lawful for the Intendant or other Officer to employ a Person to put the same into a proper State of Repair, at the Expence of such Proprietor, who shall in such Case, besides paying all Expences, forfeit and pay a Sum not exceeding One Pound Sterling, to be recovered and applied in Manner herein directed. Chimney Pots, &c. to be secured or removed.

CXIV. And

Regulations as to Drivers of Carts, &c.

CXIV. And be it further enacted, That if the Driver of any Cart, Car, Dray, or Waggon shall ride upon any such Carriage, in any Quay, Street, Lane, Road, Public Passage or Place within the said Town and District, or any Part or Parts thereof, not having some other Person on Foot to guide the same, or if the Driver of any Carriage whatsoever in any such Street, Lane, or Place shall be at such a Distance from it that he cannot have the Direction and Government of the Horse or Horses or other Cattle drawing the same, or shall, by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of any Person or Persons, in any such Street, Lane, Road, Public Passage, or Place, or if the Driver of any empty Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chaise, loaded Waggon, Cart, or other loaded Carriage, or if any Person shall ride or drive furiously in or along any Street, Road, Lane, or Public Passage or Place within the District comprehended under this Act, either on Horseback or in driving any Coach, Chaise, Waggon, Cart, or other Carriage, then and in every such Case it shall and may be lawful to the said Intendant, or other Officers of Police, or to any Person who shall see such Offence committed, to seize the Offender or Offenders, and by the Authority of this Act, without any other Warrant, convey him or them to the Police Office, in order to their being secured and brought before the Sheriff Substitute aforesaid, or any of the Magistrates within whose Jurisdiction such Offence shall have been committed, and every such Person so offending shall, upon Conviction before the said Magistrates, or Sheriff Substitute, or any One of them, forfeit and pay a Sum not exceeding One Pound, in case the Offender shall not be the Owner of the said Horse or Carriage, and in case he be the Owner of such Horse or Carriage, then any Sum not exceeding Two Pounds, and shall and may be imprisoned by Order of the said Magistrates or Sheriff Substitute, or any One of them, until he pay the same.

Masters to be liable for their Servants.

CXV. And be it further enacted, That where any Fine, Forfeiture, or Penalty shall have been incurred by a Servant or Servants, while in the Execution of his or their Employer's Work or Orders, either for throwing out or laying down Articles, or beating or dusting Carpets, Rugs, Crum Cloths, or the like, upon or within, or for riding or driving through, any of the Streets, Roads, Lanes, or Passages within the foresaid District, contrary to the Provisions of this Act, the Employer of such Servants shall be subject to and liable in the Payment of such Fine, Penalty, or Forfeiture, as well as the Servant, such Employer or Employers having Relief for Repayment from his or their Servants, where the Offence shall not be committed in consequence of the Orders and Directions given to the Servant by such Employer.

No Cattle to be driven on Sunday for Slaughter, &c.

CXVI. And be it further enacted, That no Cattle or Bestial of any Description shall be driven on *Sunday* through any Part of the foresaid District for the Purpose of being slaughtered; and every Person or Persons contravening these Regulations shall be liable in a Penalty not exceeding One Pound Sterling for each Offence; and every Person who shall suffer any Hogs or Pigs belonging to them to stray loose within the said District, or any Part thereof, such Person or Persons shall forfeit and pay the Sum of Five Shillings for each Offence.

CXVII. And

Water from Roofs, &c. of Houses to be conveyed by Pipes.

CXVII. And be it further enacted, That the Water from the Roofs and Cornices of and belonging to all Houses or other Buildings within the Limits of this Act, fronting the Public Streets, Lanes, Roads, Passages, Wynds, and Closes, 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 Expence of the Owners or Proprietors of such Houses or other Buildings respectively, but so as that the same shall not discharge the Water thereby conveyed upon the Foot Pavements.

Proprietors refusing, Commissioners may order Pipes.

CXVIII. And be it further enacted, That in all Cases where any such Owners or Proprietors shall fail or neglect to convey such Roof Water in Manner foresaid, within Fourteen Days after being required to do so by the Intendant of Police, it shall then be lawful to and in the Power of the said Commissioners to order the Works necessary for conveying the said Water in Manner foresaid to be done at the Expence of such Owners or Proprietors; and it shall be lawful for the said Magistrates, or Sheriff Substitute, or any One 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 Expence payable by each, and to decern therefor accordingly.

Lamps to be erected.

CXIX. And be it further enacted, That the said Commissioners shall and may provide and erect such Number of Lamps, Lamp Posts, Lamp Irons, and Gas Tubes as may be necessary for lighting in a suitable Manner the whole Roads, Streets, Lanes, Wynds, Closes, Passages, and other Places within the Bounds before described, or such of them as the said Commissioners shall from Time to Time think fit, and such Lamps may be lighted with Oil or Gas; and it shall and may be lawful to and in the Power of the said Commissioners to order the Lamp Irons, Lamp and Gas Tubes to be fixed, either upon the Curb Stones of the Foot Pavements, or at the Railings, or upon the Houses and other Buildings on the Sides of the Streets, with as little Injury as possible, and always upon indemnifying the Proprietors or Possessors for any Damage done to the said Houses or other Buildings by such Lamp Irons or Gas Tubes being affixed thereto: Provided always, that no Gas Pipe shall be affixed upon the Walls of any House, or continued there, without the Consent of the Owner or Occupier thereof in Writing first had and obtained.

Penalty for breaking Lamps.

CXX. And be it further enacted, That if any Person or Persons shall wilfully take away, break, or throw down any Lamp or Lamps, Tube or other Gas Fittings set up within the Bounds of this Act, or shall wilfully extinguish the Light or Lights within the same, or damage the Irons or Appurtenances thereof, it shall and may be lawful for any Person or Persons who shall see such Offence committed to seize the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of any Officer belonging to the aforesaid Establishment, in order to be secured and conveyed before the said Magistrates, or Sheriff Substitute,

stitute, or any One of them, within whose Jurisdiction any such Offence shall have been committed; and if the Party or Parties accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by their own Confession or by the Oath of One or more credible Witness or Witnesses, such Offender or Offenders shall forfeit and pay a Fine not exceeding Five Pounds Sterling for every Offence, and moreover shall pay the Damages done; and in case such Offender or Offenders shall not immediately upon Conviction pay such Fine, the said Magistrates, or Sheriff Substitute, or any One of them, are hereby empowered to commit him or them to the Common Jail of *Leith* or Bridewell of the County for a Space not exceeding Sixty Days; and such Offender or Offenders shall not be discharged before the Expiration of that Time unless such Fine shall be sooner paid.

Satisfaction for breaking Lamps accidentally.

CXXI. And be it further enacted, That in case any Person or Persons shall accidentally break, throw down, or damage any of the said Lamps, Irons, Tubes, or other Gas Fittings, or Appurtenances thereof, it shall and may be lawful for the said Magistrates, or Sheriff Substitute, or any One of them, to award such Sum or Sums of Money by way of Satisfaction for such Damages as he or they shall think reasonable, besides the Expence incurred in recovering the same; and in case of Neglect or Refusal of the said Person or Persons to pay such Sum or Sums of Money so awarded within One Day after it is demanded, to cause the same to be levied by Distress and Sale of his or their Goods, the Surplus, if any be, to be paid to such Person or Persons.

Houses and Streets to be numbered.

CXXII. And be it further enacted, That the Commissioners aforesaid shall and may order and direct the Houses, Buildings, Shops, Cellars, or Warehouses within the said Town and Places aforesaid to be numbered, with Figures to be placed or painted on the Doors, or on such other conspicuous Part thereof as the Commissioners shall think proper; and may likewise order to be painted or otherwise inscribed on a conspicuous Part of some House or Building at or near the End or Corner of each Street, Square, Lane, Passage, or Place, the Name of such Street, Square, Lane, Passage, or Place; and any Person or Persons who shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding One Pound.

Commissioners may erect Steel Yards.

CXXIII. And be it further enacted, That it shall and may be lawful to the said Commissioners, and they are hereby authorized and empowered, to erect and maintain Steel Yards or other Weighing Engines upon or adjacent to the different Roads leading to the said District, or at convenient Places within the same, for the Purpose of weighing Coals, Hay, Straw, or other Articles, with Power to the said Commissioners to enact such Rules, Regulations, and Bye Laws for regulating the weighing of Coals, Hay, Straw, and other Articles brought within the Limits of Police as they shall from Time to Time think necessary and expedient, and to enforce Obedience thereto, under such Penalty and Forfeiture as the said Commissioners shall fix, such Penalty or Forfeiture not exceeding in any Case Twenty Shillings.

CXXIV. And

Penalty for harbouring Vagabonds, &c.

CXXIV. And be it further enacted, That if any Person or Persons within the Limits over which this Act extends, shall lodge, entertain, or harbour any Idler, Rogue, or Vagabond in any House or Outhouse belonging to him or them, or in his or their Occupation, and shall not give Notice thereof to some Officer of Police or other Peace Officer, in order that such Person may be apprehended, every Person so offending, upon being convicted thereof before the said Magistrates, or Sheriff Substitute, or any One of them, shall forfeit and pay a Sum not exceeding Two Pounds for each Offence, to be recovered as herein directed, One Moiety whereof may be adjudged to the Informer, and the other applied to the Purposes of this Act.

Keepers of Tippling Houses to find Caution.

CXXV. And be it further enacted, That it shall and may be lawful to the said Magistrates, or Sheriff Substitute, to cause to be brought before them, and thereafter to require and order all Persons keeping Tippling Houses, or Houses resorted to by riotous or disorderly People, to find Security for his or their good Behaviour, for any such Length of Time and to such Extent, not being more than Fifty Pounds, as the said Magistrates, or Sheriff Substitute, or any One of them, shall judge proper; and in the Event of such Security not being found within Ten Days, it shall and may be lawful to the said Magistrates, or any of them, or to the said Sheriff Substitute, to deprive such Person or Persons of his or their Licence for selling Ale or Spirituous Liquors, and moreover to inflict a Fine not exceeding Ten Pounds.

Licences to be forfeited in certain Cases.

CXXVI. And be it further enacted, That it shall be in the Power of the said Magistrates, or any of them, or Sheriff Substitute, to declare the Excise Licence of any Person or Persons selling Ale, Beer, or Spirituous Liquors to be forfeited, upon Complaints being established against any such Person or Persons of permitting riotous or disorderly Conduct within their Premises, or to impose Penalties upon such Person or Persons not exceeding Ten Pounds, to be levied in the same Manner as other Penalties under this Act.

Dealers in Second-hand Articles to produce Articles and Books.

CXXVII. And be it further enacted, That all and every Person or Persons buying and selling Second-hand Goods or Metals, of whatsoever Kind or Description, shall at all seasonable Times show and produce on Demand to the said Intendant of Police, or to the Officers acting under his Orders, all and every Article or Articles of whatsoever Kind or Description in his or their Possession, or which he or they may have received in Pawn or purchased, and shall also produce his or 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 Person, they are hereby required, on being informed that such Goods or Articles were stolen or fraudulently obtained, to deposit the same with the said Intendant, in order that they may be produced in such Manner as may be necessary for the Ends of Public Justice, or restored to the proper Owner or Owners thereof; and all and every Person or Persons so dealing in Second-hand Articles, who shall refuse to produce and show the Goods or Articles in his or their Possession, or the Book or Books in which the same are described, on being required so to do by the said Intendant, or the Persons acting under his Orders, or who shall not instantly deliver up any such Goods stolen or fraudulently obtained as aforesaid,

said, he or they shall for every Offence forfeit a Sum not exceeding Ten Pounds, upon Conviction before the said Magistrates or any of them, or the said Sheriff Substitute aforesaid, such Forfeiture to be recovered and applied in Manner herein directed, without Prejudice to such Persons being also proceeded against as Receivers or Resetters of stolen Goods according to Law; and in case of any such Refusal to produce and show such Goods or Articles in their Possession, or to deliver up any such Goods or Articles alleged to be stolen, it shall be lawful for the said Magistrates, or Sheriff Substitute, or any One of them, to grant a Warrant to the Intendant of Police, or other Officer acting under him, to search for and produce to the said Intendant of Police such Goods or Articles so alleged to be stolen: Provided always, that a Book shall be kept by the said Intendant of Police, in which Entries shall be made of all Property seized or detained by any of the Officers of Police, or lodged with them for Purposes of Evidence or otherwise, as well as of the Time and Manner in which such Goods shall have been afterwards disposed of.

Dealers in Second-hand Articles to register their Names, &c.

CXXVIII. And be it further enacted, That all Brokers and Dealers in Second-hand Goods, other than licensed Pawnbrokers, resident within the Limits of this Act, shall be bound annually in the Month of *July*, if they shall have entered to their Premises at the Term of *Whitsunday*, or within One Month of their entering to any House or other Premises within the District comprehended under this Act, if they shall have entered to their Premises at any other Time than the Term of *Whitsunday*, to register their Names and Places of Residence at the Office of Police, where they shall obtain a Certificate, under the Hand of the Clerk of the said Magistrates, or Sheriff Substitute, of such Registration; and all such Brokers and others failing to register their Names and Places of Residence as aforesaid shall be liable in a Penalty not exceeding Five Pounds.

Magistrates to enforce this Act within their own Jurisdictions;

CXXIX. And be it further enacted, That the said Magistrates, and the said Sheriff Substitute, or any One of them, within their respective Jurisdictions, shall have Jurisdiction in all Offences, Matters, and Things, relating to the Police of the said District of the Town of *Leith*, arising under this Act.

but not beyond.

CXXX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to confer upon the Magistrates, or any of them, any Power or Authority beyond the Limits of their respective existing Jurisdictions.

Officers of Police may apprehend Persons accused or suspected of Crime.

CXXXI. And be it further enacted, That it shall be the Duty of the Intendant of Police, and of the Officers, Watchmen, and others acting under his Authority, to apprehend, secure, and bring before the Person officiating as Judge in the Police Court, all Persons charged with or suspected of having committed the Crimes, Delinquencies, and Offences aforesaid, whether the same be of such a Kind as can be competently tried in the said Court, or be of a Nature to require to be tried before a higher Criminal Tribunal, or, from having been committed beyond the Bounds over which this Act extends, fall to be tried in another Jurisdiction.

CXXXII. And

Police Judge to try, remit, or detain Offenders

CXXXII. And be it further enacted, That it shall be lawful for the Person officiating as Judge as aforesaid, and he is hereby authorized and empowered, to try and punish such Person or Persons under the Powers granted, and after the Form authorized, and within the Period prescribed by this Act, or to transmit such Person or Persons for Trial to a higher Criminal Tribunal; and it shall be lawful for him, where the Crimes, Delinquencies, or Offences shall have been committed beyond the Bounds over which this Act extends, to authorize such Person or Persons so accused or suspected to be detained in the Police Office or Tolbooth, until disposed of according to Law; and it shall be the Duty of the said Intendant 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.

What Crimes Court of Police not competent to take cognizance of.

CXXXIII. And be it further enacted, That if it shall appear, either in the preliminary Investigation of the Charges against any Person or Persons accused of having committed Crimes, Delinquencies, or Offences within the Bounds over which this Act extends, or during his Trial in the Police Court, that such Person or Persons have been guilty of or are charged with any of the Crimes denominated the Pleas of the Crown, *videlicet*, Murder, Robbery, Rape, and Wilful Fire-raising, or with the Crime of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds Sterling, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a Common Thief, or by having been Three Times previously convicted of Theft, or of Reset of Theft to an Amount exceeding Ten Pounds Sterling, or of Reset of Theft aggravated by having been Three Times previously convicted of that Crime, or of Falsehood, Fraud, and Wilful Imposition to an Amount exceeding Ten Pounds Sterling, 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 Bank or Banker's Notes, it shall not be competent for the said Intendant, or those acting under him, to insist in a Prosecution against such Person or Persons before the said Police Court; but the Person officiating as Judge in the said Police Court shall and he is hereby authorized and required to commit the Person or Persons accused to the Tolbooth of *Leith* for Examination, and the said Intendant of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the City or County of *Edinburgh*, in order that such Person or Persons may be proceeded against conformably to Law.

In Cases of Thefts, &c. the Complaint and Conviction shall state that the Va.

CXXXIV. And be it further enacted, That in all Cases of Theft, or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, which shall be tried in the said Police Court, the Complaint and the Conviction following thereon shall bear that the Sum of Money, or the Value of the Article or Articles stolen, resetted, or obtained by Falsehood, Fraud, and wilful Imposition, did not exceed Ten Pounds Sterling; and it shall not be

lue of Articles stolen did not exceed 10*l.*

be competent thereafter to the Person or Persons accused, except where an Offer shall be made at the Time, to prove that the Article or Articles stolen, resetted, or obtained as aforesaid, exceeded in Value the Sum of Ten Pounds Sterling.

Offenders may be punished summarily by Fine or Imprisonment for Contempt of Court.

CXXXV. And be it further enacted, That in Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Court, it shall be competent for the Person officiating as Judge, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, as provided for by the Form of prosecuting other Offences, to punish the Offender by a written Sentence, specifying the Offence, and awarding a Fine not exceeding Five Pounds Sterling, or Imprisonment in the Tolbooth or Bridewell for any Period not exceeding Thirty Days, or to direct the said Offender to be prosecuted after the ordinary Form by the public Prosecutor, in which Case the same Forms shall be observed, and the same Punishment may be inflicted, as on other Offences before the said Court: Provided always, that when the Judge proceeds to punish summarily, he shall cause a Record to be kept, containing a Statement of the Facts which may have led to such Punishment.

Intendant may insist for the Public Interest.

CXXXVI. And be it further enacted, That it shall be lawful to the said Intendant of Police, and he is hereby authorized and required, to insist for the Public Interest for the Removal of all Nuisances within the Limits of Police, and for Remedy of any Act or Neglect whereby the Safety of the Lieges may be endangered, by a Complaint in his Name before the said Judge officiating as aforesaid, or in any other Matter or Thing in Contravention of the Provisions of this Act, or that may be necessary for putting the same into due Execution, before the said Judge officiating as aforesaid, or before any other competent Court.

Town Clerk of Leith to be Clerk to the Court of Police.

CXXXVII. Provided always, and be it enacted, That the Town Clerk of *Leith*, appointed by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, shall be Clerk to the Courts 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 said Commissioners; provided that nothing contained in this Clause shall be construed to apply to the Clerkship of the Court of the Sheriff Substitute.

Provision for the Event of Town Clerk neglecting or refusing to discharge the Duties of Police Clerk.

CXXXVIII. Provided always, and be it enacted, 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 said Sheriff Substitute, or by the said Magistrates, to the Lord Provost, Magistrates, and Council of the City of *Edinburgh;* and the said Lord Provost and Magistrates shall, after due Inquiry, make due Provision for the Discharge of the said Duties, by appointing a proper Person to perform the same; or if the said Lord Provost and Magistrates shall neglect or refuse to take the necessary Steps for the said Purpose within Twenty-one Days after such Representation, it shall and may be lawful for the Commissioners to appoint a proper Person to discharge the said Duties.

CXXXIX. And

Fines, &c. to be sued for by Intendant

CXXXIX. And be it further enacted, That all the Fines, Penalties, and Forfeitures incurred under this Act shall be sued for, and the Offences aforesaid shall be prosecuted, at the Instance of the said Intendant; and in Courts to be held under the Authority of this Act, the said Intendant shall attend as Prosecutor, to bring and insist in all Actions, unless where otherwise provided for by this Act, and Judgment shall pass at his Instance for Performance of all and each of the Obligations, and for levying and recovering all and each of the Fines, Penalties, and Forfeitures, or enforcing and executing the Punishments by this Act authorized; and the said Intendant shall have all the Powers and Privileges belonging to the Office of a Procurator Fiscal by the Law of *Scotland*, and shall be entitled to sue in that Character for laying and recovering all and each of the Penalties, Fines, and Forfeitures, and for enforcing the Punishments by this Act authorized.

Proceedings to be summary.

CXL. And be it further enacted, That in all Cases regarding Police Regulations under this Act, the Proceedings before the said Judge officiating as aforesaid (except in regard to such Crimes, Delinquencies, and Offences as are hereby declared to be incompetent to be tried in the said Police Court) shall be summary, and without written Pleadings or written Proof, so as that the Business under this Act may be dispatched in the easiest, least expensive, and most expeditious Manner; and the Confession of the Party, or the Evidence of One or more Witness or Witnesses, shall be sufficient to found a Conviction: Provided always, that a Record shall be preserved of the Charge and of the Sentence pronounced, and no Fees shall be exigible from the said Commissioners in any Action pursued at the Instance of the Intendant of Police, but the said Commissioners shall make a suitable Allowance on that Account to the Clerk of Court, without Prejudice to his receiving his Fees, where Fines and Expences are decerned for, and recovered from the Offenders.

No Sist or Suspension of Sentence to be granted by any Judge.

CXLI. And be it further 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 said Judge officiating as aforesaid under this Act, in such Cases regarding Police Regulations, in so far as concerns Fines, Penalties, and Expences, or so as to prevent immediate Payment or Consignment in the Hands of the Clerk of Court of the Sums awarded; and the Persons against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody, shall immediately be taken into Custody and so kept, until the Money be paid or consigned, and if not immediately paid or consigned, he or they shall be committed to the Tolbooth of *Leith*, till Payment of the Fines and Expences awarded, or for such a Period as, in the Circumstances of the Case, shall appear to the Judge officiating as aforesaid to be commensurate with the Amount of the Fines or Penalties so inflicted: Provided always, that such Imprisonment shall in no Case exceed the Term of Sixty Days; and if the Sentence so pronounced does not specify any Period of Imprisonment, it shall be lawful for the Person or Persons, when so committed to Prison, to apply for such Specification, and the Judge officiating as aforesaid, upon being so applied to, is hereby required to pronounce Sentence accordingly; and it is hereby declared, that such Person or Persons, on the Expiration of the Term of Imprisonment so specified, shall be free from the Payment of any such pecuniary Penalty or Forfeiture, as well as all Charges

attending

attending the same: Provided always, that if such Person or Persons shall at any Time after being so committed, and before the Expiration of the Term so specified, make Payment of such pecuniary Penalty or Forfeiture, with the Charges attending the same, he or they shall thereafter be instantly liberated from such Confinement; and in all Cases a Copy of the Sentence, certified by the Clerk, shall be deemed a sufficient Warrant for Commitment.

To detain or remand Prisoners.

CXLII. And be it further enacted, That when the Judge officiating as aforesaid shall find it necessary to remand any Prisoner or Prisoners for affording Time to find Caution in Manner before expressed, or for further Examination, it shall be lawful to detain such Prisoner or Prisoners in the Police Office 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.

Persons may be confined in Police Office.

CXLIII. And be it further enacted, That in all Cases of Petty Offences, which shall appear to the Judge officiating in the Police Court not to require Punishment by Commitment to the Tolbooth or Bridewell, it shall be in the Power of the said Judge to sentence the Party or Parties having committed any such Petty Offence to be confined in the Police Office for any Period not exceeding Three Days, either as the sole Punishment to be inflicted, or along with Caution to keep the Peace, or for good Behaviour, or in addition to any Fine that may otherwise be competently awarded under this Act: Provided always, that in the Event of such Caution not being found, or such Fine not being paid within the Period to be fixed, it shall not be lawful to detain such Prisoner in the Police Office for longer than that Period, but it shall be lawful for the said Judge to order the said Party or Parties to be confined in the Tolbooth or Bridewell for any further Period not exceeding Ten Days.

Intendant may liberate upon Bail.

CXLIV. And be it further enacted, That upon the Apprehension of any Person or Persons by the Officers of Police under Circumstances entitling him or them to be liberated upon Bail, it shall be lawful to the Intendant of Police and he is hereby empowered to accept of such Bail, and to liberate the Person or Persons so apprehended under such Circumstances, upon Bail being so found, to an Extent not exceeding Ten Pounds; it being expressly declared, that the Refusal on the Part of the said Intendant to accept of Bail, and his in consequence detaining the Prisoner, until Recourse can be had to a Magistrate in the usual Form, shall not subject the said Intendant to any Claim of Damages whatever.

Forfeiture of Caution upon new Offence being committed.

CXLV. And be it further enacted, That where any Offender or Offenders shall have found Caution for good Behaviour, or for keeping the Peace as aforesaid, and shall commit a new Offence or new Offences inferring Forfeiture of the said Caution, it shall be competent to order the Cautioner or Cautioners to be cited to make Payment of the Sum or Sums contained in the Bonds of Caution within the Space of Twenty-four Hours, and in Default of instant Payment after the Lapse of the said Space, to declare the Sum or Sums in such Bond or Bonds of Caution to be forfeited, which shall thereupon be recoverable at the Instance of the Intendant of Police, by a Precept to be issued by the said Judge officiating as aforesaid, upon an Induciæ of Ten Days, upon which Diligence against the Effects and

Persons of the said Cautioners may proceed in the same Manner as in the Case of Precepts for ordinary Debts issuing from the Bailie Court of *Leith*.

Penalties and Forfeitures to be applied to alimenting Prisoners, &c.

CXLVI. And be it enacted, That the Whole of the pecuniary Penalties and Forfeitures recovered under this Act shall be applied in Payment of the Expences incurred in alimenting Prisoners detained in Custody in the Watch Houses, or committed to the Tolbooth, and in clothing and in alimenting the Prisoners committed to Bridewell in virtue of this Act: Provided always, that if such Penalties and Forfeitures, after deducting the necessary Charges of recovering the same, shall not be sufficient for these Purposes, whatever further Sum may be requisite shall be made good from the general Fund hereinbefore authorized to be levied for the Purposes of this Act; and if such Penalties and Forfeitures shall be more than sufficient for these Purposes, the Surplus shall form Part of the general Fund at the Disposal of the said Commissioners for the Purposes of this Act.

Commissioners may appoint Billet Masters.

CXLVII. And be it further enacted, That from and after Six Weeks after the passing of this Act it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to appoint a Billet Master or Billet Masters for the Purposes of regulating the quartering of Soldiers in the several Wards and Bounds of Police in such Manner as the Law directs, and such Billet Master or Billet Masters shall be removed at the Pleasure of the said Commissioners, and be subject always to such Regulations as they shall, with the Approbation of the said Magistrates of the said Town of *Leith*, and the Sheriff Substitute within the Bounds of their respective Jurisdictions, think proper to establish for the due Performance of the Duties of his or their Offices, and to fix such Salaries for such Billet Master or Billet Masters as they shall think fit.

Bye Laws to be painted and hung up.

CXLVIII. Provided always, and be it further enacted, That all the Rules, Orders, Regulations, or Bye Laws to be made in virtue of this Act, shall be distinctly and legibly painted upon Boards, and hung up in some conspicuous Places in the Police Office, and in the said Town of *Leith*, and shall, when defaced, worn out, or obliterated, be from Time to Time repainted and renewed.

No Fires to be permitted on board of Merchant Ships in Leith Docks.

CXLIX. And be it further enacted, That no Fires shall, on any Pretence whatever, be permitted on board of any Ship or Vessel of whatever Description, excepting all Ships or Vessels in His Majesty's Service, while lying in the Old Harbour of *Leith*, or in the Docks of *Leith*, without Permission from the Commissioners first had and obtained; and the Master or other Person having the Command or Charge of such Ship or Vessel acting or doing in the contrary, shall forfeit a Sum not exceeding Five Pounds Sterling for every Offence, besides paying all Damages that may be sustained or incurred thereby.

Commissioners may sue in Name of their Clerk.

CL. And be it further enacted, That the said Commissioners may sue or be sued for any thing done or ordered by them in virtue of this Act in the Name of their Clerk for the Time being.

Competency of Actions.

CLI. And be it further enacted, That no Action shall lie or be competent against the said Judge officiating as aforesaid, Commissioners, or any other Person or Persons, for any thing 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 Three Calendar Months from the Time the alleged Fact is committed.

Exception as to Steel's Hospital.

CLII. Provided always, and be it further enacted, That the Lands belonging to the Trustees of *George Steel*'s Hospital, Part of the Lands of *Hermitage*, shall not be deemed or taken to be included within the Limits of the said District of the Town of *Leith*.

Expence of Act how to be defrayed.

CLIII. And be it further enacted, That the Charges and Expences of applying for, obtaining, and passing this Act shall and may be defrayed out of the Monies arising from the Assessment and Funds hereby authorized to be levied, raised, or borrowed.

Judges, &c. to assist in executing this Act.

CLIV. And be it further enacted, That all Judges, Sheriffs, Justices of the Peace, Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executioners of the Law whatsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and effectual Execution: Saving and reserving the Jurisdiction of the Sheriff Depute of the Shire of *Edinburgh* and his Substitutes, and the Justices of the Peace thereof, and to the City of *Edinburgh* and Magistrates and Community thereof, and to their Clerks of *South* and *North Leith*, to the Burgh of *Canongate*, and all other Parties, all Rights and Jurisdictions and Privileges presently possessed and legally enjoyed by them within the Towns of *South* and *North Leith*, and the other Places mentioned in this Act respectively.

Saving Jurisdiction of Sheriffs, &c.

Public Act.

CLV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being especially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.

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