ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxii.

An Act for altering and amending an Act of the Fifty-firſt Year of His preſent Majeſty, for paving, lighting, and cleanſing the City of *Perth*, and for maintaining Police and good Order within the ſaid City. [14th *June* 1819.]

WHEREAS an Act was paſſed in the Fifty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for paving, lighting, and cleanſing the City of* Perth, *and for maintaining Police and good Order within the ſaid City:* And whereas the Powers granted and Regulations at preſent eſtabliſhed for the Regulation of the Police of the ſaid City of *Perth*, have been found, upon Trial, to be in ſome reſpects defective, and it is expedient to grant further Powers and to eſtabliſh other Regulations in regard to the ſame: 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 the paſſing of this Act, in caſe of any Vacancy or Vacancies occurring within the Year in the Number of the Commiſſioners by the ſaid recited Act directed to be annually choſen from the Guildry Incorporation of the City of *Perth*, and from the Seven incorporated Trades of the ſaid City, who are repreſented in the Town Council thereof, by the Reſignation of any Perſon or Perſons

51 G. 3. c. 34.

Election of Commiſſioners in caſe of Vacancies.

so chosen, or by their Refusal to act, or by their becoming in any Way incapable to act, such Vacancy or Vacancies shall be supplied by electing a Commissioner or Commissioners in the Room of such Person or Persons who shall so resign or shall refuse or become incapable to act within the Year for which such Person or Persons shall have been chosen a Commissioner or Commissioners from the said Guildry Incorporation and Seven incorporated Trades respectively, as such Vacancy or Vacancies may happen; and for any such Election to be made by the said Guildry Incorporation, the Dean of Guild of the said City, or by the said Seven incorporated Trades, the Deacon of the Trade in which the Vacancy shall happen shall appoint a convenient Day, of which Four Free Days previous Notice shall be given to the respective Electors; and such Elections shall, in other Respects, be conducted and made in such Manner as is directed in the said recited Act with regard to the first and Annual Elections of Commissioners.

Qualification of Commissioners.

II. And be it enacted, That no Person shall be capable of being elected, or of acting as a Commissioner under the said recited Act and this Act, who shall not at the Time of his Election either be resident within or carry on Business within the said City of *Perth* or its Suburbs, and who shall not be assessed under the said recited Act and this Act for the Purposes thereof, upon a Yearly Rent of Seven Pounds Sterling at the least; provided always, that the Provost and Baillies of the said City of *Perth*, and the Sheriff Depute of the County of *Perth*, and his Substitutes, may act as Commissioners, although not qualified as aforesaid; and no Person shall be capable of being elected, or of acting as a Commissioner, who shall at the Time of Election hold any Lease or Contract, or Office of Emolument under the said Commissioners; and no Commissioner entering into any such Lease or Contract, or accepting such Office of Emolument, shall, during the Subsistence of any such Lease or Contract, or during the Time of his holding any such Office of Emolument, be capable of acting as a Commissioner under the said recited Act or this Act; but in the Event of any Company being hereafter established for lighting the said City with the Lights known by the Name of Gas Lights, and a Contract being entered into between the said Commissioners and such Company, no Person shall by reason of being a Member of such Company be disqualified from being elected, or of acting as a Commissioner under the said recited Act or this Act.

Special Meetings of Commissioners to be held.

III. And be it enacted, That besides the said General Meetings, and adjourned Meetings of Commissioners, to be held as directed in the said recited Act, it shall and may be lawful for the said Commissioners to hold Special Meetings when Occasion shall require, and the Provost of the said City, or in his Absence the Senior Baillie then within the said City, and in the Absence of the Provost and Baillies, the Clerk to the Commissioners, shall at all Times within Forty-eight Hours after Requisition made to them respectively by a Writing under the Hands of any Three or more of the said Commissioners, summon and call a Special Meeting of the said Commissioners to be held within Four Days after the Receipt of the Requisition.

IV. And

Notices to be given of Meeting of Commissioners.

IV. And be it enacted, That from and after the passing of this Act, written or printed Notices delivered to the said Commissioners personally, or left for them at their usual Places of Abode or of Business, shall in all Cases of Meetings of Commissioners to be held under the said recited Act or this Act, be and be held to be sufficient Intimations of all such Meetings; and that it shall not in future be necessary to give Notice in any Newspaper of any Meeting of the said Commissioners in the Manner directed by the said recited Act; any Thing in the said recited Act to the contrary notwithstanding.

No Assessment to be made unless Two-Thirds of Commissioners concur.

V. And be it enacted, That from and after the passing of this Act it shall not be lawful to or for the said Commissioners to impose any Assessment or Assessments under the Authority of the said recited Act and this Act, unless Two Thirds of the Commissioners present at any Meeting specially called for the Purpose of considering the Propriety of imposing such Assessment, and for imposing the same, (which Purposes shall be specially stated in the Notices calling such Meeting,) shall concur in the Propriety of making the Assessment, and in case at any such Meeting Two Thirds of the Commissioners present shall not concur in imposing such Assessment, the Commissioners present shall adjourn to some future Time and to some Place to be then fixed, such Second Meeting to be held not sooner than Eight Days nor later than Fourteen Days after the Day of the First Meeting; of which Second Meeting similar Special Notices stating the Purposes thereof shall be given; and at such Second Meeting the Propriety and Expediency of imposing such Assessment shall be again taken into Consideration, and the Majority of Commissioners then present shall be and they are hereby empowered finally to decide therein.

Public and other Buildings exempted.

VI. Provided always, and be it enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to impose any Assessment or Assessments upon or in respect of the Churches in the said City, or any Buildings or Places occupied for the Purposes of Public Charity, nor for or in respect of the Public Buildings recently erected, or now erecting in the said City of *Perth*, under the Authority of an Act passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act for erecting a County Hall and other Offices for the County of* Perth; and of another Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act of the Forty-seventh Year of the Reign of His present Majesty, for erecting a County Hall and other Offices for the County of* Perth.

Assessments when to be payable.

VII. And whereas by the said recited Act the Rate or Assessment thereby authorized to be levied was thereby declared and appointed to be payable and be paid on the Eleventh Day of *November* and Fifteenth Day of *May* in the Year after the same should be assessed, be it enacted, That from and after the passing of this Act, the said Rate or Assessment shall be payable and be paid on the First Day of *September* in every Year, and that for the Year from the Term of *Whitsunday* preceding to the Term of *Whitsunday* following, each First Day of *September* in every Year; and in case any House, Shop, Warehouse, Manufactory, Cellar, or Building, which

which shall have been found uninhabited, or in which no Furniture or other Goods shall have been found deposited at the Time of the First Annual Enquiry or Survey for ascertaining the Rents thereof, as authorized by the said recited Act, shall at the Time of the Second Annual Enquiry or Survey for that Purpose authorized by the said recited Act, be found inhabited or be found to have Furniture or other Goods deposited therein, the One Half of the Yearly Rate to be assessed on the Rent of such House, Shop, Warehouse, Manufactory, Cellar, or Building, in Manner by the said recited Act directed, shall be payable and be paid on the Second Day of *February* in the Half Year for which such Assessment shall be made.

Travelling Merchants, Auctioneers, &c. to pay Assessment.

VIII. And be it enacted, That from and after the passing of this Act, all travelling Merchants, Auctioneers, Hawkers, Pedlars, and others who shall take up a temporary Residence within the Limits over which the said recited Act extends, for the Purpose of disposing of Merchandize, Goods, and other Effects, and who in Prosecution of such Business shall occupy Shops, Warehouses, or other Places, for disposing of the said Merchandize, Goods, and other Effects, within the Limits aforesaid, shall pay the Assessments by the said recited Act granted, corresponding to the Premises occupied by them in Manner following; that is to say, if they shall occupy a Shop, Warehouse, or other Place for any Period less than Six Months, then such Shop, Warehouse, or other Place shall be liable to and chargeable with One Half of the Annual Assessment corresponding to such Possession; and if they shall occupy the same for Six Months or any longer Period, then such Shop, Warehouse, or other Place shall be liable to and chargeable with the whole Annual Assessment corresponding to such Possession, whether occupied for a whole Year or not; any Thing in the said recited Act contained to the contrary notwithstanding.

Proprietors, Lessees, and others, to be liable for the Assessments of Premises let for less Time than a Year.

IX. And be it enacted, That all Proprietors, Lessees, and others who shall let for Rent or Hire Premises within the Limits over which the said recited Act extends, to travelling Merchants, Auctioneers, Hawkers, Pedlars, or others, for a Space less than One Year shall themselves, as well as the Occupiers aforesaid, be responsible for the Assessments applicable to the said temporary Occupations, agreeably to the Provisions of the said recited Act and of this Act; and such Assessments may be recovered from the said Proprietors, Lessees, and others, or from the said Occupiers, as the Commissioners by the said recited Act and this Act appointed shall judge expedient.

Commissioners may contract for paving, lighting, and cleansing.

X. And be it enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to enter into Contracts, one or more, for paving, lighting, and cleansing the said City and Suburbs, or such Part thereof as they may judge expedient; and if they shall see cause to insert in such Contracts an Obligation on the Contractors for cleansing the said City and Suburbs to cleanse the Foot Pavements in the same, any Thing in the said recited Act by which the Burden of cleansing such Foot Pavements is laid upon the Occupiers of Premises adjoining to and fronting the same notwithstanding.

XI. And

Commiſſioners may appoint Superintendant, Watchmen, &c.

XI. And be it further enacted, That the Commiſſioners acting for the Time being under the Authority of the ſaid recited Act and this Act, ſhall and may and they are hereby authorized and empowered to appoint ſuch Number of proper Perſons to be Watchmen, or other inferior Officers of Police, as they ſhall judge neceſſary, for guarding, patrolling, and watching within the Limits over which the ſaid recited Act extends, and alſo to appoint a proper Perſon to be Superintendant of the Watchmen and other inferior Officers of Police, and to remove all or any of the Perſons ſo appointed at Pleaſure, and to appoint other or others in their or his Room and Place; and to pay to ſuch Superintendant and to all and every ſuch Watchmen, or other inferior Officers of Police, ſuch Wages or Salaries out of the Funds under the Charge of the ſaid Commiſſioners, as to them ſhall ſeem fit and expedient; and ſuch Superintendant ſhall be by the Magiſtrates of the ſaid City appointed and ſworn in to be a Conſtable for the ſaid City and Suburbs.

Penalty for enticing Officers of Police from their Duty.

XII. And be it enacted, That if any Perſon or Perſons ſhall entertain or permit or ſuffer to be entertained in his, her, or their Houſe or Houſes, any ſuch Watchman or other Servant of the Police during his Hours of Duty, every Perſon, upon being convicted thereof in Manner by the ſaid recited Act directed in regard to Convictions for Penalties, ſhall forfeit a Sum not exceeding Forty Shillings for each Offence, to be recovered as hereinafter directed, of which One Half ſhall be adjudged to the Informer, and the other Half ſhall be applied to the Purpoſes of this Act.

Magiſtrates and Sheriff may puniſh or diſmiſs Watchmen.

XIII. And be it enacted, That nothing in the ſaid recited Act nor in this Act contained ſhall prevent or be conſtrued to prevent the Magiſtrates of *Perth*, or the Sheriff-Depute of the ſaid County of *Perth*, or any of his Subſtitutes, from puniſhing or diſmiſſing any of the Officers appointed in Manner above mentioned, at any Time when the ſaid Magiſtrates or Sheriffs-Depute or Subſtitute reſpectively ſhall find it neceſſary or proper ſo to do.

Proviſion may be made for Watchmen diſabled.

XIV. And be it enacted, That it ſhall and may be lawful to the ſaid Commiſſioners to make ſuitable Proviſion out of the Funds under their Charge for any Watchman or other Officer of Police who may at any Time be diſabled or wounded in the Execution of his Office, or for the Family of any Watchman or other Officer who may loſe his Life in the Execution of his Office.

Gas or other Lights may be uſed.

XV. And be it enacted, That it ſhall be lawful to the ſaid Commſſioners, if they ſhall ſee fit, to enter into Contracts, one or more, for lighting the Whole or any Part of the Places, Ways, Streets, Squares, Lanes, and Paſſages over which their Powers extend, with the Lights known by the Name of Gas Lights, or ſuch other Lights of an improved Kind as they may find expedient; provided always, and not otherwiſe, that in the Contracts ſo to be entered into the Expence of lighting with Gas, or ſuch other improved Lights, ſhall not exceed the Expence of lighting with Oil, on an Average of Five Years preceding.

Produce of Dung, how applied.

XVI. And be it enacted, That the whole Soil, Dirt, Aſhes, and Filth, and the Refuſe of Shambles or Slaughter-houſes (ſaving and excepting always Dung

Dung from Stables or Cow-houſes, and the Soil and Refuſe of Tan Yards,) within the Limits over which the ſaid recited Act extends, ſhall be veſted in the ſaid Commiſſioners; and it ſhall and may be lawful to them to ſell or diſpoſe of as Public Property, the ſaid Soil, Dirt, Aſhes, and Filth, for Manure, to ſuch Perſon or Perſons as may be willing to purchaſe the ſame, or to leaſe out the Removal and Diſpoſal thereof to ſuch Perſon or Perſons as may be willing to enter into ſuch Leaſe, for ſuch Rent or Rents as may be agreed on, and that in ſuch Manner as the ſaid Commiſſioners ſhall think fit; provided always, that ſuch ſelling or leaſing as aforeſaid ſhall always be by Public Roup or Auction, and not otherwiſe; and the Money thence ariſing ſhall make Part of the Funds veſted in the ſaid Commiſſioners for the Purpoſes of the ſaid recited Act and this Act; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Dung of Stables, &c. not to be mixed with other Soil, &c.

XVII. And be it enacted, That it ſhall not be lawful for any Perſon or Perſons to lay any Soil, Dirt, Aſhes, or Filth, or Refuſe of Shambles or Slaughter-houſes, as aforeſaid, ſo veſted in the ſaid Commiſſioners, in the ſame Place or Places with the Dung from Stables and Cow-houſes, and Soil and Refuſe of Tan Yards, ſo that the ſame may become mixed; and in caſe ſuch Soil, Dirt, Aſhes, or Filth, or Refuſe of Shambles or Slaughter-houſes, ſhall at any Time be mixed with the Dung from Stables and Cow-houſes, or the Soil and Refuſe of Tan Yards, ſuch Dung from Stables and Cow-houſes, and Soil and Refuſe of Tan Yards, ſo mixed, ſhall be forfeited to and veſted in the ſaid Commiſſioners, and ſhall be diſpoſed of by them in the ſame Manner as is by this Act directed, as to all ſuch Soil, Dirt, Aſhes, and Filth as aforeſaid; with Power to any One or more of the Magiſtrates of *Perth*, upon Application made for that Purpoſe, to mitigate ſuch Penalty or Forfeiture as aforeſaid, if he or they ſhall ſee Cauſe; but not in any Caſe to award leſs than the full Value of the Soil, Dirt, Aſhes, or Filth, or Refuſe of Shambles or Slaughter-houſes, ſo wrongfully mixed as aforeſaid; and for the Purpoſe of the Removal of all ſuch Soil, Dirt, Aſhes, or Filth as aforeſaid, it ſhall be lawful for all Perſons appointed by the ſaid Commiſſioners, or by their Contractors or Leſſees, to enter into and cleanſe all Private Cloſes within the ſaid City and Suburbs, and to remove the Soil, Dirt, Aſhes, or Filth found therein, to be applied by the ſaid Commiſſioners in Manner as hereinbefore directed; and if any Perſon or Perſons ſhall hinder or obſtruct the ſaid Commiſſioners, or their Contractors or Leſſees, or the Perſons to be appointed by them reſpectively, from removing, or ſhall withhold, remove, ſell, or diſpoſe of any ſuch Matters as aforeſaid, which are hereby veſted in the ſaid Commiſſioners, ſuch Perſon or Perſons ſhall for every ſuch Offence, and being thereof convicted before any One or more of the Magiſtrates of *Perth*, forfeit and pay any Sum not exceeding Twenty Shillings Sterling, beſides paying the full Value of the Matters or Things ſo as aforeſaid wrongfully withheld, removed, ſold, or diſpoſed of.

Manure belonging to private Perſons, when to be removed

XVIII. And be it enacted, That from and after the paſſing of this Act, all and every Perſon or Perſons who ſhall lay or cauſe to be laid on any of the Streets or Public Ways of the ſaid City or Suburbs any Dung from Stables or Cow-houſes, or Soil or Refuſe from Tan Yards, for the Purpoſe

Purpoſe of carrying the ſame away for Manure, ſhall remove and take away the ſame, or cauſe the ſame to be removed and taken away, before Twelve of the Clock of the Day on which it ſhall be ſo laid on the Streets or Public Ways aforeſaid, from the Firſt Day of *November* to the Firſt Day of *April;* and before Ten of the Clock of the Day from the Firſt Day of *April* to the Firſt Day of *November*, any Thing in the ſaid recited Act to the contrary notwithſtanding; and if any ſuch Dung, Soil, or Refuſe ſhall be allowed to remain upon any Part of the ſaid Streets or Public Ways after the reſpective Times aforeſaid, it ſhall and may be lawful for any One or more Magiſtrates of the ſaid City to ordain the Perſon or Perſons ſo offending to pay any Sum not exceeding Five Shillings Sterling for each Offence, to be levied and applied in Manner as directed with regard to the Recovery and Application of Penalties and Forfeitures in the ſaid recited Act; and the Dung, Soil, or Refuſe, ſo left after the reſpective Times limited as aforeſaid, ſhall alſo be forfeited to the ſaid Commiſſioners and ſold, and the Prices thereof applied by them to the ſame Purpoſe as other Forfeitures by the ſaid recited Act and this Act are directed to be applied. from the Streets.

XIX. And be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, out of the Funds under their Management, to erect and maintain in ſuch Places within the ſaid City and Suburbs belonging to the Community of the ſaid City, or belonging to private Parties, with the Conſent of ſuch Parties, and after Recompence made to them, ſuch Number of Privies or Neceſſary Houſes, and in ſuch Situations as they may deem proper as conducing to the Purpoſe of general Cleanlineſs within the ſaid City and Suburbs, ſo as the ſame be not to the Annoyance of any individual Proprietors or their Property; and no ſuch Privies ſhall be erected without the Approbation of the Magiſtrates of *Perth;* and the ſame, when erected, ſhall be under ſuch Regulations as the ſaid Magiſtrates may from Time to Time appoint. Privies to be maintained.

XX. And be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to make ſuch general Regulations as to them may ſeem proper for fixing and determining the Form and Conſtruction, Materials and Breadth of the whole Foot Pavements, and of Curb Stones thereto, within the ſaid City and Suburbs, ſuch Foot Pavements, including the Curb Stones, not exceeding in any Caſe the Breadth of Eight Feet, unleſs with the Conſent of the whole Perſons at whoſe Expence ſuch broader Foot Pavements ſhall be made; and all Foot Pavements, including the Curb Stones, within the ſaid City and Suburbs, ſhall continue to be made and repaired and kept in Repair by the Perſons and in the Manner by the ſaid recited Act directed, in regard to the Repair of the Foot Pavements therein mentioned. Commiſſioners to make general Regulations as to Foot Pavements.

XXI. Provided always, and be it enacted, That in all Caſes where Houſes or Buildings ſhall belong to more Proprietors than One, the Expence of making, repairing, and keeping in Repair the Foot Pavements in Front of ſuch Houſes or Buildings, which by the ſaid recited Act was directed to be defrayed by ſuch Proprietors in proportion to the Rents of the reſpective Parts of the Houſe or Building belonging to each of them as the ſame ſhall ſtand at the Time rated on the Rent-Roll in the ſaid recited Expence thereof, when Houſes, &c. belong to more than One Perſon.

recited Act mentioned, ſhall, from and after the paſſing of this Act, be defrayed by ſuch Proprietors in proportion to the real Rent of their reſpective Parts of each ſuch Houſe or Building, and not as heretofore according to the Rents at which they are rated on the ſaid Rent-Roll, without Prejudice to any private Agreements made or to be made amongſt the Proprietors themſelves as to the making, repairing, and keeping in Repair ſuch Foot Pavements as aforeſaid.

Commiſſioners to make and alter Sewers, &c.

And to alter the Level of Streets, &c. when neceſſary.

XXII. And be it enacted, That the ſaid Commiſſioners ſhall be and they are hereby authorized and empowered to make ſuch Common Sewers, and Drains, and Paſſages, and Courſes for Water, as may be neceſſary within the ſaid City and Suburbs, and from Time to Time to alter the Direction, Size, and Form of all Sewers, Drains, and Water Courſes within the ſame as to them may ſeem expedient, and alſo to raiſe or lower the Level of the ſeveral Streets, Squares, Lanes, and other Public Paſſages within the ſaid City and Suburbs, and the Pavements thereof, from Time to Time as to them may ſeem expedient.

Streets, &c. to be paved.

XXIII. And be it enacted, That in Caſes where Streets, Lanes, or other Public Ways within the ſaid City or the Suburbs thereof are not already paved, and where new Streets, Lanes, or other Public Ways ſhall hereafter be formed therein, and where Buildings are or are intended to be erected on each Side of ſuch new Streets, Lanes, or other Public Ways, the Proprietors of the Grounds on each Side of every ſuch Street, Lane, or other Public Way on which Houſes or other Buildings are or are intended to be erected, ſhall be bound and obliged within ſuch reaſonable Time as ſhall be appointed by the ſaid Commiſſioners, after being by them thereunto required, to pave in ſuch ſufficient Manner as ſhall be fixed and directed by the ſaid Commiſſioners, One Half of the Space of every ſuch Street, Lane, or other Public Way between the Front of their reſpective Properties ſo built, or intended to be built upon, and the Centre of ſuch Street, Lane, or other Public Way, the ſaid Commiſſioners being obliged within the ſame Time, and in the ſame Way and Manner, to pave the other Half thereof; and in caſe it ſhall be intended that Buildings ſhall only be erected on one Side of any ſuch Street, Lane, or other Public Way, the Proprietors on that Side thereof on which Buildings ſhall be erected ſhall be bound and obliged as aforeſaid to pave every ſuch Street, Lane, or other Public Way in Front of their reſpective Properties, as far as the Centre of ſuch Street, Lane, or other Public Way; and the ſaid Commiſſioners ſhall be and they are hereby authorized and required within the ſame Time as they ſhall fix and direct for paving the Side of the Street, Lane, or other Public Way, on which Houſes or other Buildings are erected, or intended to be erected, out of the Funds by the ſaid recited Act and this Act granted, to pave in a ſimilar Manner that Side of the Street, Lane, or other Public Way to the Centre thereof, on which no Buildings are intended to be erected; and when ſuch Streets, Lanes, or other Public Ways ſhall have been once ſo paved, either by the Proprietors of the Ground on the Sides thereof, or by the ſaid Commiſſioners, ſuch Pavements ſhall in all Time thereafter be repaired and kept in Repair, and ſhall be lighted and cleanſed by the ſaid Commiſſioners.

XXIV. Pro-

Commiſſioners may contribute to Expence of Pavements in certain Caſes.

XXIV. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners in the Caſe of Streets, Lanes, and other Public Ways, within the ſaid City and Suburbs not hitherto paved, and where the Proprietors of Houſes and other Buildings within ſuch Streets, Lanes, or other Public Ways have heretofore been aſſeſſed under the ſaid recited Act, for and in reſpect of ſuch Houſes or other Buildings, to give to ſuch Proprietors ſuch Aſſiſtance out of the Funds under the Management of the ſaid Commiſſioners as to them ſhall ſeem proper and equitable, towards the Expence of paving ſuch Streets, Lanes, or other Public Ways.

Temporary Obſtructions to be fenced.

XXV. And be it enacted, That it ſhall not be lawful for any Perſon to make or cauſe to be made any Hole or Opening in any of the Streets, Squares, Paſſages, Lanes, or Public Places in the ſaid City or Suburbs, or to take down or unroof any Part of any Houſe or other Tenement fronting any ſuch Street, Square, Paſſage, Lane, or Public Place, or to cauſe any Obſtruction in any ſuch Street, Square, Paſſage, Lane, or Public Place, by laying down any Materials for Building, or any other Thing that ſhall not be removed within the ſame Day, until Notice in Writing ſhall be given by ſuch Perſon of his or her Intention ſo to do, to the Superintendant of Works appointed by the ſaid Commiſſioners; or, in the Event of there being no ſuch Superintendant at the Time, to One of the Commiſſioners appointed for the ſpecial Superintendence of the Diſtrict; and ſuch Superintendant, with ſome One or more of the ſaid Commiſſioners of the Diſtrict, if there ſhall be a Superintendant, or if not, then ſome One or more of the ſaid Commiſſioners ſhall and they are hereby required, within Twenty-four Hours after ſuch written Notice ſhall have been received, to viſit the Place where ſuch Operations ſhall be intended to be performed, and after Inſpection thereof ſhall give ſuch Directions for fencing and railing in ſuch Part of the ſaid Streets, Squares, Paſſages, Lanes, or Public Places, and alſo as to the placing of ſuch Number of Lamps or Lights and Watchmen during the Night, and as to all other Precautions that ſhall be neceſſary to prevent Accidents (as to them ſhall ſeem expedient); and ſuch Fences, Railings, and other neceſſary Precautions ſhall be erected and provided before the Operations ſhall be begun, at the Expence of the Perſon or Perſons executing ſuch Operations, or cauſing the ſame to be executed, in the Manner and under the Penalties directed by the ſaid recited Act; and in caſe it ſhall appear during the Progreſs of any ſuch Operation that further Fences, Railings, and other Precautions ſhall be neceſſary, it ſhall be lawful for the ſaid Superintendant and any One of the Commiſſioners for the Diſtrict, or if there ſhall be no ſuch Superintendant for any Two of ſuch Commiſſioners, by Notice in Writing under their Hands, to direct ſuch farther Fences and Railings to be made, and Precautions to be taken by the Perſon or Perſons on whoſe Behalf ſuch Operations ſhall be executing, within Twenty-four Hours after Delivery of ſuch Notice; and in caſe of Neglect or Refuſal to comply with ſuch Notice, it ſhall and may be lawful for any One Magiſtrate of the ſaid City to direct ſuch further Fences or Railings to be made, or other Precautions to be taken, at the Expence of the Perſon or Perſons ſo neglecting or refuſing to make the ſame when required, and alſo to fine the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in any Sum not exceeding Five Shillings Sterling for each Day's

Neglect or Refusal; such Fines to be levied, recovered, and applied in Manner as by the said recited Act directed with regard to the Fines and Penalties thereby imposed, saving and reserving to all and every Persons or Person who may suffer Injury from the same to prosecute for Damages according to Law.

Flower Pots, &c. out of Windows, to be railed in.

XXVI. And be it enacted, That it shall not be lawful to or for any Person or Persons to set or place upon the Outside of any Window or Projection of any Building fronting any of the Streets, Squares, Ways, Lanes, or Passages of the said City or Suburbs thereof, or within the Limits over which the said recited Act and this Act extend, any Flower Pots or Boxes, either for raising or preserving any Flowers, Shrubs, or other Plants or Vegetables, unless the Soles and Outsides of the Windows or Projections in or upon which any such Pots or Boxes are set or placed, shall be sufficiently railed in and secured with good and substantial Rails of Iron, in order to prevent the Risk of the said Pots or Boxes falling from the said Windows or Projections; and every Person or Persons setting out Pots or Boxes at their Windows or Projections before described, unless railed in Manner aforesaid, shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling for such Offence, to be recovered and applied in Manner as in the said recited Act directed in regard to the Recovery and Application of Penalties and Forfeitures, saving and reserving to all and every Person or Persons who may suffer Injury from the same to prosecute for Damages according to Law.

Regulation as to loaded Carriages.

XXVII. And be it enacted, That if any Person or Persons shall load or drive, or cause to be loaded or driven, any Plank or Piece of Timber, or any Bar of Iron, or of any other hard Substance, upon any Machine or Carriage, which shall project beyond the Sides of such Machine or Carriage, so as to occupy more of the Street or Public Way within the said City or Suburbs than Eight Feet, including the Breadth of such Machine or Carriage, or to touch or drag upon any Part of the said Street or Public Way, then it shall and may be lawful for any Person or Persons who shall see such Offence to seize, and for any Person or Persons to assist in seizing the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them, to the Custody of a Constable, Police, or other Peace Officer, in order to be secured or conveyed before One of the Magistrates of the said City; and the Party or Parties accused being brought before him, such Magistrate shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of any such Offence, he, she, or they shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, to be recovered and applied in Manner as by the said recited Act directed in regard to the Recovery and Application of the Penalties and Forfeitures thereby granted.

Regulation as to Gunpowder.

XXVIII. And be it enacted, That in order to defray the Expence of receiving, lodging, and delivering out Gunpowder lodged in the Public Magazine, provided and appointed by the Magistrates of the said City, in Terms of the said recited Act, no Person or Persons shall keep at the same Time in any Shop, Cellar, Warehouse, or Magazine more than Six Pounds Weight

Weight of Gunpowder, except in such Public Magazine so provided and appointed as aforesaid; and every Person so lodging Gunpowder in the Public Magazine shall pay upon every such Deposition to the said Magistrates, or to the Person appointed by them to receive the same, a Sum to be from Time to Time fixed by the said Magistrates, not exceeding One Halfpenny for each Pound Weight of Gunpowder so deposited, and the same shall be applied to defray the Expences attendant on such Public Magazine; and the Collector of His Majesty's Duties of Customs at *Perth* shall be and he is hereby required from Time to Time to give Notice in Writing to the said Commissioners of all Quantities of Gunpowder above Six Pounds each imported into the City of *Perth* by Sea, together with the Names of the Importers thereof, and all Carriers shall be and are in like Manner hereby required from Time to Time to give Notice in Writing to the said Commissioners of all Quantities of Gunpowder above Six Pounds Weight at one Time which they or any of them shall at any Time carry or bring into the said City of *Perth* or the Suburbs thereof, but such Regulations as to Gunpowder shall not extend, or be construed to extend, to any Gunpowder belonging to His Majesty, His Heirs or Successors.

Proportions of Expence of Pipes how to be fixed in certain Cases

XXIX. And be it enacted, That in Cases where the Floors or Stories of any Houses or Buildings shall belong to more Proprietors than one, the Expence of making, affixing, and keeping in Repair the Pipes for conveying the Water from the Roofs of such Houses or Buildings, which by the said recited Act was directed to be defrayed by such Proprietors in proportion to the Rents of the respective Parts of such Houses or Buildings which belonged to them respectively as rated in the Rent-Roll therein mentioned, shall from and after the passing of this Act be defrayed by such Proprietors in proportion to the real Rent of their respective Parts of such Houses or Buildings, and not as heretofore according to the Rents at which they are rated in the said Rent-Roll.

Form of Proceeding against Offenders.

XXX. And be it enacted, That upon Complaint made to the Provost, or any one of the Baillies of the said City, by the Procurator Fiscal of the said City of *Perth*, or by the Superintendant of the Watchmen, or by any Person or Persons conceiving himself, herself, or themselves aggrieved by any Offence of a Criminal Nature (punishable by the Law of *Scotland* by Fine or Imprisonment) committed within the Jurisdiction of the Magistrates of the said City, or upon Complaint made to the Sheriff Depute of the said County, or any of his Substitutes, by the Procurator Fiscal of the County of *Perth*, or by the Superintendant of the Watchmen, or by any Person or Persons conceiving himself, herself, or themselves aggrieved by any such Offence as aforesaid committed within the said City and Suburbs thereof, and within the Space of One Mile and a Half from the Market-Cross of the said City, it shall be lawful for the said Provost, and for any one of the said Baillies, or to the said Sheriff Depute, or any one of his Substitutes, to summon before him the Person or Persons accused of any such Offence; and also all Witnesses, and to examine such Witnesses *viva voce* upon Oath, (which Oath or Oaths such Provost, Baillie, and Sheriff Depute or Substitute, is hereby authorized and empowered to administer,) and after hearing them and the Parties, to decide upon any such Offence according to Law and the Evidence; and in all such

such Cases such Provoſt, Baillie, and Sheriff Depute or Subſtitute, ſhall have power to commit the Perſon or Perſons found guilty to Priſon, and to hard Labour or to ſolitary Confinement for any Period not exceeding Sixty Days, and to ſentence each ſuch Perſon or Perſons found guilty to pay a Fine not exceeding in any Caſe the Sum of Five Pounds Sterling, and it ſhall not be neceſſary in any ſuch Caſe to take down any Evidence in Writing, nor to admit any written Pleadings; provided always, that a Record ſhall be kept of the Charge and of the Judgment or Sentence pronounced, which Judgment or Sentence ſhall contain the Name or Names and Deſignation or Deſignations of the Offender or Offenders, and the Offence of which he, ſhe, or they is or are found guilty, and the Puniſhment awarded; and in all Caſes a Copy of the Charge and Judgment or Sentence certified by the ſaid Provoſt, Baillie, Sheriff Depute or Subſtitute, or their reſpective Clerks, ſhall be deemed a ſufficient Warrant to all and every Perſons or Perſon to carry the ſame into Execution; and in caſe a Bridewell or Houſe of Correction ſhall hereafter be erected within the ſaid City or Suburbs thereof, any Commitment to the ſame by any of the ſaid Magiſtrates, or Sheriffs Depute or Subſtitute, ſhall be equally legal and valid as if made to the ordinary Gaol or Tolbooth of the ſaid City; and all Fines awarded in ſuch Caſes by the ſaid Provoſt or Baillies, together with the neceſſary Expences of apprehending, trying, and convicting the Offender, and of the other Proceedings, ſhall be levied, recovered, and applied in Manner as by the ſaid recited Act and this Act directed, in regard to the levying, recovering, and applying the Penalties, Forfeitures, and Expences thereby made payable; and in regard to all Fines awarded in ſuch Caſes by the ſaid Sheriff Depute or Subſtitute, it ſhall be lawful to ſuch Sheriff Depute or Subſtitute to grant Warrant to impriſon the Offender or Offenders till ſuch Fines, with the neceſſary Expences of apprehending, trying, and convicting the Offender, and other Proceedings be paid; and to pay and apply ſuch Fines and Expences when recovered, as other Fines and Expences recovered under the Authority of the ſaid recited Act and this Act are by the ſaid recited Act and this Act directed to be paid and applied.

Commiſſioners may ſue and be ſued in the Name of their Clerk.

XXXI. And be it enacted, That the ſaid Commiſſioners may ſue and be ſued for any Matter or Thing to be done in the Execution of the ſaid recited Act and this Act, in the Name of their Clerk for the Time being, and all Actions and Warrants for Recovery of Aſſeſſments, or of Penalties and Forfeitures under the ſaid recited Act and this Act, ſhall proceed in the Name of ſuch Clerk; and no Action or Suit wherein the ſaid Commiſſioners ſhall be concerned as Purſuers or Defenders, in the Name of their Clerk, by virtue of this Act, ſhall abate by the Death or Removal of any ſuch Clerk, but the Clerk to the ſaid Commiſſioners for the Time being ſhall be deemed to be the Purſuer or Defender (as the Caſe may be) in every ſuch Action.

One Magiſtrate may grant Warrants, &c.

XXXII. And whereas by the ſaid recited Act the Authority of Two Magiſtrates is required for iſſuing Warrants for levying the Aſſeſſments, and for impoſing certain Fines and Penalties in the ſaid Act mentioned, be it enacted, That from and after the paſſing of this Act, in all Caſes in which by the ſaid recited Act the Authority of Two Magiſtrates is required, the Authority of One Magiſtrate ſhall be ſufficient.

XXXIII. And

When the Funds of the City become sufficient, Magistrates to undertake the Expence of paving, &c.

XXXIII. And be it enacted, That if in consequence of any Improvement in the State of the Funds of the said City of *Perth* the Magistrates and Town Council thereof shall at any Time hereafter undertake out of such Funds to pave, light, cleanse, or watch the said City and Suburbs, or any Part thereof, or perform any of the other Acts and Things by the said recited Act or this Act directed to be done out of the Assessment imposed by the said recited Act and this Act, it shall and may be lawful for the said Commissioners, or a Majority of not less than Two Thirds of the whole Number of them, at any Meeting specially called for that Purpose, to resign the Execution of these several Powers, or any of them, into the Hands of the said Magistrates and Town Council, who shall thereafter be, as they are hereby authorized and empowered to carry the said recited Act and this Act into Execution, in so far as they shall undertake the same on the Resignation of the said Commissioners; but the said Magistrates and Town Council shall have no Power to levy any Part of the said Assessment for these or any other Purposes; but the said Commissioners shall still be entitled to continue to levy such Part of the said Assessment as may be necessary for executing the Purposes which may remain under their Direction, in the same Manner as before any such Resignation made into the Hands of the Magistrates and Town Council.

Superintendant to make Complaint as to Nuisances.

XXXIV. And be it enacted, That it shall be lawful to the said Superintendant of the Watchmen, and he is hereby authorized and required to insist for the Public Interest, for the Removal of all Nuisances within the Limits over which the said recited Act and this Act extend, and for Remedy of any Act or Neglect, whereby the Safety of the Lieges may be endangered, either by a Complaint in his Name before the Magistrates of *Perth*, or the Sheriff Depute of the County of *Perth* or his Substitutes, or before a higher legal Tribunal, should this be considered necessary: Provided always, that the said Superintendant shall not be entitled to make his Complaint to any other Court than to the said Magistrates or Sheriffs, unless he shall have the previous Sanction of a General Meeting of Commissioners to that Effect.

General Power to establish further Regulations, and make Bye-Laws.

XXXV. And be it enacted, That the said Commissioners shall and they are hereby authorized to make such further Regulations, and such Orders, Rules, and Bye-Laws as may be necessary for the more effectually carrying the said recited Act and this Act into Execution, in regard to paving, lighting, cleansing, and watching, as well as to Nuisances and Annoyances on the Public Streets, and particularly with regard to the calling of Auctions or Sales at Shop Doors or on the Public Streets, such Regulations, Orders, and Bye-Laws being not contrary or repugnant to the Regulations herein and in the said recited Act contained, or to the Laws of *Scotland*; and also from Time to Time, as Occasion may require, to repeal, add to, amend, or alter such Regulations, Orders, Rules, and Bye-Laws, or any of them, and to enforce the same by Penalties not exceeding in any Case the Sum of Twenty Shillings Sterling, to be recovered in Manner hereby directed: Provided always, that such Rules, Regulations, and Bye-Laws, before being put in Force, shall be published once at least in any Newspaper or Newspapers which may be published at the Time in the said City of *Perth*.

Former Act to be continued where not altered.

XXXVI. And be it enacted, That the whole Powers, Authorities, Provi-ſoes, Clauſes, Matters, and Things of and in the ſaid recited Act contained, ſhall continue in Force, and be put in Execution, in ſo far as the ſame are not altered by this Act.

For Recovery of Penalties.

XXXVII. And be it enacted, That all Penalties and Forfeitures by this Act granted, the Recovery whereof is not herein ſpecially provided for, ſhall and may be ſued for and recovered in ſuch Manner and with ſuch Coſts and Expences as Penalties and Forfeitures may be ſued for and recovered under the Authority of the ſaid recited Act, and that the ſame ſhall be applied in Manner directed by the ſaid Act.

Appeal.

XXXVIII. Provided always, and be it enacted, That all and every Perſons or Perſon conſidering himſelf, herſelf, or themſelves to be aggrieved by any Order or Proceding, Aſſeſſment, Regulation, or Bye-Law of the ſaid Commiſſioners, or any of them, or any Penalty or Forfeiture by this Act impoſed, ſhall have ſuch and the ſame Powers of Appeal in relation to the ſame as are competent to Perſons conſidering themſelves to be aggrieved by any Order or Proceeding of the ſaid Commiſſioners, or by any Penalty or Forfeiture granted by the ſaid recited Act.

Expences of paſſing the Act to be paid out of the Aſſeſſment.

XXXIX. And be it enacted, That the Charges and Expences of preparing and paſſing this Act ſhall be paid out of the firſt and readieſt Monies ariſing from the Rate and Aſſeſſment aforeſaid, under the Authority of the ſaid recited Act and this Act.

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

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

Public Act.

XLI. And be it 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 ſpecially pleaded.

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