



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 36.

An Act for amending an Act passed in the Eleventh Year of his present Majesty, intituled “ An Act
“ for cleansing and lighting the Streets of the Town
“ of *South Leith*, the Territory of *St. Anthony’s*
“ and *Yardheads* thereunto adjoining, and for sup-
“ plying 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.

[23d May 1806.]

WHEREAS, by an Act made in the Eleventh Year of the Reign 11 Geo. 3.
c. 30.
of His present Majesty, intituled, “ An Act for cleansing and
“ lighting the Streets of the Town of *South Leith*, the Ter-
“ ritory of *Saint Anthony’s* and *Yardheads* thereunto adjoining, and for
“ supplying the several Parts thereof with Fresh Water,” certain Powers
and Authorities were given to the Persons thereby appointed Commission-
ers for carrying the Purposes thereof into Execution: And whereas the
said Commissioners, and their Successors, have accordingly proceeded in
executing the said Act, and have borrowed Money upon the Credit of
the Assessments and Rates thereby authorised to be levied, which Sums,
together with the Assessments collected by virtue of the said Act, have
been duly laid out pursuant to the Directions thereof, and great Progress
has been made in accomplishing the Objects thereby intended; but the
said Act is deficient, in so far as it does not make any Provision for
watching the said Town of *South Leith*, Territory of *Saint Anthony*
and *Yardheads*, or for preserving good Order therein: And whereas
many of the Streets and Lanes of the said Town of *South Leith*, Terri-
tory

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Commissioners for putting this Act in Execution.

tory of *Saint Anthony, Yardheads*, the Town of *North Leith, Coalhill, and Citadel*, are not sufficiently lighted, cleansed, watched, nor paved; and it would be expedient to establish Regulations for the good Order of the said Towns and Places, and for the Comfort and Convenience of the Inhabitants thereof: may it therefore please your Majesty, That it may be enacted, and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That the Commissioners appointed by or under the Authority of the said recited Act, and the Persons hereinafter mentioned or described, shall be Commissioners for putting the before-recited Act, in so far as not altered by this Act, and also this present Act into Execution; that is to say, the Lord Provost of the City of *Edinburgh*, the Four Baillies and the Dean of Guild, Treasurer and Chamberlain of the said City, the Senior City Clerk thereof, the Admiral of *Leith*, the Magistrates or Baillies of *South Leith*, the Baron Baillie and Resident Baillies and Treasurer of *Canongate, North Leith, Coalhill, and Citadel*, the Baillie of *Saint Anthony*, the Masters of the Four Incorporations of *Leith*, and the Town Clerks of *South and North Leith*, all for the Time being, shall be *ex officio* Commissioners, and the remaining Commissioners shall be elected and qualified as hereinafter mentioned, that is to say, Two Persons shall be elected annually by the Heritors of the Territory of *Saint Anthony and Yardheads*, in Manner mentioned in the said in part recited Act; and upon the Third Monday of *December*, One thousand eight hundred and six, and upon the Third Monday of the Month of *December*, in each succeeding Year, Six Assistants from each of the Four Incorporations of *Leith*, chosen for that Purpose by the said Incorporations respectively, in Manner directed by the said recited Act, and the whole Heritors, Life-renters, and Proprietors of Lands and Tenements within the Town of *South Leith, North Leith, Coalhill, and Citadel*, whose respective valued Rents, settled by the Stentmasters of *South Leith* and *North Leith* respectively, shall amount to Ten Pounds Sterling or upwards, yearly, shall meet at the Convening-house of the Incorporations in the Town of *Leith*, or other convenient Place in *South Leith*, between the Hours of Ten in the Forenoon and Two of the Clock in the Afternoon, and then and there, by a Majority of Votes of the Persons present and entitled to vote, shall elect and chuse Thirty-five Persons, all Heritors or Life-renters of Lands and Tenements within the said Towns of *South Leith, North Leith, Coalhill, and Citadel*, (of which Number Five Persons at least shall be Heritors or Life-renters of Lands or Tenements in the said Town of *North Leith, Coalhill, or Citadel*) whose valued Rent, to be ascertained as aforesaid, shall amount to Fifteen Pounds Sterling yearly or upwards, or Householders inhabiting Houses within the said Bounds, the valued Rent whereof shall amount to Fifteen Pounds Sterling or upwards yearly; and the Vote shall be given by Lists subscribed by each Voter, specifying his Name and Description, or Designation, and containing the Names and Designations of the Persons for whom the Vote is given, which List shall be put into a Box placed on the Convening-house Table; and the said Box, after the Hour of Four of the Clock in the Afternoon, shall be sealed up by the resident Baillies of *South and North Leith*, and Town Clerks thereof, or such of them as may be present, and the Day thereafter the said Baillies and Clerks, or any Two of them, shall meet at Ten of the Clock in the Forenoon, in the Convening-house

house of *Leith*, or other convenient Place there, and then and there examine the Lists, and declare on whom the Election has fallen, and the Persons so elected, shall be Commissioners (alongst with the said Commissioners *ex officio*), for the Purposes of putting this and the said former Act into Execution, and shall continue as such during the Space and Term of One full Year, next and immediately following such Election; and Seven of the said Commissioners shall at all their Meetings make a Quorum, and the Commissioners shall at all their Meetings defray their own Charges.

II. And be it enacted, That the said Commissioners shall hold Four General Meetings in the Year, for carrying this and the said former Act into Execution, that is to say, on the Second *Monday* of *January*, the Second *Monday* of *April*, the Second *Monday* of *July*, and the Second *Monday* of *October*, within the Convening-house of *South Leith*, or other convenient Place, there to be fixed by the Commissioners at any General Meeting, the First General Meeting to be held on the Second *Monday* of *July* One thousand eight hundred and six, with Power to adjourn to such Times and Places as to the Commissioners present shall seem expedient, such adjourned Meetings being always advertised once at least, One Week before the Day of such Meeting, in Two of the Newspapers published in *Edinburgh*.

First or other Meetings of Commissioners.

III. And be it enacted, That the aforesaid Commissioners shall annually, at their First General Meeting in every Year, appoint a Committee for hearing and determining Appeals respecting the Valuation of Property made as herein-after mentioned by the Stentmasters of *South* and *North Leith*, and other Places aforesaid, for assessing Property for the Purposes of this Act, which Committee shall consist of the Chamberlain of the City of *Edinburgh*, the Senior Magistrates of *South* and *North Leith*, and One Person from each of the Four Incorporations of *South Leith*, and One of the Heritors or Inhabitants of *North Leith*, possessed of the Qualification required to be elected a Commissioner as aforesaid.

Committee of Appeal to be appointed.

IV. And be it further enacted, That the Provisions, Authorities, and Regulations of this present Act, with respect to cleansing, lighting, watching and paving the Streets, apprehending and punishing Vagrants and Disorderly Persons, preventing Nuisances and Obstructions, and for other Purposes tending to the Preservation of Peace and good Order, and for imposing a Tax or Assessment for the Purposes aforesaid, shall extend to and over the Town of *South Leith*, Territory of *Saint Anthony* and *Yardheads*, and Town of *North Leith*, *Coalhill*, and *Citadel*.

District over which the Act extends.

V. And be it enacted, That the said Commissioners shall have Power to divide the whole aforesaid Bounds into different Wards, and appoint what Number of the Commissioners are to attend particularly to the Business of the respective Wards, in such Manner as the said Commissioners shall think proper.

Power to divide into Wards.

VI. And be it enacted, That it shall and may be lawful to the said Commissioners, or a Quorum of them, to appoint an Intendant, and a Clerk and Officers, removable at their Pleasure, to assist the said Commissioners, and the Magistrates of *South* and *North Leith*, in executing the Matters and Powers committed to them by this and the former Act, and

Intendant Clerks, and Officers to be appointed.

and in all other Matters relative to preserving good Order and Peace in the said Towns and Places; and that the said Intendant, Clerk, and Officers, shall act under the Authority, Orders, and Directions of the said Magistrates and Commissioners, or any One of them, in the Matters before specified.

Watchmen.

VII. And be it enacted, That it shall and may be lawful for the Commissioners aforesaid, and they are hereby authorised and required, to appoint such a Number of Watchmen as they shall judge necessary for Guarding, Patrolling, and Watching the Streets of the said Town of *South Leith*, and Territory of *Saint Anthony* and *Yardbeads*, *North Leith*, *Coalhill*, and *Citadel*, in such a Manner, and under such Rules and Regulations, as to the said Commissioners shall appear proper and expedient.

Commissioners to give suitable Salaries to Intendant, &c.

VIII. And be it enacted, That it shall and may be in the Power of the said Commissioners, or a Quorum of them, to appoint suitable Salaries or Allowances to be paid to the said Intendant, Clerk, Watchmen, and Officers; and, if necessary, to erect, hire, or otherwise provide proper Watch-houses, Watch-boxes, or Places for the Reception of the Intendant and Watchmen, and proper and convenient Rooms, or other Places of Security, wherein to lodge Offenders, until taken before a Magistrate for Examination; and to pay the necessary Expences incurred by them in the Execution of the Duty of their respective Offices, and the other necessary Charges and Expences of the aforesaid Establishment, from the Assessment and Funds hereby appointed to be levied; and further, to make all such Regulations and Orders in Writing, as the Nature of each particular Service may require.

Duty of the Intendant, Watchmen, &c.

IX. And be it enacted, That the said Intendant of Police, Clerk, Watchmen, and Officers shall be, and they are hereby authorised and required to aid and assist the Magistrates of the said Towns and Places aforesaid, in apprehending, detecting, and bringing to Justice, Persons charged as guilty of Street Robberies, Housebreakings, Assaults, Theft, Reset of Theft, Shoplifting, Picking Pockets, Swindling, and other Crimes of that Nature; by causing the Persons accused of those Crimes to be apprehended and imprisoned upon legal Warrants, and proceeded against in Terms of Law: And to aid and assist in apprehending and putting the Law into Execution against Vagabonds, Vagrants, idle and disorderly Persons, and public and sturdy Beggars, and other Persons who follow no lawful Employment or Occupation; in suppressing disorderly Public Houses, and other Houses frequented by Persons of the foregoing Descriptions; in suppressing Mobs and Riots; in assisting to extinguish Fires; in putting the Laws into Execution regarding Carters and Drivers, or Owners of Carriages: and also all Obstructions and Offences against the Acts regulating the Highways, within the Places described in this Act; and in taking Cognisance, that the said Streets, Lanes, Passages, and other Places are properly lighted and cleansed; in Guarding, Patrolling, and Watching the Streets, Harbours, Quays, and Docks; and for enforcing the Regulations made, or to be made, by the Lord Provost, Magistrates and Council of the City of *Edinburgh*, relative to the said Harbour, Quays, and Docks, and the Market-Places in *Leith*, and also with regard to Hackney Coaches, Sedan Chairs, Carts, Waggon, Porters, and Meters of Corn within the Towns and Places aforesaid, and

and in general, in aiding and assisting the Magistrates, in all Matters relative to preserving the Peace and good Order of the said Towns and Places aforesaid, and executing the different Purposes of this Act: and which Intendant and Watchmen shall have the whole Powers known by the Law of *Scotland* to belong to the Office of Constable, and the Intendant shall be the head or ruling Constable, at whose Instance, or with whose Concurrence, all the said Offences may be prosecuted.

X. And be it enacted, That the Proprietors of Houses, and other Buildings, or of Ground upon which Buildings are not erected, adjoining to and fronting any Street, Square, or any public or principal Road or Place within the said Towns of *South and North Leith, Citadel, and Coalhill, Saint Anthony and Yardheads*, shall, at his, her, or their Expence, cause the Grounds before his, her, or their Property respectively, on the Sides of the said Streets, Squares, and other public and principal Roads or Places, to be well and sufficiently paved with flat hewn Stones, in such Manner, and in such Form, as the Commissioners, or a Quorum of them, after visiting and inspecting the Grounds, and hearing the Parties concerned, shall, from Time to Time, direct and appoint; such Pavement not being less than Two, or more than Six Feet in Breadth, and that it shall be in the Option of the Proprietors of Grounds within the said Towns, on which Buildings shall not be erected, either to pave opposite their Properties in Manner aforesaid, or to causeway the Foot-paths before them with dressed Whin-stones, until their said Grounds shall be built upon, but no longer. Provided always, That such Parts of the said Foot-paths as are opposite to Wynds, Lanes, or Closes which are Cart or Carriage Entries, may also, in the Option of the Proprietors, be paved with dressed Whin-stones.

Foot-Pave-
ment.

XI. And be it enacted, That in case any Proprietor shall refuse or neglect to cause such Grounds to be paved, in Manner herein before directed, within the Time directed by the Commissioners, after a Visitation thereof, and hearing of the Parties, it shall be lawful for the said Commissioners to cause the said Foot-pavements to be made in such Manner as they shall direct, at the Expence of such Proprietors respectively: And in case any such Proprietor shall refuse or neglect to pay such Expences, when required, it shall be lawful for the Collector to be appointed in Manner hereinafter-mentioned, to sue for and recover the same before any Magistrate competent, with the additional Expence incurred in recovering the same.

If Proprie-
tors refuse,
Commission-
ers may pave.

XII. And be it enacted, That after the Foot-pavements are made as aforesaid, they shall, in all Time thereafter, be kept in Repair by the several and respective Proprietors, each keeping in Repair that Part which is immediately before his own Property, as aforesaid; and where the Houses are divided into Floors or Stories, the Proprietor of each shall bear a Proportion of the Expence, both of making and keeping in Repair the said Foot-pavements, conformably to their respective valued Rents.

Proprietors
of Houses to
keep Foot-
Pavements in
Repair.

XIII. And be it enacted, That if any Person or Persons shall carry, run, draw, or cause to be carried, run, or drawn, on any of the Foot-pavements within the said Town of *South Leith*, Territory of *Saint Anthony* and *Yardheads*, and *North Leith, Coalhill, and Citadel*, any Bier, Sledge, Wheel-

No Carriages
to be drawn
on the Foot-
Pavement.

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Wheelbarrow, or any Coach, Waggon, Cart, or Carriage whatsoever, except directly across the same on necessary Occasions; or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle, except when going directly across the said Pavements, to or from Stables or Cow-houses, upon any Part of the said Foot-Pavement, or shall throw or cast any Dirt, Dung, Ashes, or Rubbish upon the same, or on the Street or Road, (except in Time of Frost,) or shall roll any Barrels, Hogsheds, Wheels, or Casks along the said Foot-pavement, for any Distance whatsoever, except across directly to or from any Cellars, Shops, or Warehouses, they shall, on being convicted of any such Offence before any one of the Magistrates of the said Towns, either by Confession of the Party, or by the Oath of one or more credible Witness or Witnesses, forfeit and pay a Sum not exceeding Ten Shillings Sterling for each and every Offence, over and above paying the Damage, if any, thereby done, with the Costs of suing for the same; and such Offender or Offenders failing to pay such Penalty immediately upon such Conviction, shall be committed to Prison for any Time not exceeding Two Days, unless such Penalty, and the Charges occasioned thereby, shall be sooner paid and satisfied. Provided always, That no Gate or Door shall be allowed to open outwards on any such Foot-path, Street, or Road, under the Penalty aforesaid.

Streets to be
causwayed.

XIV. And be it enacted, That where any of the Streets or Lanes of the said Towns of *South and North Leith*, Territory of *Saint Anthony and Yardheads*, *Coalhill*, and *Citadel*, or any Streets leading into the same, are not already paved or causwayed, the Commissioners aforesaid are hereby authorised and empowered to pave or causeway the said Streets and Lanes, at such Time, and in such Manner as they shall think proper, and to keep the same in constant Repair, the Expence whereof shall be defrayed from the Assessments to be laid on by virtue of this Act, in so far as the same is not already provided for by Act of Parliament or otherwise.

Obligation
of the City
of *Edin-
burgh* not
altered or
departed
from.

XV. Provided always, That nothing in this Act contained shall be interpreted or construed as departing from any Burden or Obligation which the City of *Edinburgh* is at present under, with regard to paving the Streets of *Leith* and Shore thereof, or in any other Respect, or for any Purpose whatever; but that no additional Burden or Assessment whatsoever shall be imposed or understood to lie upon the City of *Edinburgh*, in regard to the aforesaid Purposes of paving or causewaying, and making Foot-pavements in Manner before-mentioned; but when Buildings shall be erected upon Property belonging to the said City, the Feuers, Proprietors, and Possessors of the same shall be liable to the like Assessments as other Feuers, Possessors, and Proprietors under this Act.

Obstructions
to be re-
moved.

XVI. And be it enacted, That it shall and may be lawful to, and in the Power of the said Commissioners, with and under the Authority of the Dean of Guild Court of *Edinburgh*, in all Cases where the said Court has Jurisdiction, which is not intended nor shall be construed to be in any Respect infringed by this present Act, after inspecting the Premises, and hearing the Parties concerned, to order the Proprietors of all Houses and other Buildings fronting any of the Streets or Roads of the said Towns and Places aforesaid, to remove, or cause to be removed and taken away, within

within a reasonable Time, all Out-stairs, Out-shots, Buildings, Erections, and other Things whatsoever, which tend to obstruct the free Passage in the said Streets, Roads, and Foot-pavements; and if within the Time to be specified in a Warrant by the Commissioners, or any Seven or more of them, the said Out-stairs, Out-shots, Erections, and other Things be not taken away, the Owner or Proprietor of such House or Building to which such Obstructions are annexed or belong, shall forfeit and pay a Sum not exceeding Ten Shillings Sterling, and so *toties quoties* for every Month after the Date of such Warrant, during which the said Out-stairs, Out-shots, Buildings, or other Things shall remain, the said Fines to be recovered and applied in Manner hereinafter directed. Provided always, That in case the aforesaid Obstructions shall not be removed within Three Months after the Date of the Warrant ordering them to be removed, it shall be lawful for, and in the Power of the said Commissioners to cause the same to be thereafter instantly removed at the Expence of the Owner. Provided also, That in Cases where the said Out-stairs, Out-shots, Buildings, and Erections, shall be removed under the Authority of this Act, for the Purpose of public Convenience and Accommodation, that the Expence and Damage arising therefrom shall be paid by the Commissioners aforesaid from the Funds levied by virtue of this Act.

XVII. 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, let, and convey, all such Lands or Houses as may be necessary for the Purposes of the said recited Act, or this Act.

Incapacitated
Persons may
sell Lands.

XVIII. And be it further enacted, That in taking the necessary Ground for the Purposes of this and the said recited Act, or in taking down any House or Houses, or Part or Parts of any House or Houses by Authority of the said recited Act or 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, Application shall be made to the Sheriff Depute of *Edinburgh*, or his Substitute, to summon a Jury in order to value the Ground necessary to be taken and used, or Houses or Parts of Houses necessary to be taken down as aforesaid; and the said Sheriff Depute or 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 Damage sustained by the Proprietor of such Lands, Houses, or Parts of Houses; 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 the said recited Act or this Act, of the

Sheriff to
summon a
Jury to fix
value of Lands
and Houses.

Sheriff to
adjudge Pay-
ment of the
Sum awarded
by the Jury.

Sum

Sum awarded to the Party or Parties interested, or Consignation of the said Sum in any of the Public Banks of *Scotland*, 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 the said recited Act or 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 his Substitute 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 Usage to the contrary notwithstanding.

Expences of
Jury.

XIX. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be defrayed and borne by the said Commissioners, and the said Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the Whole of the said Expence shall be paid by the said Commissioners, and on the other Hand, if the said Jury shall award the Sum offered by the said Commissioners, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, be prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners: Provided also, that after having offered to the Proprietor or Proprietors, Occupier or Occupiers of any Lands or Houses, such Sum as the said Commissioners shall think reasonable, it shall and may be lawful for them to enter into and upon such Lands or 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.

Any Warrant
for stopping
the Work to
be recalled,
on Caution
found.

XX. And, to prevent unnecessary Trouble and Delay, be it further enacted, That in case any Person interested shall apply for and obtain, from any Judge competent, a Warrant for stopping the Execution of any of the Purposes aforesaid, to be carried on under the Authority of this Act, the said Judge is hereby directed and empowered to recall such Warrant, and remove any Sift obtained as aforesaid, provided sufficient Caution is found by the respective Commissioners therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same, and ascertained in Manner herein-before prescribed.

Application
of Compens-
ation where
exceeding
200l.

XXI. 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 the said recited Act or 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

the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, 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 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 same 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.

XXII. 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 either of the said Banks, and be placed to his or their Accounts as aforesaid, in order to be applied in Manner herein-before 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 Five 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 herein-before directed, so far as the Case may be applicable.

Where the Compensation does not exceed 200l. and is not less than 20l.

XXIII. 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 the said recited Act or this Act, in such Manner as the said Commissioners, or any Five

Where less than 20l.

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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, &c.

Purchase Money to be paid into the Bank,

subject to the Order of the Court of Session.

XXIV. 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 Lands or Houses to be purchased by virtue of the said recited Act or 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*, 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 same 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 of the Bank of *Scotland*, or Royal Bank of *Scotland*, 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 the Bank as aforesaid.

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

XXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of the said recited Act or 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 thereof, 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 shewn to the Satisfaction of the said Court of Session; and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Houses, or to some Estate or Interest therein.

The Court may order reasonable

XXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation

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tion entitled to any Lands or Houses to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands or Houses, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court, to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by Commissioners.

XXVII. Provided always; and be it enacted, That in such Cases where the Houses and other Buildings already erected on the Side of the Foot pavement cannot have convenient Access and Entries made to them by any other Passages than the Out-stairs already made and erected, that the Commissioners shall only have it in their Power to order the said Out-stairs to be altered and narrowed, in such a Manner as to leave a free Passage, not less than Three Feet of the Breadth of the said Foot-pavement opposite to the said Out-stairs.

Out-stairs to be narrowed, if not capable of being removed.

XXVIII. And be it enacted, That the aforesaid Commissioners shall be, and they are hereby authorised and empowered to purchase and erect such Number of Lamps, Lamp-irons, Posts, and other Appurtenances of the same, as they shall judge to be necessary for the proper and sufficient lighting of the Streets, Lanes, Passages, and other Places of such Parts of the Towns and Places aforesaid, as are not already lighted; and to employ or contract with any Person or Persons for providing and maintaining the whole of the Public Lamps, and for furnishing Oil and other Materials thereto, and lighting of them from Time to Time, as they shall judge expedient: And also to direct and appoint to what Places the said Lamps shall be affixed, the Number of Nights in each Year, and at what Hour they shall be lighted, and for what Time they shall continue burning.

Lamps to be erected in any Part of the District.

XXIX. And be it enacted, That the said Commissioners shall have Power and be obliged to cause that Part of *Leith Walk* which lies between the *Pilrig Road* and the Town of *South Leith*, to be watched and lighted in the same Manner as the Streets of *South* and *North Leith*, in case the Proprietors and Occupiers of Houses and Tenements on or adjoining to that Part of the said Walk, agree to contribute a reasonable Proportion of the Expence thereby occasioned, in which Case all the Powers and Regulations of this Act with respect to lighting and watching, shall be held to extend to the said Part of the said Walk.

Leith Walk to be watched.

XXX. And be it enacted, That the Commissioners aforesaid may make, or cause to be made, Common Sewers, Drains, and Water Courses, within the said Towns of *South* and *North Leith*, Territory of *Saint Anthony* and *Yardheads*, *Coalhill*, and *Citadel*, for carrying the Water from the Roads, Streets, Squares, Lanes, and Passages in the said Towns and Places, not only along and across the same, but through any Grounds belonging to Corporations or Individuals, in such Parts as are not built upon; and to repair the said Common Sewers at all Times; provided that the

Sewers, Drains, and Water Courses to be made.

Expences

Expences of making and keeping in Repair the said Common Sewers, Drains, and Water Courses shall be paid from the Funds levied and collected by virtue of this Act; and the Common Sewers, Drains, and Water Courses shall be covered over in a sufficient Manner; and the Tops of the Covering shall be Twenty-four Inches below the Surface of the said Grounds, or such other Depth as the Commissioners may think proper: And that all Damages done to the said Grounds and Fences, or Buildings thereon, by making, covering, and repairing the said Common Sewers, Drains, and Water Courses, shall be paid by the Commissioners from the Funds aforesaid: And in case of Disagreement between the said Commissioners and such Corporations and Individuals, such Damages shall be ascertained by the Sheriff-depute of the County of *Edinburgh*, or his Substitute, who shall hear the Parties, and decree in a summary Manner, and whose Decision shall be final.

Holes or Openings made in the Streets, when digging Foundations, to be fenced and guarded.

XXXI. And be it enacted, That in case any Holes or Openings shall be made in any of the Streets, Lanes, Passages, Squares, or Public Places of the said Towns and Places, for the Purpose of digging Foundations, Wells, Drains, or any Purpose whatever, the Proprietor or Proprietors thereof, or Persons employed or concerned therein, shall cause a sufficient Fence to be put round the said Holes or Openings; and a Light to be affixed at or near the same, to be kept burning every Night while such Holes and Openings shall remain, from Sun-setting to Sun-rising: And the Proprietors so neglecting to inclose such Hole or Opening, and to affix and continue such Lights, shall forfeit a Sum not exceeding Five Shillings Sterling daily, so long as such Holes or Openings shall remain uninclosed, to be levied and recovered, as other Penalties are hereby appointed to be levied and recovered, besides paying all Damages sustained by the Neglect.

Foot-pavements to be fenced when Houses are taking down or unroofed.

XXXII. And be it enacted, That when Houses or Tenements fronting the Streets are 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 said Parts of the said Foot-pavements which are opposite to the said Houses or Tenements during the whole Time the said Works are carrying on, under the Penalty of Five Shillings Sterling for each Day's Failure; and any of the Magistrates of *South* and *North Leith*, within their respective Jurisdictions, may order the said Foot-pavements so to be fenced in, at the Expence of those carrying on the said Works: And the Extent of the Space to be so fenced in shall be fixed by the said Magistrates.

Houses to be numbered.

XXXIII. And be it enacted, That the Commissioners aforesaid shall and may order and direct the Houses, Buildings, Shops, Cellars, or Warehouses, within the said Towns 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

not exceeding Five Shillings Sterling, to be levied and recovered in Manner hereinafter directed.

XXXIV. And be it enacted, That the Water from the Roofs of all Houses or other Buildings within the said Towns of *South and North Leith*, Territory of *Saint Anthony* and *Yardheads*, *Citadel*, and *Coalhill*, fronting the Public Streets and Lanes, Passages, and Wynds, which are Thoroughfares to the said Public Streets, shall be conveyed in Leaden or other Pipe or Pipes, reaching within Six Inches of the Ground, and affixed against or on the Sides or Fronts of such Houses or Buildings: And in case the Owners or Proprietors of the said Houses or Buildings shall not convey the Water therefrom by the said Pipe or Pipes in Manner aforesaid, That then it shall and may be lawful to the said Commissioners, on inspecting the Premises, and hearing the Parties concerned, to discern, in a summary Manner, such Owner or Proprietor to pay any Sum not exceeding Ten Shillings Sterling for such Offence: And if, after Conviction of any such Offences, the Water from any House or other Building shall be still conveyed otherwise than in Leaden or other Pipe or Pipes, so affixed, and reaching as aforesaid, for the Space of One Calendar Month, or more, the Owner or Proprietor of every such House or Building shall forfeit and pay the Sum of Ten Shillings Sterling, and so *toties quoties* for every Month after such first Conviction during which the Water shall be conveyed otherwise than as aforesaid; every such Fine or Forfeiture to be recovered and applied in Manner hereinafter directed; and the said Penalties shall be always paid according to the Proportions of the respective Rents of the several Proprietors. And in case the said Persons shall neglect for Two Months to convey the Water in Manner aforesaid, that it shall be lawful to, and in the Power of the said Commissioners, to order the Works necessary for conveying the said Water in Manner aforesaid, to be done at the Expence of the said Persons, and to discern for the said Expence, besides the Penalties above specified.

Pipes for conveying the Water from Roofs.

XXXV. And be it enacted, That where the Floors or Stories of any Houses or Buildings belong to more Proprietors than one, the several Proprietors of the same House or Building shall be obliged to defray the Expence of making, affixing, and keeping in Repair the said Pipe or Pipes, in Proportion to the valued Rents of their respective Parts of the said Front House or Building which belong to each of them. And in case any Dispute or Difference shall occur amongst the several Proprietors of the same House or Building, relative to their Proportion of the aforesaid Expence, it shall and may be lawful to the said Commissioners, after inspecting the Premises, and hearing the Parties concerned, by an Order or Decree given under their Hands, to determine the same, and to discern for the Expence in Manner aforesaid; which Determination shall be conclusive and binding on all Parties; without Prejudice to any Concert or Agreement among the said Proprietors, burdening one, and relieving the others, of the Expence of conveying the said Water as aforesaid. And declaring also, That when such Expence is paid by the Tenants or Occupiers of such Houses or Buildings, they shall have Relief thereof from the respective Proprietors, and be entitled to retain the same out of their Rents.

Expence of doing so, how to be paid.

[*Loc. & Per.*]

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XXXVI. And

No Logs of Wood above Twenty Feet long to be transported, except on a Carriage of Four Wheels.

XXXVI. And be it enacted, That no Logs or Pieces of Wood shall be permitted to lie on any Road, Street, or Lane; nor shall any Log or Piece of Wood be transported or carried on or through any of the Streets or Roads in and about the Towns of *South* and *North Leith*, Territory of *Saint Anthony* and *Yardheads*, *Coalhill*, and *Citadel*, above Twenty Feet in Length, except on a Carriage of Four Wheels, or on Two Carriages joined together, of Two Wheels each; and that no Jagers, or Instruments having only Two Wheels for carrying Wood, shall hereafter be allowed; and that every Person acting contrary hereto, shall forfeit and pay any Sum not exceeding Five Shillings for the First Offence, and Ten Shillings Sterling for every other Offence.

No Gunpowder above Four Pounds Weight to be kept in any private House, Shop, or Cellar within the Town.

XXXVII. And be it enacted, That no Person shall keep, at the same Time, in any House, Shop, Cellar, Warehouse, or other Apartments, within the said Towns of *South* and *North Leith*, Territory of *Saint Anthony* and *Yardheads*, *Coalhill*, and *Citadel*, more than Four Pounds Weight of Gunpowder, but shall carry all Gunpowder, exceeding the Quantity aforesaid, to the Powder Magazines without the Town, or to such other Magazine or Place as may be hereafter appointed by the Magistrates: And that every Person so offending, shall, forfeit and pay a Sum not exceeding Ten Shillings Sterling, for each and every Offence, besides forfeiting all the Gunpowder which shall be found in such House, Shop, Cellar, Warehouse, or Apartment, exceeding the aforesaid Weight, and paying all Damages that may be occasioned thereby; nor shall any Gunpowder be allowed to remain, in or out of Carts or Carriages on the said Streets or Shore of *Leith*, on any Pretence whatsoever, under a Penalty not exceeding Five Shillings Sterling for every Package or Barrel of Gunpowder so allowed to remain on the Street or Shore.

Further Regulations as to Gunpowder.

XXXVIII. And be it enacted, That the aforesaid Quantity of Four Pounds Weight of Gunpowder, allowed to be kept as aforesaid, shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound Sterling, to be paid for each Offence, by the Occupiers of such House, Shop, Cellar, Warehouse, or Apartments, to be levied and recovered as other Penalties are herein directed to be levied and recovered: Provided always, That the Commanding Officer of any of His Majesty's Troops quartered in the said Towns and Places, may at all Times direct such a Quantity of Gunpowder as he may think necessary for exercising the said Troops, or for other Military Purposes, to be kept in such Place or Places within the Town as shall be appointed by the Magistrates for the Time being, who, upon his Application, shall be obliged to appoint a proper Place for that Purpose.

No Goods to be left on Quays over Night.

XXXIX. And be it enacted, That no Goods shall be left on the Quays over Night: And if nevertheless done, it shall be lawful to the Commissioners aforesaid to carry and transport the same to any Yard or Warehouse, at the Expence of the Defaulter, who shall further be liable in a Fine not exceeding Twenty Shillings Sterling.

No Fires on board Ships in Leith Harbour.

XL. And be it enacted, That no Fires shall be permitted on board of any Ships or Vessels, of whatever Description, while lying in the Harbour or

or Docks of *Leith*, on any Pretence whatever; and that the Master or other Person having the Command or Charge of such Ships or Vessels, 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.

XLI. And whereas the Annual Assessment of Sixpence in the Pound, authorised by the former Act to be levied upon all Heritors, Life-renters, and other Proprietors of Houses, Lands, and Tenements, within the said Town of *South Leith*, Territory of *Saint Anthony* and *Yardheads*, has been found insufficient for the Purposes of the said Act, and it is expedient, for carrying the said recited Act and the present Act into complete Execution, that the Assessment be increased: Be it therefore enacted, that from and after the First Day of *August* next, it shall and may be lawful for the Commissioners aforesaid, to levy an Annual Assessment in the Manner directed by the former Act, not exceeding Five Pounds Sterling *per Centum*, of the valued Rent of the Houses, Lands, and Tenements, within the said Towns of *South* and *North Leith*, Territory of *Saint Anthony* and *Yardheads*, *Coalhill*, and *Citadel*, (exclusive of and besides the former Assessment authorised by the said before recited Act,) as the same are now, or shall at any Time hereafter stand valued in the Cess or Supply Books, or as the same may be ascertained by the Stentmasters of the Towns of *South* and *North Leith*, and the Assessors empowered by the former Act to make a Valuation of the Rents of the Property in the said Territory of *Saint Anthony* and *Yardheads*; and which Annual Assessment shall be payable in the Proportions, and at the Terms, and shall be levied and collected by the Collectors of the Cess for *South* and *North Leith* respectively, in the same Manner, and with Relief from the Occupiers, as directed by the before recited Act; and the Books kept by the Stentmasters shall be laid before the Commissioners appointed by this Act, at their General Meeting in the Month of *January* in every Year, and shall at all Times be open and patent for the Inspection and Examination of every Person concerned, at the Offices of the Town Clerks of *South* and *North Leith* respectively.

Assessments
on Houses,
&c.

XLII. And be it enacted, That if any Person or Persons shall conceive themselves to be aggrieved by the Valuations of Property, or the Assessments made by the said Stentmasters, for the Purposes of this Act, alledging that the Property of such Person or Persons is over-rated, or that the Property of other Persons is under-rated, it shall be competent to the Person or Persons so alledging, to appeal from the Order, Valuation, or Assessment made by the said Stentmasters, to the Committee before mentioned, directed to be appointed for hearing and determining such Appeals, who shall thereupon cause Notice to be given to all Persons interested, and appoint a Time for hearing the said Appeals, and the Order and Determination of the Persons so appointed, or the Majority of them assembled, upon hearing the Matter of such Appeals, shall be final and conclusive with regard to such Valuation and Assessments.

Appeal from
Stentmasters
to the Com-
mittee of
Commis-
sioners.

XLIII. And be it enacted, That the Fee of the aforesaid Watch-houses, if erected or purchased, and the Property of the Lamps, Lamp-posts, and Irons, and all and singular other the Matters and Things acquired and purchased, or erected or made by the said Commissioners,

Property of
Watch-hou-
ses, &c. vest-
ed in Com-
missioners.

in

in pursuance of the Powers hereby granted, shall be, and the same are hereby vested in the said Commissioners, for the Uses and Purposes aforesaid.

Collectors to give Security.

XLIV. And be it enacted, That all and every Collector and Collectors, or other Person or Persons whatsoever, concerned or to be concerned in the Receipt of the Monies to be raised, advanced, or borrowed, in pursuance of this Act, and the former Act, before he or they shall be permitted to take upon him or them the Execution of any of the said Offices, shall grant Bond, with sufficient Sureties, to the said Commissioners, for the Intromissions of such Collector or Collectors, and for the just and faithful Execution of their respective Offices, to such an Amount as the said Commissioners shall think reasonable: And that all and every Collector or Collectors, or other Person or Persons whomsoever, so concerned or to be concerned, in the Receipt of the Monies to be raised or borrowed as aforesaid, secreting or misapplying the same, contrary to the true Intent and Meaning of this Act, shall forfeit treble the Sum so secreted or misapplied, with full Costs of Suit, which said Forfeiture shall be recovered by the Commissioners, by an Action at the Instance of a Quorum of them before the Court of Session, against such Collector or Collectors, or other Person or Persons, his, or their Surety or Sureties as aforesaid, or his or their respective Heirs or Representatives.

Persons obstructing the Execution of this Act liable to a Penalty.

XLV. And be it enacted, That any Person assaulting, or striking, obstructing, hindering, or molesting, any Officer or other Person employed under this Act, shall, for every such Offence, forfeit and pay a Sum not exceeding One Pound Sterling.

Power to borrow Money.

XLVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorised and empowered, to borrow, and take up any Sum or Sums of Money not exceeding Three Thousand Pounds Sterling, and to grant and assign the Assessments and Duties given and granted by this Act, to any Person or Persons whomsoever, who shall be willing to advance and lend Money thereon, for securing Payment of the same, with Interest, at a Rate not exceeding Five Pounds *per Centum, per Annum*: And that the Monies so to be borrowed and advanced, shall be employed for lighting, paving, and watching the Streets, and the other Purposes of the former and this present Act.

Accounts to be published.

XLVII. And be it further enacted, That the said Commissioners, some Time between the First Day of *October* and the First Day of *November* in every Year, shall cause a fair and just Account to be made out in Writing, of all the Monies received and paid by virtue, or in pursuance of this and the former Act, shewing to whom, when, and for what Purposes the same have been laid out, paid, and expended, a Copy or Duplicate of which Account, signed by the Preses and Clerk, shall be deposited with the Clerk, who shall cause to be printed and dispersed authenticated Abstracts of the said Yearly Accounts; and shall also permit any Person assessed as aforesaid to inspect and examine the said Accounts themselves, as well as the Minute and Sederunt Books of the Commissioners, at all reasonable Times, without Payment of any Fee or Reward for such Inspection: And the Clerk shall also, upon Demand, give certified Copies or Extracts of the said Books and Accounts, or any Part thereof, to any Person, upon Pay-

Payment of a reasonable Fee, and a Copy of the said Account, signed as aforesaid, shall likewise be annually lodged in the Office of the Town Clerks of *South and North Leith*.

XLVIII. And be it enacted, That all Questions which shall arise before the Commissioners assembled in General Meetings, in the Execution of this Act, shall be determined by Plurality of Voices; and that the Lord Provost of *Edinburgh*, or, in his Absence, any of the Baillies of *Edinburgh*, and failing them, the Senior Baillie of *South Leith*, and failing him, the Senior Magistrate of *North Leith*, shall preside at the Meetings of the said Commissioners; and if none of the said Magistrates shall happen to be present, then such One of the Commissioners as shall for that Purpose be chosen by the Majority of Commissioners assembled at the Time, shall preside at such Meetings; and besides his single Voice, in common with the other Commissioners, shall, in all Cases of Equality of Voices, have a casting or decisive Voice.

Questions arising before the Commissioners to be determined by Plurality of Voices, Preses having a Casting Voice in case of Equality.

XLIX. And be it enacted, That it shall and may be lawful for the said Commissioners, or a Quorum of them, or any Collector to be appointed by them for receiving the Monies and Rates granted by this Act, to recover the several Fines, Penalties, Forfeitures, and Damages hereby imposed, (the Manner of levying and recovering whereof is not hereby otherwise directed,) by Action, Complaint, or Information, exhibited within Six Calendar Months before the said Magistrates within their respective Jurisdictions, notwithstanding they are Commissioners under this Act for the Time, or other Judge competent, within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the Magistrates, or other Judges aforesaid, shall, and they are hereby required and empowered to proceed to the Trial of such Offences prosecuted as herein-before mentioned in a summary Way; and upon Conviction of the Offender or Offenders, by their own Confession, or by the Oath of One or more credible Witnesses or Witnessess, to award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act: And that in Default of Payment of the said several Fines, Penalties, Forfeitures; and Damages, it shall be awarded and ordered by the said Magistrates or other Judges, that the Person or Persons who shall be convicted of any of the Offences before described, shall and may be sent by them to the Common Prison of *Leith*, or Bridewell, and there be kept in Confinement for such Time, not exceeding Thirty Days, as such Magistrate or Magistrates shall direct, unless the Sum so awarded against them shall be sooner paid and discharged. Provided always, That it shall and may be lawful to the Magistrates, and other Judges aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given or pronounced, from Time to Time, to mitigate or lessen, where they see cause, any of the Fines, Penalties, or Forfeitures aforesaid, as he or they, in his or their Discretion, shall think fit.

Penalties and Forfeitures how levied.

L. And it is hereby further declared, That all other Actions that may be necessary to be prosecuted under this Act, or for carrying the same into Effect, shall be in the Name and at the Instance of a Quorum of the said Commissioners, or in the Name of the Collector appointed by them.

Actions to be in the Name of the Commissioners.

[*Loc. & Per.*]

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LI. And

Rewards to Informers.

LII. And be it enacted, That it shall be lawful to the said Magistrates to appropriate and pay over to the Person or Persons on whose Information a Conviction shall follow, or a Fine shall in consequence be imposed, such a Proportion of the Fine as the said Magistrates shall think reasonable or proper; and after defraying all Expences, the Remainder shall be applied to the Purposes of this Act.

Carrying Water to North Leith.

LII. And whereas by the said former Act of the Eleventh Year of His present Majesty, the Privilege and Benefit of providing, collecting, supplying, and distributing of Water is confined to the said Town of *South Leith*, Territory of *Saint Anthony and Yardsbonds*, and to the Houses and Inhabitants within the same; and it is expedient that the same should be extended to the other Places before and after mentioned: Be it therefore enacted, That hereafter the Commissioners shall be obliged to communicate and extend the Benefit of the said Water to the Heritors and Inhabitants of *North Leith*, *Coalhill*, and *Citadel*, the said Heritors and Inhabitants paying the Assessments authorized by the former and this present Act, in the same Manner as is done by the Heritors and Inhabitants of the District described, within the said former Act, with the necessary Expence of laying the Pipes and distributing the Water, and also the Annual Sums paid for private Pipes or Shipping.

Former Act to remain in force, so far as not altered.

LIII. And be it enacted, That all and every the Clauses, Matters, and Things contained in the before recited Act of the Eleventh Year of his present Majesty, not hereby altered, shall subsist and be effectual during the Continuance and for the Purposes of this present Act.

Stentmasters may be Commissioners.

LIV. And be it further enacted, That the Stentmasters of the Towns of *South* and *North Leith*, being qualified as aforesaid, shall be capable of being elected Commissioners under this Act.

Offences how to be tried.

LV. And be it enacted, That all Offences, made punishable by this Act, committed in the Towns and Places aforesaid, shall be cognizable and tried in a summary Manner by and before the Magistrates of the said Towns and Places, within their respective Jurisdictions, notwithstanding their being Commissioners for putting this Act in Execution, or by and before any of his Majesty's Justices of the Peace for the County of *Edinburgh*, or any other Magistrate having Jurisdiction within the Place or Territory where the Offence is committed; all Parties conceiving themselves aggrieved being at Liberty to apply for Redress when the Sentence is pronounced by the Magistrates or Baillies of *South* and *North Leith*, or by a Justice or Justices of the Peace, by Appeal to the next Quarter Sessions of the Peace for the County of *Edinburgh* and County of the City of *Edinburgh* respectively, and such Appeals shall be proceeded in, in a summary Manner, and the Judgment thereupon shall be final and conclusive.

With Liberty to appeal,

Saving the Jurisdiction of the Sheriff of *Edinburgh*, and the Rights of the City.

LVI. Saving and reserving the Jurisdiction of the Sheriff Depute of the County of *Edinburgh* and his Substitutes, and to the City of *Edinburgh*, and the Magistrates and Community thereof, and their Clerks, all their Rights and Privileges, in the same Manner, and to the same Extent as they are now by Law entitled to exercise and enjoy within the Town of *South Leith*, and other Places mentioned in this Act; and likewise sav-

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ing to the Magistrates of *South* and *North Leith*, and their Clerks, all Rights and Privileges presently possessed and legally enjoyed by them.

LVII. And be it enacted, That the Charges and Expences of obtaining and passing this Act, shall and may be defrayed out of the Monies arising from the Assessments aforesaid, during the first Two Years after passing hereof. Expences of the Act.

LVIII. And be it further enacted, That all Judges, Sheriffs, and 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. Judges and others to execute Act.

LIX. 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 specially pleaded. Public Act.

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THE STATE OF TEXAS

County of ... State of Texas

I, the undersigned, Clerk of the County of ... State of Texas, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of ... State of Texas.

In testimony whereof, I have hereunto set my hand and the seal of the County of ... State of Texas, at the City of ... this ... day of ... 19... A.D.

Witness my hand and the seal of the County of ... State of Texas, at the City of ... this ... day of ... 19... A.D.

Clerk of the County of ... State of Texas