



ANNO DECIMO

# GEORGII IV. REGIS.

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## Cap. xli.

An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages within the City of *Aberdeen*, and certain Grounds adjacent; for regulating the Police thereof; and for supplying the Inhabitants with Water.

[14th *May* 1829.]

**W**HEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty *George* the Third, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages of the City of Aberdeen, and the Roads and Avenues within the Freedom and Royalty thereof; and for supplying the Inhabitants of the said City with Water:* And whereas the Powers and Provisions contained in the said Act have been found in many respects beneficial, while in others, and particularly in regard to supplying the Inhabitants of the said City with Water, they have been found to be defective and inadequate; on which Account it has become expedient that the said Act should be repealed, and that new and more enlarged Powers should be given for paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Passages within the said City, and Grounds adjacent thereto, already built upon or laid out in Streets,  
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Recited Act  
repealed.

or in the event of the same being laid out into Streets or built upon; and that Powers should also be given to take Water from the River *Dee*, for the Use of the Inhabitants of the said City and Grounds aforesaid, and to borrow Money to defray the Expence attendant thereupon, and for other Purposes relating to the Improvement of the said City and Grounds: And whereas it would tend to the more easy and effectual Execution of the Powers necessary for the above Purposes if the said Act were repealed, and all the said Powers comprised in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent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 Second *Thursday* of *October* One thousand eight hundred and twenty-nine the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty *George* the Third shall be and the same is hereby repealed.

Property ac-  
quired under  
recited Act  
vested in the  
Commis-  
sioners to be  
appointed  
under this  
Act.

II. And be it further enacted, That all the Real and Personal Estate acquired by the Commissioners acting under the Authority of the said recited Act, which shall be in their Possession or under their Control on the said Second *Thursday* of *October* One thousand eight hundred and twenty-nine, and all Debts due to the said Commissioners, and all the Rates, Assessments, and Monies made and levied under the Authority of the said recited Act, and all the Arrears of the same, shall be and the same are hereby vested in the Commissioners to be appointed under the Authority of this Act; and such Debts, Rates, and Assessments shall be paid and payable to the said Commissioners so to be appointed; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements, made and entered into by the said Commissioners under the said recited Act, to or with any Person or Persons, according to the Provisions and Conditions of the said Act, shall remain in full Force and Effect, and be and continue valid in the Law, and available in all Courts, until the same are fully paid and satisfied, performed and discharged, and the same shall be charged and chargeable upon the Rates and Assessments to be levied and the Sums to be borrowed under the Authority of this Act; and all Bonds, Securities for Money, Conveyances, Contracts, and Agreements, made or entered into by any Person or Persons to or with the said Commissioners, and all Debts owing to them, according to the Provisions and Directions of the said Act, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed.

Former Offi-  
cers, except  
the Trea-  
surer, to con-  
tinue until  
removed.

III. And be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, save and except the Treasurer, who have been appointed under and employed in the Execution of the said Act, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Commissioners, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

IV. And

IV. And be it enacted, That the Powers and Regulations Boundaries described herein-after contained, for the Establishment of a general System of Police, and for other Purposes, shall extend over the Grounds and Houses locally situated and comprehended within the following Limits; *videlicet*, within a Line commencing at the Point where the Burn of *Ferryhill* enters the River *Dee*, and following the Course of said Burn Westward until its Confluence with the Tail Race or Waste Water Lead of the Mill of *Ferryhill*; then turning Northward towards *Bon Accord Terrace*, amongst the Channel of the Burn which leads in that Direction; and then Westward, still keeping the Course of said Burn, across the *Hardgate Road* at *New Bridge* (where said Burn is known by the Name of *Holburn*), and across the great South Road leading from *Aberdeen* to *Stonehaven*, and continuing Westward along the Burn to the South-west Corner of the Wall which incloses *Union Grove*; thence Northward to the *Hazlehead* or West Burn of *Rubislaw*; thence along said Burn to a Point nearly as far Westward as the Scite of the present *Rubislaw Toll Bar*; thence Northward from said Burn, by a Road which enters that Branch of the *Skene Turnpike Road* which leads from *Union Place* at a Point Twenty-seven Paces or thereby Eastward of said Toll Bar; thence Westward to said Toll Bar; thence Northward to a Point at the East End of the Dam of *Stonietown Distillery*; thence North-eastward to the Dam of *Gilcomston*; thence along the North Side of said Dam; thence along the Road leading from the said Dam to the South-west Corner of the Wall which incloses *Westfield*; thence Northward along the Road which leads therefrom to the old *Stocket Road*; thence Eastward to the Road which leads from Steps of *Gilcomston* towards *Barkmill*; thence Northward along the said last-mentioned Road to *Hutcheon Street*; thence Eastward along the said Street to the Burn at *Broadford*, which divides the Parishes of *Saint Nicholas* and *Old Machar*; thence Northward and Eastward along the Boundary between the said Two Parishes to the Sea; thence along the Beach to the Mouth of the River *Dee*; and after there crossing that River, along the Boundary between the Parishes of *Saint Nicholas* and *Nigg*, to a Point opposite to the Extremity of the Parish of *Saint Nicholas*, on the North Bank of the said River, and there crossing it, and going along the Bank of said River to the Point at which the Burn of *Ferryhill* enters the said River *Dee*, as aforesaid.

V. And be it enacted, That for the more effectual Execution of Division into Wards. the Powers hereby granted the said City and Places within the Limits herein-before described shall be divided into Nine Districts or Wards.

VI. And as the Parish of *Saint Nicholas*, within which the Boundaries of Wards. greatest Part of the said City is situated, has lately been subdivided into Six Parishes; *videlicet*, the East Parish, the West Parish, the North Parish, the South Parish, *Greyfriars* Parish, and *Saint Clement's* Parish; and as it will be convenient for the Purposes of this Act that each of these Parishes be declared a Ward; be it therefore enacted, That the First Ward shall comprehend the whole of the East Parish; that the Second Ward shall comprehend the whole

whole of the West Parish; that the Third Ward shall comprehend the whole of the North Parish; that the Fourth Ward shall comprehend the whole of the South Parish; that the Fifth Ward shall comprehend the whole of *Greyfriars* Parish; that the Sixth Ward shall comprehend the whole of *Saint Clement's* Parish; and that the Seventh Ward shall comprehend the Houses and Grounds within the following Limits; *videlicet*, beginning at *Union Street Bridge*, which crosses the *Denburn*, thence keeping the Boundary between the said Parishes of *Old Machar* and *Saint Nicholas* Northward and Eastward to *Hutcheon Street*, thence Westward and Southward along the Boundary Line before described to the Dam of *Gilcomston*, thence along the Waste Water Burn which leads therefrom Eastward to the Bridge which crosses the said Burn at *Hardweird*, thence Southward along the Road which leads from said Bridge to *Skene Street* and *Summer Lane*, thence along said Lane to *Union Street*, thence along said Street to the said Bridge which crosses the *Den Burn*; that the Eighth Ward shall comprehend the Houses and Grounds within the following Limits; *videlicet*, beginning at a Point in *Union Street* opposite to *Summer Lane* aforesaid, thence going Southward along the Road or Street which leads to the old *Hardgate Road*, thence along said Road to *New Bridge*, thence Westward along *Holburn*, keeping the Boundary Line before described to the *Rubislaw Toll Bar*, thence Northward and Eastward to the Point at which the Boundary of the Seventh Ward touches the Dam of *Gilcomston*, thence along the Boundary of the said Seventh Ward to *Union Street* aforesaid; and that the Ninth Ward shall comprehend those Parts of the said Parish of *Old Machar* to which the Provisions of this Act extend, lying on the South Side of *Union Street* and East Side of the aforesaid Road or Street leading therefrom to *New Bridge* by the said old *Hardgate Road*, the Centre of the said several Roads, Streets, or Lanes between the several Wards being the Boundary between these Wards.

Power to  
alter the  
Wards.

VII. And be it further enacted, That it shall and may be lawful to the Commissioners under this Act, at any of the Stated Meetings to be held in manner herein-after provided, to alter the Limits or Boundary of the Wards, by adding to or diminishing the Extent of any of them, as to the said Commissioners may appear to be necessary or expedient; and the Boundaries of the several Wards to be fixed by the said Commissioners shall thenceforth (or till again altered as hereby allowed) be held to be the true Boundaries thereof: Provided always, that no Alteration of any of the Wards shall be made unless Intimation has been given and recorded, at the previous Annual Meeting appointed for imposing the Assessment by this Act authorized, of the Intention to propose such Alterations.

Provisions of  
former Act  
extended.

VIII. And be it enacted, That from the Term of *Whitsunday* in this present Year to the said Second *Thursday* of *October* thereafter the Powers, Authorities, and Provisions contained in the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty *George* the Third shall be and the same are hereby extended to all the Houses, Grounds, Streets, Squares, Lanes, and Passages within the Limits before described, and to the Inhabitants thereof; and all the

Monies that shall be expended by the said Commissioners in extending the Provisions of the said recited Act beyond the Limits to which the Operation thereof has been extended shall form a Charge against the Rates and Assessments to be levied under this Act.

IX. And be it enacted, That the Provost, Dean of Guild, and Treasurer of the said City of *Aberdeen*, and the Convenor of the incorporated Trades of the said City for the Time being, and Two Commissioners for each of the said Nine Wards, qualified and to be elected in manner herein-after directed, shall be and are hereby appointed Commissioners for the Purposes of this Act; and in case of the Absence from the said City of the Provost, Dean of Guild, and Treasurer, or any One or more of them, then and in such Case the Place of him or them who may be so absent shall be filled and supplied by One or more (as the Case may be) of the Three senior Bailies for the Time being, according to their respective Seniorities, who are hereby authorized to act in the Place and Stead of the Provost, Dean of Guild, and Treasurer, or such of them as may be so absent from the said City.

Commissioners for carrying this Act into execution.

X. And be it further enacted, That the first Commissioners for each of the said Wards shall be elected on the Second *Thursday* of *October* One thousand eight hundred and twenty-nine, and shall remain in Office till the Second *Thursday* of *October* One thousand eight hundred and thirty-one, when they shall go out of Office, and their Places shall be supplied by Two Commissioners for each Ward, to be that Day elected; and on the Second *Thursday* of *October* One thousand eight hundred and thirty-three, and biennially thereafter, there shall be an Election of Commissioners for each Ward, in the Manner appointed by this Act.

Time of electing Commissioners.

XI. And be it enacted, That the Commissioners to be elected on the said Second *Thursday* of *October* One thousand eight hundred and twenty-nine, and the Two Commissioners to be chosen for each of the said Wards on the Second *Thursday* of *October* biennially thereafter, shall be elected by a Majority of the Votes of the Male Occupiers of Dwelling Houses, Shops, Warehouses, and other Buildings and Places liable to be assessed under this Act, within the respective Wards, valued in manner herein-after directed, at the aggregate Sum of Five Pounds or upwards of yearly Rent; and that every such Commissioner shall be elected and chosen out of the Number of Electors resident within the Ward whose Dwelling Houses, Warehouses, or other Buildings or Places liable to be assessed under this Act, occupied by them respectively within the Ward, shall be valued in manner herein-after directed, at the aggregate yearly Rent or Value of Fifteen Pounds or upwards: Provided always, that no Person shall have more than One Vote on his total Valuation in any One Ward, without prejudice to his voting in any other Ward or Wards in which he shall possess a Dwelling House, Warehouse, Shop, or other Building or Place as aforesaid, valued at Five Pounds or upwards of yearly Rent; provided also, that Persons going out of Office in manner by this Act directed may be re-elected.

Qualification of Electors, and of Persons who may be elected Commissioners.

No Person to have more than One Vote in any Ward.

Commissioners may be re-elected.

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Qualifications of Members of Copartnerships to vote or be elected.

XII. Provided always, and be it further enacted That Companies or Copartnerships possessing Shops, Warehouses, or other Places valued as aforesaid at Five Pounds or upwards of yearly Rent, shall, for such Shops, Warehouses, or other Places, be entitled to vote at the Election of Commissioners for the Ward in which such Shops, Warehouses, or other Places are situated; and any Manager or acting Partner of a Company or Copartnership possessing any such Shop, Warehouse, or other Place in any Ward, valued at Fifteen Pounds of yearly Rent, or upwards, may be elected a Commissioner for such Ward, provided he be possessed of no other Qualification.

No Person in arrear of Assessments to be entitled to vote or be elected.

XIII. Provided also, and be it further enacted, That no Person shall be eligible as a Commissioner, nor shall any Person or Company be entitled to vote in the Election of Commissioners, who shall have been relieved from the Assessments made on him or them for the Purposes of this Act for the Year immediately preceding, on the Ground of Inability, or on any other Ground, to pay the Assessments, or who shall have been, within the Space of One Month previous to the Time of the Election, in arrear for any Part of the said or any previous Year's Assessments; and a Certificate, under the Hand of the Collector, shall be deemed and taken to be sufficient Evidence of such Relief or Arrears.

Manner of electing Commissioners.

XIV. And in order to fix and ascertain who are entitled to vote in the Election, and also who are entitled to be elected Commissioners of Wards, be it enacted, That Fourteen Days preceding the Second *Thursday* of *October* One thousand eight hundred and twenty-nine, and Fourteen Days preceding the Second *Thursday* of *October* in every Second Year thereafter, there shall be prepared and circulated from the Rent Rolls to be made up as herein-after directed a List of all the Persons qualified to elect and to be elected Commissioners (distinguishing the one from the other) within the several Wards; which List, preparatory to the Election in One thousand eight hundred and twenty-nine, shall be prepared and circulated by the Commissioners under the before-recited Act of the Fifty-eighth Year of the Reign of His late Majesty; and the subsequent Lists shall be prepared and circulated by the Commissioners for the Time being under this Act; and the Votes for the Two Commissioners appointed to be chosen for each Ward shall be given in each Ward separately, by each Person entitled and choosing to vote, by Notes or Billets, written and subscribed by the Electors, in the proper Handwriting of each, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of Two Persons voted for, which shall be put into Boxes provided for the Purpose on the Day appointed for the Election; which Boxes for the first Election shall be provided by the Commissioners under the said recited Act, and the Boxes for the subsequent Elections shall be provided by the Commissioners under this Act; and the said respective Commissioners are hereby required to provide such Boxes accordingly, in such convenient Form as to them shall seem expedient, and to put up One of these Boxes in such public or conspicuous Place in each Ward as to them shall seem proper; and of the Places where the said Boxes are to be put up or deposited

sited the said respective Commissioners shall give not less than Three Days previous Notice, by Tuck of Drum through each of the Wards, in order that all concerned may have access to put their Notes or Billets into the same, between the Hours of Ten of the Clock in the Forenoon and One of the Clock of the Afternoon of the Day of Election; at which last Hour the Election shall be closed, and the Boxes removed to the public Court House of the said City, and afterwards opened by the said Commissioners, or any Three of them, in Presence of a General Meeting of the Electors to be then and there held; at which Meeting, consisting of not less than Twenty-one Electors, exclusive of the Commissioners, a Person for each Ward shall be chosen by the said Electors, for the Purpose of acting, along with the Commissioners, as Scrutineers of the said Notes or Billets, which shall be scrutinized by them accordingly; and they shall also make up Lists, shewing the Number of Votes given for each Person voted for; and the Lists to be prepared and circulated by the respective Commissioners as aforesaid, and the Lists to be made up by the said Scrutineers, shall, together with the Notes or Billets, be preserved, held, and considered as the Rule by which the Election shall be determined, and Vacancies supplied in manner herein-after mentioned; and in the event of Twenty-one or more Electors, exclusive of the said Commissioners, not attending the said General Meeting, or in case of no Person, exclusive of the said Commissioners, attending the same, the said Commissioners shall have Power to proceed to scrutinize the said Lists and to declare the Election.

XV. And be it enacted, That in case any Person or Persons not included in the List to be circulated as aforesaid, and not qualified to vote as herein-before provided, shall nevertheless vote at the said Elections, every Person or Persons so offending shall be liable in a Penalty not exceeding Five Pounds for each Offence, and so *toties quoties*; which Penalty may be sued for by a summary Application before the Sheriff of the County of *Aberdeen*, or any one of his Substitutes, at the Instance of the Clerk or Treasurer to the Commissioners, and when recovered shall be applied for the General Purposes of this Act.

Penalty on Persons voting not being qualified.

XVI. And be it enacted, That in order to enable the Commissioners acting under the before-recited Act of the Fifty-eighth Year of the Reign of His late Majesty to prepare and circulate a List of the Persons entitled to elect and be elected Commissioners under this Act, upon the Second *Thursday* of *October* One thousand eight hundred and twenty-nine, they or a Majority of them, are hereby empowered and required, on or before the Second *Monday* of *June* after the passing of this Act, to convene in their ordinary Place of Meeting, and to make choice of and appoint Two indifferent Persons, who shall be sworn to make up and prepare a fair and equal Roll of the yearly Rents or Values of all the Dwelling Houses, Shops, Warehouses, Cellars, Vaults, Spinning Mills, Breweries, Manufactories, and other Buildings, and all Building Yards, Timber Yards, and other Places where Goods or Property are deposited, or Business is carried on within each of the said Wards, liable to be assessed for the Purposes of this Act, specifying the Names and Designations of the Tenants, Occupiers,

A Rent Roll of Houses &c. to be made up preparatory to the first Election.

piers and Possessors thereof; which Rent Roll, when completed, shall be delivered by the Persons appointed to prepare the same to the Clerk of the said Commissioners within the Space of Eight Weeks from the Date of their Appointment; and within the further Space of Fourteen Days the Clerk shall call a Meeting of the Commissioners, before whom the said prepared Rent Roll shall be laid; and the same shall and may be examined, corrected, and adjusted, as to the said Commissioners may seem proper and equitable, so as to render the same a fair, equal, and impartial Roll of the real Rents and yearly Values of the said Dwelling Houses and other Places; and the said Roll, after being so examined, adjusted, and authenticated by the said Commissioners, is hereby declared and appointed to be the Rule for ascertaining and determining the Qualifications, not only of the Persons entitled to elect and to be elected the first Commissioners for Wards under this Act, but also for laying on and levying the Rate of Assessment hereby authorized to be raised for the Year then current; and as such the said Rent Roll shall be patent and open to the Inspection of all Persons liable in the said Assessment: Provided always, that before completing or authenticating the said Rent Roll, printed Notices, specifying the Amount of Rent on which each Person is to be assessed, shall be left at the Dwelling House, Shop, or Warehouse of each Person so to be assessed, specifying the Time and Place at which the Commissioners are to meet for completing or authenticating the said Rent Roll in order that all Persons may have an Opportunity of appealing against the Assessment to be imposed on the Rents stated in the said Roll, and which Meeting of the Commissioners for completing and authenticating the same shall be held not sooner than Eight Days after the Date of such Notices, with full Power to the said Commissioners to hear and determine finally on the said Appeals, in such Manner as to them may appear most equitable; and the Expences which may be incurred by the said Commissioners in making up the said Rent Roll, or otherwise in the Execution of the Duty before committed to them, (excepting their own personal Expences,) shall be defrayed out of the Funds authorized to be levied under the Authority of this Act.

Day of Election to be advertised.

XVII. Provided always, and be it enacted, That not less than Six nor more than Fourteen Days before the Time fixed for the Election of the First Commissioners under this Act the Clerk acting under the said recited Act shall cause Intimation to be made by Advertisement in at least One Newspaper published in *Aberdeen*, and in such other Manner as the Commissioners shall order, of the Day and Place of Election; and not less than Six nor more than Fourteen Days before each biennial Election thereafter the Clerk to the Commissioners shall cause a similar Intimation to be made by Advertisement in at least One Newspaper published in *Aberdeen*, and in such other Manner as the Commissioners under this Act shall deem proper, of the Day of Election.

In case of Equality of Votes.

XVIII. And be it enacted, That in case there shall be an Equality of Votes at any of the said Elections the same shall be reported by the Clerk to the Commissioners at their first Meeting after the Time appointed



appointed for the Election; and the Commissioners present at such Meeting shall determine which of the Candidates shall be preferred.

XIX. And be it enacted, That within Forty-eight Hours after the Commissioners are elected the Clerk shall cause a written Notice to be delivered or left at the Dwelling House or Place of Business of each Person elected, intimating his Election. Clerk to give Notice to each Person elected.

XX. And be it enacted, That in case any Person who shall be elected a Commissioner in manner aforesaid shall refuse to accept, or in case of accepting shall resign or refuse to act, or shall absent himself from the Meetings of the said Commissioners for the Period of Six Calendar Months, without sufficient Cause shown to the Satisfaction of a Majority of the Commissioners present at their first Meeting after the Expiration of such Six Months, every Person so refusing, resigning, or absenting himself shall forfeit a Sum of Five Pounds, to be recovered, levied, and applied in manner herein-after directed: Provided always, that the said Forfeiture shall not be incurred by the Refusal of any Person to act who shall previously have held the Office of Commissioner under this Act for not less than Four Years; and any Person who shall have incurred and paid such Forfeiture shall not be liable or obliged to accept of the Office of Commissioner for Seven Years thereafter: Provided also, that no Person shall be obliged to accept or act as a Commissioner for a Ward during the Time he shall hold the Office of a Magistrate, or be a Member of the Town Council of the said City. Commissioners obliged to accept and act, under a Penalty. Exception.

XXI. And be it enacted, That in case the Electors of any of the said Wards shall refuse or neglect to elect Commissioners for the same, either upon the said Second *Thursday of October* in the present Year, or upon any other Day appointed by the Authority of this Act for electing Commissioners, then and in such Cases it shall be lawful for the Commissioners *ex officiis*, along with those elected for Wards, or a Majority of them, and they are hereby required, at their first Meeting, to nominate and appoint Commissioners, qualified in manner before directed, for the Wards for which Elections shall not have been made; and such Commissioners, when so nominated and appointed, shall have and enjoy the same Powers and Privileges, and shall remain the same Time in Office, as if they had been elected by the Possessors of Houses, Shops, Warehouses, and other Buildings in their respective Wards in manner herein-before directed. Electors refusing or neglecting to elect.

XXII. And be it further enacted, That in case a Commissioner for any of the Wards shall happen to be elected Provost, Dean of Guild, or Treasurer of the said City, or Convener of the incorporated Trades, he shall thereupon, in the event of his Acceptance of the Office to which he may so happen to be elected, cease to be considered the Commissioner of a Ward, and his Place shall be declared vacant. Commissioners accepting certain Offices to become disqualified.

XXIII. Provided also, and be it enacted, That in the event of any Commissioner removing from the Ward for which he may have been elected, or ceasing to occupy Premises in such Ward assessed at the yearly Rent of Fifteen Pounds or upwards, then and in either of these Commissioners to cease to represent their Wards in certain Cases.

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events

events the Commissioner so removing or ceasing to occupy Premises within the Ward assessed as aforesaid shall be held to be disqualified, and shall cease to act as a Commissioner for such Ward.

Vacancies of Commissioners by Death, &c. to be filled up by the others.

XXIV. And be it enacted, That in case the Place of any of the Commissioners of any of the Wards shall be or become vacant through Death, Refusal, or Resignation, or through any other Cause, the Person or Persons (as the Case may be) in the List, to be kept and authenticated as aforesaid, having the greatest Number of Votes in any such Ward, next to those chosen in the preceding Election, shall succeed to the vacant Place or Places; and which Commissioner or Commissioners so succeeding upon any Vacancy or Vacancies shall have and enjoy the same Powers and Privileges, and shall remain in Office until the next General Election, the same as if he or they had been originally chosen by the Electors in manner herein-before directed.

Commissioners only to act at a regular Meeting.

XXV. Provided always, and be it enacted, That no Commissioner shall be capable of acting in any Case in the Execution of this Act unless at some Public Meeting to be held in virtue thereof, or in consequence of the Order and Appointment of such a Meeting; and that none of the Commissioners for the Purposes of this Act shall be capable of acting as such during the Time he shall enjoy any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; excepting always the Partners of the *Aberdeen Gas Light Company*, or any Joint Stock Company, the Partners of which shall be disqualified from acting only in Matters relating to the Interests of the Company of which they may respectively happen to be a Partner.

Power to appoint Officers, and dismiss them;

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to estimate, assess, levy, and apply the Sums of Money herein-after authorized to be raised for the Purposes of this Act; to nominate and appoint Treasurers, Collectors, Clerks, Superintendents, Overseers, and Inspectors, also Engineers, Keepers of the Fountains, Wells, Watercourses, Powder Magazine, Fire Cocks, Lighters of Lamps, Scavengers, Paviers, and all other Officers and Servants proper and necessary under them in the Execution of this Act; and at pleasure to suspend or remove and displace them or any of them, and to elect others in their Place; and also to limit and appoint reasonable and adequate Salaries, Wages, and other Allowances to be made and paid to such Officers and Servants; and to increase or diminish the Number of such Officers, and the Salaries, Wages, and Allowances to be made and paid to them as aforesaid; and to make Orders and Regulations relative to the lighting, cleansing, guarding, watching, and patrolling the Streets, and supplying the Inhabitants with Water; and to Auctions or Sales at Shop Doors or in the public Streets, and the exposing of Goods at Shop Doors, and to exact Penalties for enforcing such Rules and Regulations, not exceeding in any Case the Sum of Twenty Shillings, to be recovered by Complaint to the Judge of Police, to be appointed under the Authority of this Act, at the Instance of the Superintendent or Inspector; and to

and also to make Orders and Regulations for lighting, cleansing, and watching the Streets, &c.

execute

execute all the other Matters specified in this Act, and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to any thing in this Act contained, and before being put in force shall be published Once at least in some Newspaper printed in the City of *Aberdeen*, and shall be hung up in some conspicuous Place in the Police Office: Provided also, that no Treasurer, Collector, Clerk, Superintendent, Inspector, or other Officer or Servant whose Salary or Allowances shall amount to Fifty Pounds or upwards *per Annum*, shall be appointed or dismissed, except at a General Meeting of the said Commissioners called for the Purpose, by Notices delivered to all the Commissioners, or left for them at their Dwelling Houses or Places of Business, Two Days previous to the Day of Meeting, and at least a Majority of all the Commissioners being present at the Time the Nomination is made or Dismissal ordered; and if a Majority of the Commissioners for the Time shall not assemble at the Meeting called for the Purpose, then the Meeting shall be adjourned from Time to Time until a Majority of the Commissioners shall assemble; and the same Notice of the adjourned Meeting shall be given as of the original Meeting.

XXVII. Provided always, and be it further enacted, That a Majority of those present at any of the weekly or other Meetings may suspend any Officer or Servant employed in the Execution of any of the Duties authorized by this Act, on a Charge of culpable Conduct in his Office being made against him; and in such Case, or in case of the Sickness or necessary Absence of any such Officer or Servant, it shall be lawful to and in the Power of a Majority of those present at any Meeting of the said Commissioners to appoint a Person to discharge the Duties of the vacant Office *ad interim*.

Suspension  
of Officers.

XXVIII. And be it further enacted, That, notwithstanding such new Elections of Commissioners as are hereby required to take place at the End of every Second Year, the respective Officers, Clerks, Surveyors, and other Persons who shall have been appointed by any preceding Body of Commissioners to any Office or Employment under this Act, and who shall not have been removed or dismissed, shall continue to act until they shall respectively resign or be removed and dismissed by the said Commissioners; and the Bonds and Securities granted by any Officer or Servant for the faithful Discharge of the Duties of his Office shall continue in full Force, and shall vest in every new Body of Commissioners.

The respective  
Officers  
to continue  
to hold their  
Appoint-  
ments with-  
out Re-elec-  
tion by a  
new Body  
of Commis-  
sioners.

XXIX. And be it enacted, That all the said Commissioners shall be cited to attend all Meetings, both special and statutory, such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by their Clerk, at least Twenty-four Hours before the Time of Meeting; and that the Provost, or in his Absence the Dean of Guild, or in the Absence of both, the Treasurer of *Aberdeen*, whom also failing, then such One of the said Commissioners as shall be chosen by those present, shall preside at all Meetings of the said Commissioners, and shall have both a deliberative, and, in case of Equality,

Notice to be  
given of each  
Special and  
Statutory  
Meeting.

Preses of the  
Meeting.

Equality, a casting Vote, in all Matters and Questions which shall come before them: Provided always, that after the Meeting has been constituted and the Chair taken the Person in the Chair shall not be displaced by the subsequent Arrival of the Provost, or Dean of Guild, or Treasurer, but shall continue to officiate as Preses the same as if neither of them had arrived; and the Fact of the Minute being signed by any Person as Preses, other than the Provost, shall of itself be Evidence of his Absence at the Time the Meeting was constituted, and the same shall be the Case with respect to the Dean of Guild and Treasurer.

Quorum of Commissioners.

XXX. Provided further, and be it enacted, That Seven of the said Commissioners must be present at all Meetings to constitute a Quorum; and that all Resolutions, Acts, and Deeds of such Quorum shall, in every Matter and Thing relating to the Execution of this Act, be as lawful and binding as if all the Commissioners had been present, except in Cases where the Presence of a Majority is herein expressly required.

Quarterly Meetings to be held.

XXXI. And be it enacted, That the Commissioners under this Act shall hold their First General Meeting on the First *Monday* after the Second *Thursday* in *October* after the passing of this Act; and that afterwards Four Quarterly Stated Meetings shall be held on the Third *Monday* of the Months of *January, April, July, and October* in each Year, at Three of the Clock in the Afternoon, for putting this Act and the Powers hereby committed to the said Commissioners in execution; which Meetings shall be held within the ordinary Court House of the said City, or in such other Place within the said City as the said Commissioners shall from Time to Time appoint.

Weekly Meetings may be held.

XXXII. And be it further enacted, That besides the said Four Quarterly Meetings, Weekly Meetings of the said Commissioners may be held for the Purposes of this Act, for ordering Payment of the Salaries of the inferior Servants, for enquiring into their Conduct, and for reprimanding or dismissing such of them as may have acted improperly; for enquiring into the State of the Lamps, and the Conduct of the Contractors, or other Persons employed for lighting the same; for hearing Reports on the State of the Wards, and any Works that may be carrying on within the same, in which the Commissioners may be interested, and for other similar Purposes connected with the general good Order and Police of the several Places within the Limits of this Act; and for giving Directions as to cleansing, lighting, watching, and repairing the Streets, Lanes, and other public Places under their Charge, and in general all other Matters and Things intrusted to them; which Weekly Meetings are to be held upon any Day which may be from Time to Time appointed by the Majority of the Commissioners, and upon such Day being fixed the Commissioners for the Time being are required to attend without any Warning.

No extraordinary Business at

XXXIII. And be it enacted, That no new Rules or Regulations are to be adopted, nor extraordinary Business discussed, at the  
Weekly

Weekly Meetings, unless due Notice thereof has been given at a prior Meeting, and the Subject of such Business notified to each Commissioner by means of written or printed Notices delivered or left in the same Manner as is required for Special or Statutory Meetings.

Weekly Meetings, unless Notice given.

XXXIV. And be it enacted, That the Provost, or in the event of his Death or Absence, the Clerk of the said Commissioners, shall be obliged, upon Requisition made to him under the Hands of any Two of the said Commissioners, to appoint Meetings of them to be held within Forty-eight Hours after such Requisition; and it shall be in the Power of the Provost, or in his Absence the Dean of Guild, and in the Absence of both the Treasurer of *Aberdeen* respectively, of themselves to appoint other Meetings of the said Commissioners, to be held so often and at such Times and Places within the said City as may to them seem necessary and expedient; and all the Commissioners shall be summoned to attend every such Meeting by written or printed Notices or Summonses to be delivered or left as before directed Twenty-four Hours at least previous to the Time of Meeting; which Notices shall specify the Substance of the Business which is to be brought before the Meeting.

Other Meetings may be appointed.

XXXV. And be it further enacted, That the said Commissioners, or a Majority of them present at any of the said Meetings, may adjourn the same to any other Day, Hour, and Place within the Limits of this Act.

Meetings may be adjourned.

XXXVI. And be it further enacted, That the said Commissioners at any Meeting may appoint Committees of their own Number for carrying the Purposes of this Act or any Part of them into execution, and for that End to delegate such of the Powers hereby committed to them as they may consider necessary.

Commissioners may appoint Committees.

XXXVII. And be it further enacted, That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expences.

Commissioners Expences.

XXXVIII. And be it further enacted, That the said Commissioners may sue and be sued for any thing done or ordered by them in virtue of this Act, and for Recovery of the Penalties and Forfeitures by this Act imposed, and not otherwise appointed to be recovered, in the Name of their Clerk or Treasurer for the Time being, or any one of the *ex officio* Commissioners appointed by this Act; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders, in the Name of their Clerk or Treasurer, or such *ex officio* Commissioner, shall cease or abate by the Death or Removal of any such Clerk, Treasurer, or Commissioner, but that the Clerk or Treasurer to the said Commissioners for the Time being, or the Successor of such *ex officio* Commissioner, shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action: Provided always, that the said Clerk, Treasurer, or Commissioner shall always be reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, and Expences

Commissioners may sue or be sued in the Name of their Clerk or Treasurer, &c.

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as he shall be put unto or become chargeable with by reason of any such Action or Suit.

Power to estimate and fix the Assessments.

XXXIX. And be it further enacted, That the said Commissioners at the Meeting to be held on the Third *Monday* of *October* annually, or at a Meeting to be held for the special Purpose as soon thereafter as may be, shall estimate and fix, and they are hereby authorized and required to estimate and fix, the Sums of Money necessary to be levied for the then current Year for the Purposes of this Act, under the Two several Heads of "General Purposes" and "Water Rate," and to assess all Tenants, Occupiers, and Possessors of Dwelling Houses, Cellars, Vaults, Shops, Warehouses, Spinning Mills, Breweries, Manufactories, and other Buildings, and all Building Yards, Timber Yards, and other Places where Goods or other Property are deposited or Business is carried on, and the Pertinents thereof, within the Limits of this Act, according to the Rates following; (that is to say,) where the aggregate Amount of the yearly Rent or Value, as the same shall be ascertained in Manner herein-after mentioned, of all the Premises within the said Limits occupied or possessed by the Person assessed, does not amount to Seven Pounds, in any Sum not exceeding One Shilling and Three-pence in the Pound of the aggregate yearly Rent or Value as aforesaid, for the General Purposes of this Act; and where the aggregate Amount of the said yearly Rent or Value amounts to Seven Pounds or upwards, in any Sum not exceeding One Shilling and Sixpence in the Pound of the said aggregate yearly Rent or Value as aforesaid, for the above Purposes; (that is to say,) for repairing, lighting, cleansing, watching, and patrolling the Streets, Lanes, and other public Passages within the Limits of this Act, so far as under the Management of the said Commissioners, and for all the other Purposes of this Act, except those relating to the Water Department; and in case the maximum Rate of Assessment be not imposed on either of the Classes of Occupiers or Possessors, neither shall it be imposed on the other Class; and in all Cases the Rates imposed on the several Classes shall be in proportion, and shall be increased or diminished in proportion to the maximum Rates above mentioned; and also to assess all Tenants, Occupiers, and Possessors of Dwelling Houses in any Sum not exceeding Nine-pence in the Pound of such yearly Rent, and all Tenants, Occupiers, and Possessors of Shops, Cellars, Vaults, Warehouses, Spinning Mills, Breweries, Manufactories, and other Buildings not occupied as Dwelling Houses, and all Building Yards, Timber Yards, and all other Places where Goods or other Property are deposited or Business is carried on, in any Sum not exceeding Four-pence in the Pound of such yearly Rent, for defraying the Charges and Expences of the Water Department, under which is comprehended the Expence of preserving the Springs and other Supplies of Water, distributing the same in Pipes, building Wells, and maintaining the same, and the Cisterns, Machinery, and Works to be erected as herein-after directed, paying the Interest of Money to be borrowed for the above Purposes, Salaries, Wages, and all other Charges and Expences attendant upon what is understood to be the Water Department, according to the true Intent and Meaning of this Act: Provided always, that the

the Assessment for Water Rate on Dwelling Houses, and the Assessment on Shops, Warehouses, and other Buildings and Places, (not occupied as Dwelling Houses,) shall uniformly be in relation to each other as Nine-pence *per* Pound of the yearly Rent for the former is to Four-pence *per* Pound of yearly Rent for the latter, or as near these Proportions as conveniently be; and it shall be lawful for the said Commissioners to apportion the Surveyors, Collectors, and Clerks Salaries and incidental Expences, under the said Two several Heads of General Purposes and Water Rate, as to them shall seem proper.

XL. And be it enacted, That no Company or Individual shall be assessed either for General Purposes or for Water Rate, on a Rent exceeding One hundred and eighty Pounds, whatever the yearly Rent or Value of the House or Houses, Shop or Shops, or other Building or Places occupied by such Company or Individual, may be, although the same be situated in different Parts of the Town, provided the same being solely used for Business or Manufacture, and that the same Kind or Branch of Business or Manufacture be carried on in such separate and disjoined Shops, Houses, or other Buildings or Places.

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Rent de-  
clared.

XLI. And be it further enacted, That the said Commissioners shall not assess any House, Shop, Warehouse, Cellar, Vault, or other Place or Places, the Rent of which, and of any other Buildings within the Limits of this Act, occupied by the same Person or Company, shall be under Three Pounds *per Annum*, unless Spirituous Liquors be sold therein; nor any Gardens or Grounds under Cultivation lying within the aforesaid Limits; nor any Farm Offices or Barn Yards; nor the Machinery or Utensils of any Spinning Mill, Brewery, or other Manufactory; nor any House, Shop, Warehouse, Cellar, Vault, or other Place, which shall be unoccupied or unfurnished for the whole Year, from One Term of *Whitsunday* to another Term of *Whitsunday*, for which any Assessment shall be made; nor the Town House, or Court House, or Gaol of *Aberdeen*; nor the Record Office, nor Bridewell, nor the Trades Hall, nor any Place used solely for Public Worship, nor any Buildings which are solely occupied for the Purpose of Public Charity, or of Science or Education: Provided always, that the said Commissioners, on Application made to them, shall have the Power of granting Relief from the said Assessments to any Person on the Ground of Poverty or Inability.

Certain  
Houses and  
Persons ex-  
empted from  
the Assess-  
ment.

XLII. And be it further enacted, That the said Commissioners shall not assess for Water Rate (unless in the event herein-after mentioned), nor be obliged to supply with Water, any Houses, Ground, or other Property situated within the following Limits; *videlicet*, beginning at the present Site of the said *Rubislaw* Toll Bar; thence Northward and Eastward as aforesaid to the South-west Corner of the Wall which incloses *Westfield*; thence Northward and Eastward along the Boundary before described to the said Burn of *Broadford*; thence Southward along the Boundary between the said Parishes of *Saint Nicholas* and *Old Machar* to the *Den Burn*; thence along said Burn

District ex-  
empted from  
Water Rate,  
&c.

to

to a Point opposite to the East End of *Skene Terrace*; thence Westward to said Terrace; thence Northward along the Road or Street which leads therefrom to *Skene Street*, to a Point Half Way between the said Street and Terrace; thence Westward in a Line to be drawn at an equal Distance from the said Street and Terrace to *Summer Lane*; thence Southward to the North-west Corner of the Garden Wall of *Charles Bannerman Esquire*; thence along the West Side of the Wall which incloses said Garden on the West, to a Point One hundred Feet from *Union Street*, and thence Westward to the fore-said Toll Bar, in a Line parallel to and One hundred Feet North from *Union Street*, *Union Place*, *Alford Place*, and the Road leading therefrom to the said Toll Bar; declaring and providing hereby, that all Houses or other Buildings erected on the foresaid Lines, and partly on both Sides thereof, shall be considered as wholly situated within the said Lines respectively.

The Rates may be extended to such District eventually;

XLIII. Provided always, and be it enacted, That if at any Time the Inhabitants of any particular District, Street, or Place within the Limits herein-before described, (exempted from an immediate Supply of Water,) and assessed for the General Purposes of this Act to the Extent of more than One Half of the whole Assessment imposed on such District, Street, or Place for the General Purposes of this Act, shall apply to the said Commissioners, requesting to be supplied with Water under the Provisions of this Act, it shall be lawful to and in the Power of the said Commissioners to furnish such Supply accordingly, and from thenceforth to assess for Water Rate the Tenants, Occupiers, and Possessors of Dwelling Houses, and other Places liable to be assessed for General Purposes as aforesaid, within the District, Street, or Place to which such Supply shall in pursuance of such Requisition be extended; but if the Rate then payable shall be less than the Rates previously paid under this Act, it shall be lawful to the Commissioners to exact and levy, from the Tenants and Occupiers of Houses, Shops, and Warehouses within such District, Street, or Place so requiring Water, Rates equal to those which may have been previously imposed on Districts not so exempted, and to continue the same during such Number of Years as the higher Rate may have been so imposed.

and thereafter to have the Benefit of this Act.

XLIV. Provided always, and be it enacted, That from the Time such Supply is furnished, and Water Rate imposed, all the Benefits of and Provisions contained in this Act, regarding the distributing of Water, and the Recovery of Water Rate and Water Rent, shall come into operation, the same in all respects as if such District, Street, or Place had never been exempted from these Provisions.

Power to exempt other Places from the Provisions of the Act.

XLV. And be it further enacted, That the said Commissioners shall have Power, at their Meeting to be held annually as aforesaid, for the Purpose of fixing and imposing the Assessment to be made for the General Purposes of this Act, or at any other Meeting to be called and held for the special Purpose, to exempt for a Time any Place or Places, Grounds or Houses, within the Limits before described, from all or any of the Regulations herein-after established in regard to lighting, cleansing, watching, and supplying Water: Declaring  
always,



always, that any such Grounds, Houses, Place or Places, if so exempted from all of the said Regulations, shall during the Continuance of such Exemption be free from Payment of any Part of the Assessment by this Act authorized to be levied; but in the event of any such Grounds, Houses, Place or Places, being only partially exempted from the Regulations as to lighting, cleansing, watching, and supplying Water, or any of them, then such Grounds, Houses, Place or Places, so partially exempted, shall be liable in Payment of such Part of the Assessments herein appointed to be levied as shall be fixed and determined by the said Commissioners.

XLVI. And be it further enacted, That the said annual Assessments herein-before authorized to be imposed shall be calculated from *Whitsunday* to *Whitsunday* yearly, and shall be payable immediately after they shall be imposed, or as soon thereafter as shall be directed by the said Commissioners; and the said Assessment for General Purposes shall commence at and from the Term of *Whitsunday* One thousand eight hundred and twenty-nine, and the said Assessment under the Head of "Water Rate" shall commence at and from the Term of *Whitsunday* prior to the Period at which the Works for raising and bringing Water from the River *Dee* to the said City shall be in operation, both for the Years then respectively current: Provided always, that it shall not be lawful to the said Commissioners assembled at the foresaid Meeting to impose the said Assessments unless a Majority of all the Commissioners shall be present; and in case a Majority of all the Commissioners shall not be present, the Meeting shall be adjourned to another Day, at the Distance of not less than One Week nor more than Two Weeks, of which adjourned Meeting, and the Purpose for which it is to be held, special Notice shall be given by written or printed Summonses not less than Four Days before the Day of Meeting; and the Commissioners assembled at such adjourned Meeting, or a Majority of them, shall be entitled to impose the Assessments for the Year, provided a Quorum shall be present; but if a Quorum shall not be present at such adjourned Meeting, the Commissioners present shall adjourn to another Day, and may continue such Adjournment until a Quorum shall be present; the written or printed Summonses calling all such adjourned Meetings bearing expressly that the Meeting is for the Purpose of laying on an Assessment.

Annual Assessments to be imposed.

Majority of the Commissioners to be present.

XLVII. And be it further enacted, That in order to ascertain the yearly Rents and Values of all Dwelling Houses, Shops, Warehouses, Cellars, Vaults, Breweries, Manufactories, Spinning Mills, or other Buildings, and all Building and Timber Yards and other Places hereby ordered to be assessed, the said Commissioners shall, at their first or any subsequent Meeting, make choice of and appoint Two or more indifferent Persons to be Surveyors under this Act; and such Surveyors shall be sworn to administer their Office faithfully, according to their Judgment and Knowledge; which Oath the Provost or any of the Bailies of *Aberdeen* is hereby authorized to administer; and such Surveyors shall, after *Whitsunday* Old Style in every Year, survey and report upon the Rents or yearly Value of all such Premises as aforesaid, or if the said Commissioners so direct,

Two sworn Surveyors to be appointed.

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shall

shall call on the Tenants, Occupiers, and Possessors of all such Premises to make Returns of the yearly Rent or yearly Value thereof, in such Manner as the said Commissioners shall prescribe, and in default of such Returns being made to survey and report upon the yearly Rents or yearly Value of all such Premises as aforesaid; from which Returns to be made to, and the Surveys and Reports to be made by, such Surveyors, the said Commissioners shall cause such Surveyors, or the Collector of the Assessments to be imposed under this Act, or some other proper Person, to make up a Roll of the yearly Rents or Values of all the Dwelling Houses, Shops, Warehouses, Cellars, Vaults, Manufactories, and other Buildings and Places within the Limits aforesaid, liable to be assessed, with the Names of the Persons liable to the Assessment.

Roll of the Rents to be made up annually, and Commissioners to consider it within a certain Time.

XLVIII. Provided always, and be it enacted, That such Roll of yearly Rents or Values shall be made up annually on or before the Third *Monday of August*; and within Three Weeks after it is made up the said Commissioners, or a Committee of their Number (to be appointed for the Purpose), shall meet in their ordinary Place of Meeting, or some other suitable Place, for the Purpose of considering and amending the said Roll of the Rents or yearly Values of the Premises liable to be assessed; and for at least Fourteen Days before such Meeting the said Roll shall lie in the Clerk's Hands, open and accessible to every Person liable to be assessed under this Act; and Notice of the Time and Place fixed for such Meeting shall be given, by Advertisement in a Newspaper published in *Aberdeen*, at least Eight Days before the Day of Meeting; and a printed Notice shall also be left at the Dwelling House or other Premises of every Person or Company liable to be assessed, specifying the Rent or Value upon which the Assessment is to be made, and the Time of meeting of the said Commissioners or their Committee for the Purpose of considering and amending the said Roll; and at least Four Days before such Meeting all those considering themselves in any way aggrieved by the said Roll, either by themselves being over-rated, or by any other Person being under-rated, and intending to complain, shall lodge their Appeals or Complaints in the Hands of the Clerk to the said Commissioners; and at the said Meeting the said Commissioners shall hear and consider the Cases of all those who may consider themselves aggrieved, and shall have appealed and complained in Writing as aforesaid, and shall alter and amend the Roll, either by reducing the stated Rents and yearly Values, when they consider them to have been stated higher than they ought to have been, or by increasing them when they have been stated too low, as they shall see Cause; but in case any of the Rents or yearly Values of any of the Premises shall be increased beyond what was specified in the Notice, then another Notice shall be given to the Tenants, Occupiers, or Possessors of such Premises; and the Commissioners or their Committee shall meet on a subsequent Day, at the Distance of not less than Four Days after giving such Second Notice, which Notice shall specify the Time and Place of Meeting of the Commissioners, to hear and consider the Case of such Persons as may consider themselves aggrieved, and finally fix the Amount; and such Rolls shall thereafter be authenticated, and the Assessment shall  
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be levied according thereto, without Appeal to any other Court; and it shall be in the Power of the Commissioners, if they see Cause, to examine Parties on Oath, which Oath the Preses of the Meeting is authorized and empowered to administer.

XLIX. And be it enacted, That if any Dwelling House, Shop, Warehouse, Cellar, or other Building, which shall be unoccupied or not possessed at the Time of laying on the general yearly Assessments as aforesaid, shall afterwards during the Currency of that Year become occupied or possessed, it shall be lawful to and in the Power of the said Commissioners to meet and assess the same in Manner before directed, for such Part of the then current Year as the same shall be occupied.

Empty Houses becoming possessed may afterwards be rated.

L. And be it enacted, That all Shops, Warehouses, or other Places within the Limits aforesaid, which may happen to be let to travelling Merchants, Auctioneers, Hawkers, Pedlars, or others who may take up a temporary Residence within the said Limits, and which may not be otherwise assessed for the Purposes of this Act, shall be rated and assessed as follows; *videlicet*, if the Possession shall be for a Period less than Six Months, then the Assessment shall be on the Rent or Value corresponding to Six Months Possession of such Premises, and if the same be let or occupied for a longer Period than Six Months, though less than One Year, then the Assessment shall be on the Rent or Value corresponding to a whole Year.

Shops, &c. let to travelling Merchants to be assessed.

LI. And be it enacted, That all Proprietors, Lessees, and others, who shall let for Rent or Hire Premises within the Limits of this Act 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; and such Assessments may be recovered from the said Proprietors, Lessees, and others, or from the said Occupiers, as the said Commissioners shall judge expedient.

Proprietors, &c. liable for such Assessments.

LII. And be it further enacted, That if any Person or Persons who shall be so rated and assessed as aforesaid shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the Space of Twenty-one Days next after such Rates or Assessments shall be due and demanded by the Collector authorized to receive the same, (such Demand being made by a written or printed Notice to be left at his, her, or their respective Dwelling Houses or Places of Abode, or Shops or other Places of Business, in case such Person or Persons shall have a known Dwelling House or Place of Abode, or Shop or other Place of Business, within the Limits of this Act; and in case such Person or Persons shall not have any such known Place, then at the Dwelling House or Place of Abode, or Shop or other Place of Business, last known to have been occupied by such Person or Persons, within the Limits aforesaid,) it shall be lawful for the said Collector to apply to any of the Magistrates of the said City of *Aberdeen*, if the Person or Persons deficient in Payment shall live within the Jurisdiction of the said Magistrates, or to the Sheriff of the County, or his Substitutes,

Recovery of Rates.

stitutes, or to any Two Justices of the Peace for the County, if such Person or Persons shall live without the Jurisdiction of the Magistrates, but within the County of *Aberdeen*, and to the Sheriff or his Substitute, or to any Two Justices of Peace or other Magistrates in any other County of *Scotland* to which such Person or Persons has or have removed, for a Warrant to any of their respective Officers to enter the Houses, Shops, Manufactories, or other Places, and to seize, take Possession of, and carry away the Goods and Effects of the Person or Persons so refusing or neglecting as aforesaid, or so much thereof as shall appear to be necessary, as after mentioned; and it shall be competent to the said Magistrates of *Aberdeen*, Sheriff or his Substitutes, or the said Justices, and they are respectively hereby authorized and required, to grant such Warrant, upon a Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person or Persons being in arrear to the Amount stated in the Certificate; and if such Rates or Assessments shall not be paid, together with the Costs or Charges incurred in obtaining such Warrant (as the same shall be fixed by the Judge, and stated in the Warrant), upon Presentment of the said Warrant to the Party or Parties, or at his or their Dwelling House, Place of Business, or Shop, then the Collector is hereby authorized to cause an Officer or Officers to seize, take Possession of, and carry away so much of the Goods and Effects of the Person or Persons refusing or neglecting to pay as aforesaid as shall appear sufficient for satisfying, by the Sale thereof, the Assessments due by her, him, or them respectively, with the Costs fixed as aforesaid, and the further Charges incurred or to be incurred in carrying the Warrant into execution; and if such Rate or Assessment shall not be paid within Four Days next after such Seizure is made, together with the Costs and Charges, then the Collector is hereby authorized to sell or cause to be sold the said Goods and Effects so seized by Public Roup at the Market Cross of *Aberdeen*, or such other Public Place within the Burgh as may by the Commissioners be declared to be a proper Place for such Sales; or in case the Goods and Effects be not found within the Burgh of *Aberdeen*, or within such Distance that they can be removed conveniently thereto, then at such Place as the Judicatory granting the Warrant may direct; such Collector returning the Surplus of the Price, if any be, after Payment of the said Assessment and Costs, to the Owner or Owners of the said Goods and Effects; and the Collector shall be bound to preserve the Warrants of such Seizures and Sales, and enter in a Book to be kept for the Purpose the Names of the Parties proceeded against, the Assessment due, the Expence of the Proceedings, and the true Proceeds of such Sale; which Book shall be open to the Inspection (without any Fee) of all Parties interested for One Year after the Date of each Sale respectively; and at any Time within that Year it shall be competent to any Party considering himself aggrieved to complain to the Sheriff of *Aberdeenshire*, or his Substitute, of any thing done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Pétitions (subscribed by the Complainer or Complainers), One Petition only being allowed in such Case; and the Decision of the Judge to whom the

Petition is presented shall be final, and not subject to Review in any Court, or by any Form whatever; and failing the Recovery in Manner before directed, the Collector may sue for and otherwise recover the said Rates and Assessments according to Law.

LIII. And be it further enacted, That if any Sums of Money, or Surplus of the aforesaid Assessments for the several Purposes of this Act, shall remain at the End of any Year, after the whole Expences attending the proper Execution of the Act for that Year shall have been paid or provided for, the same shall be applied towards the same Purposes for the Year following, so that the Assessment may be proportionally diminished; and should any of the Assessments not be sufficient for the Purposes herein expressed, it shall be lawful to and for the said Commissioners and they are hereby required to make Provision for Payment of the Deficiency in the following and subsequent Years, till the same shall be fully paid; provided always, that in so doing the Rates before mentioned shall in no One Year be exceeded.

How surplus Monies are to be applied, and deficient Assessments made up.

LIV. And be it further enacted, That the Collector appointed by the said Commissioners shall find sufficient Security to the Extent of his Intrusions with the Funds which he shall be empowered to levy and collect; and the said Collector shall be obliged to lodge all Money received by him in the Hands of the Treasurer of the said Commissioners, or of such other Person or Persons as a Majority of the said Commissioners present at their Quarterly Meetings, or any special Meeting, in each Year, shall direct, and shall never retain in his own Hands above Fifty Pounds; and if any such Collector shall act in the contrary he shall be liable for Ten *per Centum per Annum* on whatever exceeds the Sum of Fifty Pounds remaining in his Hands, in the Name of Interest and Damages.

Collector to lodge all Monies received by him in the Hands of the Treasurer.

LV. And be it further enacted, That in case any Collector or Treasurer appointed by the said Commissioners shall become insolvent, and the Sum or Sums chargeable against such Collector or Treasurer shall not immediately be paid by his or their Sureties, then and in every such Case the Sum or Sums deficient shall be assessed upon all the Wards in the Manner before prescribed, and shall be payable at such Time as the said Commissioners shall appoint; and in case of Failure in Payment the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

In case of Insolvency of Collectors, &c. Deficiency may be assessed.

LVI. And be it further enacted, That the said Commissioners shall cause to be provided and kept by their Clerk a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Amount of the Salaries and Emoluments paid or ordered to be paid to the Superintendent of Police, and also to the Clerks, Collectors, Surveyors, Watchmen, Scavengers, and other Persons employed for the Purposes herein expressed, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Preses

Books of Proceedings to be kept.

of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and such Book or Books shall at all reasonable Times be open and liable to the Inspection of all and every the said Commissioners, and of all Persons rated or assessed for the Purposes of this Act, and of the Creditors on the Assessments hereby granted and made payable; and any of the said Commissioners and Creditors shall be furnished with Copies thereof or Extracts therefrom, paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so on in proportion for any greater Number of Words; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Persons, or Creditors as aforesaid, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Accounts to  
be kept.

LVII. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct Books to be provided and kept by their Treasurer, Collector, or Clerk for the Time being, in which Books such Treasurer, Collector, or Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid, which Books shall show the Revenue and Expenditure in respect of the Water Department, separate and distinct from the Revenue and Expenditure in respect of the other Purposes of this Act; and the said Books, with all the Documents or Vouchers of Charge and Discharge, shall at all reasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors on the Assessments hereby granted and made payable, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Books, or any Part thereof, without paying any thing for the same; and in case the said Treasurer, Collector, or Clerk shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Treasurer, Collector, or Clerk shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the Police Court to be established under this Act, at the Instance of any Commissioner or Creditor to whom such Permission shall have been refused.

Accounts to  
be balanced  
yearly.

LVIII. And be it further enacted, That all such Books shall be regularly fitted and balanced yearly up to the First Day of *January*; and a Balance Sheet for the preceding Year shall be laid before a Meeting of the Commissioners, to be called by the Clerk, and held within Two Weeks after the above Date, from which a Statement or Abstract of the Revenue, Payments, and Disbursements for the preceding Year, distinguishing those for or in respect of the Water Department from those applicable to the other Purposes of the Act, shall be made out, printed, and circulated on or before the Second *Monday* of *February* annually; and a Copy thereof shall be  
delivered

delivered to each of the Commissioners, and a like Copy shall be lodged in the Council Chamber of the said City, and in the Office of the Clerk of Police, where it shall remain for Six Weeks, open to the Inspection of every Person liable to pay any Part of the Assessments by this Act granted and made payable, without Fee or Reward; and the first balancing of Accounts under this Act shall be on the Thirty-first Day of *December* after the passing of this Act.

LIX. And be it further enacted, That all Collectors, Clerks, and other Officers and Persons to be chosen and appointed as aforesaid shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Accounts in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Magistrates or Justices of the Peace for the County, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by Two or more of the said Commissioners, and such Magistrates and Justices are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any Witnesses (which Oath or Oaths such Magistrates and Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Magistrates or Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Magistrates or Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands, to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Money, and the Charges of pounding and selling the same, or if such  
Collector,

Collectors,  
&c. to de-  
liver Ac-  
counts to  
Commis-  
sioners.

Collector, Clerk, Officer, or other Person shall not appear before the said Magistrates or Justices, unless for some sufficient Excuse alleged at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Magistrates or Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Magistrates or Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, then and in any of the Cases aforesaid such Magistrates or Justices may and they are hereby authorized and required by Warrant or Warrants under their Hands to commit such Collector, Clerk, Officer, or other Person to the Common Gaol or House of Correction of the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Commissioners, and shall have paid such Composition in such Manner as the said Commissioners shall appoint, and which Composition the said Commissioners are hereby empowered to make, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed for Want of sufficient Effects shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Security to  
be taken for  
Treasurer  
and Collec-  
tor.

LX. And be it further enacted, That the said Commissioners shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all Monies received by them in virtue of their said Offices, as to the said Commissioners shall seem meet; or failing to take any Security, the Commissioners making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

Same Person  
not to be  
Clerk and  
Treasurer.

LXI. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint any Person who has been or may be appointed their Clerk, or the Partner of any such Clerk, or a Clerk or other Person in the Service or Employment of any such Clerk or of his Partner, the Collector or Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or a Clerk or other Person in the Service or Employment of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk, or Collector and Treasurer, for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or a Clerk or other Person in the Service or Employment of any such Clerk or of his Partner, shall accept the Office of Collector or Treasurer, or shall act as Deputy of the Collector or Treasurer, or in any Manner officiate for the Collector or Treasurer, or being the  
Partner



Partner of any such Collector or Treasurer, or a Clerk or other Person in the Service or Employment of any such Collector or Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Collector or Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Collector or Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by summary Action in any Court of competent Jurisdiction in *Scotland*.

LXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are empowered to hold and use, for the Purposes of this Act, such Part or Parts of the Buildings and Apartments attached to the Court House of *Aberdeen*, erected by virtue of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty *George* the Third, intituled *An Act to alter and amend an Act of the Fifty-fourth Year of His present Majesty, for erecting and maintaining a new Court House and other Offices for the City and County of Aberdeen, and for providing and maintaining an additional Gaol for the said City and County, and for other Purposes relating thereto*, in the same Manner as the Commissioners appointed under the said recited Act are now entitled to hold and use the same, under the Authority of the said Act of the Fifty-ninth Year of His late Majesty.

Watch House and other Accommodation in the Court House reserved.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to purchase, erect, hire, or provide other Watch Houses, in such Situations within the Limits before described as they may judge most convenient for the Purpose, together with a Police Office or Offices, including a suitable Court Room, and other Accommodation necessary for the Purposes of this Act, and in like Manner from Time to Time to hire and provide any Room or Building in any convenient Place as and for an Office or Offices for keeping their Accounts and transacting the Business relating to this Act, and also Rooms or Apartments to be used as a Store House or Store Houses for keeping their Implements or Materials, or for the other Purposes of this Act, and to pay such Sum or Sums of Money in Name of Rent, or as the Price or other Cost of such Watch Houses, Offices, Rooms, or Apartments, as the said Commissioners shall from Time to Time agree upon.

Other Watch Houses and Offices may be provided.

LXIV. And be it further enacted, That the Commissioners under this Act shall be entitled to hold, preserve, and use, for the Purpose of supplying the said City and Grounds within the Limits before described, and the Inhabitants thereof, with Water, all such Springs, Fountains, Watercourses, and other Supplies of Water vested in the Commissioners under the before-recited Act of the Fifty-eighth Year of the Reign of His said late Majesty, with the like Liberties, Privileges, and Servitudes, in all Time coming, upon the Grounds where any of the said Springs, Fountains, and Watercourses of any kind are

Commissioners to hold the Springs vested in the Commissioners under 58 G. 3.

[*Local.*]

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situated

situated or laid down, as the Commissioners under the said recited Act are at present entitled to and enjoy in every respect, and to convey and distribute the said Water, and any additional Supplies that may be procured under this Act, into the several Streets, Lanes, Ways, Avenues, and Passages of the said City, and Grounds within the foresaid Limits; which Springs, Watercourses, and other Supplies of Water, with the Wells, Fountains, Cisterns, Pumps, Leaden or other Pipes and Conveyances of Water, with the Fire Cocks, under the Management of the Commissioners acting under the before-recited Act of the Fifty-eighth Year of the Reign of His late Majesty, as well as the Springs, Wells, and Pumps situated in any public Street, Square, Lane, or Passage within the Limits before described, though not at present under the Management of said Commissioners, are hereby declared to vest in the Commissioners under this Act; and the said Commissioners are hereby empowered, as often as there shall be Occasion for so doing, to cleanse, mend, and repair the Pipes and Watercourses, and to erect such and so many Wells, Fountains, Filtering Machine or Machines, and other Engines, within the said City, or elsewhere convenient, as the said Commissioners from Time to Time shall think necessary, for the collecting, purifying, preserving, and effectually distributing the said Water, according to the true Intent and Meaning of this Act.

Power to  
take Water  
from the  
River Dee.

LXV. And whereas it would be advantageous to the Inhabitants of the said City and Suburbs thereof if a Supply of pure Water was obtained from the River *Dee*; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and empowered to take off a Supply of Water from the said River, by means of a Tunnel and Well to be formed, constructed, and built at or near and parallel to the North Bank of the said River, on the Haugh of *Nether Kemhill*, and by means of another Tunnel leading from the one above mentioned in the Haugh, Southward, into and across the Island or Piece of barren Ground lying between the said Haugh of *Nether Kemhill* and the main Stream of the River; which Haugh and Island above mentioned are situated in the Parish of *Banchory Devenick* and County of *Aberdeen*: Provided always, that the said last-mentioned Tunnel shall leave the one in the Haugh at a Point below or Eastward of the Point at which the *Marchburn*, betwixt the Croft of *Polldown* and *Hilldontree*, enters the said River on the South Side thereof, and shall be carried Southward in a Line below the said *Marchburn*; and the Tunnel in the Haugh first above mentioned shall not exceed Two hundred Yards in Length, nor be extended Westward more than Fifty Yards from the said Point in the Haugh above mentioned, below or Eastward of the *Marchburn* aforesaid, on the South Side of the River, unless upon Trial it shall be ascertained that at high Spring Tides the Water received at the Point to which the lower End of the proposed Tunnel would come is salt or brackish, in which Case the Commissioners shall have Power and they are hereby authorized and required to extend the Tunnel Fifty Yards farther Westward; and the said Commissioners are hereby further authorized and required to convey the Water from the said Well and Tunnel or Tunnels by

means of Pipes not exceeding Twenty-four Inches interior Diameter, to be laid under Ground, in any One of the Two Lines marked on the Map or Plan herein-after mentioned, and leading from the said Well to the Engine House and Works to be constructed at or near and to the Eastward of the Road which leads from the *Ruthrieston* Toll Bar, in the Parish of *Old Machar* aforesaid, to the Bridge which crosses the said River near to said Toll Bar, and from thence in One Set or Line of Pipes not exceeding Fifteen Inches interior Diameter, to be laid under Ground, through that Part of the said Lands of *Nether Kemhill* which lies on the East Side of the said Road, and also through the adjoining Lands of *Ruthrieston*, situated in the said Parish of *Old Machar*, and under the Turnpike Road which leads from the said Bridge to *Aberdeen*, at the Distance of not less than Fourteen Feet from the Centre of the Road, and either directly along *Union Place* in the said Parish of *Old Machar*, or into a Reservoir or Reservoirs which the Commissioners are hereby empowered to form, erect, and maintain on Ground situated at *Union Place* aforesaid, and from thence, or from the Main leading to *Union Place*, to convey and distribute the Water in Pipes through the said City and Grounds within the Limits before described, and into the public Wells, Fountains, Cisterns, or Reservoirs within the said Limits, or into any others that may be hereafter formed or erected by the said Commissioners, as well as into the Houses, Factories, Warehouses, Workshops, Offices, and others, the Buildings and Premises of Persons agreeing with the said Commissioners to be supplied with Water; and the said Commissioners are hereby farther empowered to make and construct, upon that Part of the said Lands of *Nether Kemhill* which lies on the East Side of the foresaid Road, and on the said adjoining Lands of *Ruthrieston*, an Engine House, Dwelling House for the Engineer, Wells, Basins, inclosing Wall and other Works, Buildings, and Conveniences, and to do every other Matter and Thing necessary for taking off, raising, and conveying Water from the said River *Dee*, in the Manner herein-before provided, for the Supply of the Inhabitants of the said City and Places within the Limits before described, and the Shipping frequenting the Port of *Aberdeen*, and for other Uses; and for the Purposes of this Act the said Commissioners, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to purchase all Ground necessary for the above Purposes; and to enter into and upon all Lands and Grounds, Highways, Roads, and Places belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, which the said Commissioners shall think necessary for enabling them to take and convey Water from the said River *Dee* to the said City and Grounds aforesaid; and to form and make all necessary Roads, Ways, and Passages for affording Access to the Engine House and Works to be erected as aforesaid; and to set out, lay off, and take possession of such Extent of Ground as shall be necessary and proper for making the said Roads, Reservoirs, Tunnels, and Wells, laying the said Pipes, and for constructing such Works and other Conveniences aforesaid; and also from Time to Time to open, scour, cleanse, repair, and maintain such Tunnels, Wells, Pipes, Works, and Conveniences, and if necessary for the Purposes of this Act, to alter the same; and for the Purposes aforesaid

said to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making such Tunnels, Wells, Reservoirs, laying such Pipes, or in constructing such Works and Conveniences, or which may hinder, obstruct, or prevent the making, laying, or constructing the same, or the using, completing, and maintaining the same; and from Time to Time to repair, maintain, support, and continue such Works and Conveniences, according to the Tenor and Effect and true Intention and Meaning hereof; and also to make, maintain, repair, and alter any Fences, Passages, Bridges, or Arches which may be necessary for the Purposes aforesaid, or any of them; and from Time to Time to make, construct, and erect, and to repair and maintain, any Steam Engine or Steam Engines, Pumps, Cisterns, Ponds, Basins, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead, and Metal Cocks, Chamber Cocks, Cocks in Common Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Bores, Mains, Ferriers, Feeders, Fairepers, Drains, Sluices, and other Works and Devices as they shall think proper; and for all or any of the Purposes of this Act to break up and remove the Soil, Posts, Cribs, Bulkheads, Bars, Sewers, Drains, Pavements, and gravelled and other Ways of any of the present and future Roads, Streets, Squares, Lanes, Passages, Alleys, public Courts, Footways, public Quays, Closes, and public Places; and to enter into any private Lands or Grounds within the said City and Parts adjacent; and to dig and sink Trenches, and lay Pipes, and put Stop Cocks, Chamber Cocks, Fire Cocks, Fire Plugs, and Branches from such Pipes, in such Places for the laying and fixing such Pipes, and all such other Matters and Things in such Places and in such Manner, as they shall judge necessary for distributing and conveying such Water to the Wells and Cisterns or Reservoirs aforesaid, and to the respective Houses, Factories, Warehouses, Workshops, Offices, and other the Premises of the Inhabitants of the said City and Grounds aforesaid; and from Time to Time, as Occasion may require, to alter the Position of, and to repair, relay, and maintain, such Pipes, Stop Cocks, and Air Plugs and Machinery; and to do all other Acts, Matters, and Things which shall from Time to Time be necessary or proper for completing and amending, repairing and improving, and for using the Works authorized by this Act to be done and provided for the Purposes and according to the true Intent and Meaning hereof; they the said Commissioners, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Commissioners making Satisfaction in the Manner herein-after mentioned to the Owners and Proprietors, Tenants and Occupiers, of and all Persons interested in the Lands and Tenements respectively which shall be used for the Purposes of this Act, or injured in Value by means of the Powers hereby granted, or which shall be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Commissioners, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof,  
subject

subject nevertheless to such Provisions and Restrictions as are herein-after contained.

LXVI. Provided always, and be it enacted, That no Erections or Buildings above Ground shall be placed by the said Commissioners to the West of the said Bridge which crosses the River *Dee* near the *Ruthrieston* Toll Bar, with the Exception of a Building which the Commissioners are hereby empowered to construct, for enclosing and protecting the foresaid Well on the Haugh of *Nether Kemhill*, which Building shall not exceed Twelve Feet in Diameter, nor be of greater Height than Twelve Feet above the Surface of the Ground; and that it shall not be it the Power of the Overseer or Servants of the said Commissioners, or any One else, to enter the Property of the said *John Menzies* Esquire for the Purpose of inspecting, cleaning, or repairing the foresaid Tunnels, Well, or Pipes, after the same are once constructed, laid, and completed, without a written Order signed by the Preses or Two of the Commissioners of Police, and intimated at least Twenty-four Hours before to the Proprietor of said Lands, or his known Factor or Agent, if they or any of them reside within Seven Miles of the Market Cross of *Aberdeen* at the Time, and failing that to the Tenant or Occupier of the said Lands, except in the Case of any sudden and unforeseen Accident which may have so materially damaged the Tunnels, Well, or Pipes as to render immediate Access indispensably necessary for the Purpose of inspecting or repairing the same, and then only under the Authority of a written Order signed as aforesaid; and that in all such Cases the Access to and from such Tunnels, Well, or Pipes shall be by the Bank of the River where the Fishermen are in use to draw their Nets; and it is hereby further provided, that in the Event of the said Lands of *Nether Kemhill* West of the said Bridge becoming the Property of different Proprietors by reason of Sale or otherwise, it shall be sufficient to give Notice of such Access being required to Two or more of the principal Proprietors, or their known Agents, if residing within Five Miles of the said Market Cross of *Aberdeen*, and failing that to the Tenant or Occupier of the Ground; all which Notices shall be in Writing, and shall be delivered personally, or left at the Dwelling House or Place of Business of the Person or Persons to whom the same are appointed to be made.

No Erections to be made West of the Bridge over the *Dee*, except a Wellhouse.

LXVII. Provided also, and be it specially enacted, That nothing contained in this Act shall entitle the said Commissioners, or any Person or Persons in their Employment, to enter upon, take possession of, use, break up, or appropriate for the Purposes of this Act, any Part of the Property of *John Menzies* Esquire lying to the Westward of the said Road from the *Ruthrieston* Toll Bar to the Bridge of *Dee*, save and except to the Extent, for the special Purposes, in the Manner, and under the Provisions particularly before enacted in respect of the said Property.

Limitation as to Property of *J. Menzies, Esq.*

LXVIII. And whereas Two Maps or Plans have been deposited with the Clerk of the Peace of the County of *Aberdeen*; one whereof describes the Place at which the Water is intended to be taken off from the

Maps or Plans deposited.

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said

said River *Dee*, and the Places where the said Tunnels and Well are to be made, as well as the Site of the Engine House and other Works to be constructed on the East Side of the aforesaid Road, the Site of the Reservoir at *Union Place* aforesaid, and the Lines of the Pipes through which the Water will flow to the said Engine House and from thence to the said Reservoir; and the other delineates the Road or Street called *Park Lane*, situated partly in the Parish of *Saint Clements* and partly in the East Parish aforesaid, and shews the intended Enlargement thereof; be it enacted, That the said Maps or Plans shall remain in the Custody of the said Clerk of the Peace for the Time being or his Deputy, and all Persons interested therein shall at all reasonable Times have Liberty to inspect and peruse the same, and take Copies thereof, or any Part thereof, paying the Sum of One Shilling to the Clerk of the Peace or his Deputy for every such Inspection, and for Copies of or Extracts from the said Maps or Plans after the Rate of Sixpence for every One hundred Words; and the said Commissioners shall not in laying the said Pipes deviate more than Thirty Yards from the Lines and Course of the Pipes described in the said first-mentioned Map or Plan as leading from the Well and the Haugh to the Engine House, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic or Corporate, through whose Lands or Grounds such Deviation shall be made; and no more than Two Acres of Ground shall be taken for the Purpose of the Works to be constructed on the aforesaid Lands of *Nether Kemhill* and *Ruthrieston*.

Houses already erected and Garden Ground not to be injured.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons acting by and under their Authority, to take, use, injure, or damage, in laying the said Pipes, any House or other Building which was erected or built on or before the passing of this Act, or any Land or Ground which on or before the passing of this Act was set apart and used as or for a Yard, Park, Paddock, Garden, planted Walk, or Avenue to a House, without the Consent in Writing of the Owner or Owners thereof for the Time being: Provided always, that it shall not be lawful for the said Commissioners to take, use, injure, or damage, in laying the said Pipes, any House or Building, or any Land or Ground, not specified and set forth in the Maps or Plans so deposited as aforesaid, nor to take or use any of the Houses or Buildings, Lands or Grounds, so specified and set forth, after the Expiration of Five Years from the passing of this Act.

Power to lay Branch Pipes for the Supply of Water.

LXX. And be it further enacted, That such of the Inhabitants of the said City and Grounds within the Limits before described as shall be desirous of having the Water laid into their Houses, Factories, Warehouses, Workshops, Offices, and other Premises, may and are hereby authorized and empowered, at their own Expence, (having first, in the Case of Dwelling Houses, given Notice in Writing to the said Commissioners, and having first, in the Case of Factories, Warehouses, Workshops, Offices, and other Premises, obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Commissioners to give such Consent,) to open

open the Ground between the Pipes belonging to the said Commissioners and the respective Houses, Factories, Warehouses, Workshops, Offices, or other Premises of such Inhabitants, and to lay Leaden or other Pipes (the Bore thereof to be ascertained by the said Commissioners) from such respective Houses and other Premises to communicate with the Pipes belonging to the said Commissioners in any Road, Street, Lane, Passage, or Place within the Limits before described; or the Commissioners may, if they think proper, cause such Branch Pipes to be joined and affixed to the Mains, by a Person of their own appointing, at the Charge, in every Instance, of the Person or Persons requiring the Branch Pipe: Provided always, that the respective Inhabitants who shall lay or procure Branch Pipes to be laid as aforesaid shall be obliged to make Satisfaction in the Manner directed by this Act to the Owners and Occupiers of and Persons interested in any Lands, Grounds, Tenements, or Heritages which shall or may be injured by such Inhabitants, and also to pay to the said Commissioners yearly, quarterly, or monthly, such Sum or Sums of Money as shall be exigible for such Water; and in case of Default in Payment of any such Sum or Sums of Money it shall and may be lawful for the said Commissioners to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with any Main Pipe or Pipes belonging to the said Commissioners, to be separated from the said Pipe or Pipes with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House, Factory, Warehouse, Workshop, or other Premises of every Person making such Default; and that the Sum and Sums of Money which shall be due and in arrear from such Person or Persons to the said Commissioners shall and may be recovered by the said Commissioners as herein-after directed; and if any Person shall lay or cause to be laid any Leaden or other Pipe to communicate with any Main Pipe or other Pipe belonging to the said Commissioners, without such Notice or Consent as aforesaid, every such Person shall forfeit and pay to the said Commissioners the Sum of Twenty Shillings for every Day such Pipe shall so remain: Provided always, that such of the Inhabitants as shall have Leaden Pipes as aforesaid shall be at liberty to remove and take away the same, and the Cocks thereto belonging.

LXXI. Provided always, and be it further enacted, That the Quantity of Water so to be taken and conveyed as aforesaid shall not at any Time or Times be so great as to lessen the Depth of the said River *Dee* more than One Half Inch from its Surface, throughout the Extent thereof, in any Part of the said River; and for the Purpose of ascertaining the Quantity of Water so to be taken and conveyed as aforesaid, a proper Index or Water Gauge shall be erected under the Direction of the Sheriff of the said County of *Aberdeen*, or his Substitute, and continued in the said River *Dee* by the said Commissioners; to which Gauge Access shall at all Times be given to every Proprietor and Occupier of Land on the Banks of the said River, and every Person interested in the Navigation thereof, or Fishings therein; and whenever it shall appear by means of the said Index or Water Gauge that the Water in the said River *Dee* shall have been lowered

Limitation as to the Quantity of Water to be taken from the River.

lowered more than One Half Inch from the Surface thereof, by reason of the Water so taken and conveyed as aforesaid, it shall and may be lawful for any such Proprietor or Occupier, or Person, to apply to the said Sheriff or his Substitute by a summary Application to prevent the taking and conveying of Water as aforesaid, so as to lessen the Depth of Water more than One Half Inch in the said River as aforesaid.

Notice to be given before the Ground is opened for laying Pipes.

LXXII. Provided always, and be it further enacted, That before any Ground shall be opened or broken up for laying, taking up, or repairing any Branch Pipe, the Person or Persons intending to break up such Ground shall give Twenty-four Hours Notice in Writing to the Inspector or other Person having the Charge or Superintendence of the Streets under the said Commissioners, in order that the Grounds so broken up may be filled in and the Rubbish occasioned thereby carried away, as soon as conveniently may be; and in the meantime the said Ground and Rubbish shall be lighted, fenced, or guarded, to the Satisfaction of such Inspector, so as that the same may not be dangerous to Passengers; and in case the Person or Persons breaking up such Ground for the Purpose of laying, repairing, or taking up Branch Pipes, shall omit or neglect to light, fence, or guard, or shall fail to make good the said Pavement, Ground, and other Things, as aforesaid, within Two Days after such Pipes shall have been laid, repaired, or taken up, the Person or Persons so failing shall forfeit and pay to the said Commissioners the Sum of Forty Shillings for each Offence, and the further Sum of Forty Shillings for each Day thereafter that the said Pavement, Ground, and other Things shall not be lighted, fenced, guarded, and made good as aforesaid; and it shall and may be lawful to the said Commissioners, after the Elapse of the aforesaid Space, to order and direct such Pavement and Ground, and all Things which shall have been so removed as aforesaid, to be made good at the Expence of the Person or Persons who shall have raised or broken up the same; which Expence and Forfeitures may be sued for and recovered by the same Ways and Means by which any Penalty may be sued for and recovered by virtue of this Act; and before any Part of the said Turnpike Road shall be opened or broken up under the Authority of the said Commissioners, for laying, taking up, or repairing any Pipe by virtue of this Act, they shall give to the Overseer of the said Road, or to the Clerk of the Trustees, Twenty-four Hours Notice in Writing, in order that the same may be properly guarded and rendered safe for Passengers; and the same shall, by the said Commissioners, be filled in, and the Rubbish occasioned thereby carried away, as soon as conveniently may be; and in the meantime the said Ground so broken up, and Rubbish, shall be lighted, fenced, or guarded, so as that the same may not be dangerous to Passengers; and in case the said Commissioners shall omit or neglect to give such Notice, and to light, fence, or guard, or fail to make good the Ground so broken up, or remove the Rubbish, within Two Days after such Pipes shall have been laid, repaired, or taken up, the said Commissioners shall forfeit and pay the Sum of Forty Shillings for each Offence, and the further Sum of Forty Shillings for each Day thereafter that the said Ground and Rubbish shall not be lighted, fenced, or guarded, and made good as aforesaid,



to be recovered on the Complaint of the Procurator Fiscal of the Sheriff Court of *Aberdeenshire*: Provided always, that in the Case of any sudden or unforeseen Accident which may render immediate Access to any of the Pipes laid under the Authority of this Act indispensably necessary, it shall be lawful to and for the Person or Persons requiring such Access to break up the Ground which may be necessary for that Purpose, first giving Notice in Writing to the Person or Persons entitled to receive the same.

LXXIII. And be it further enacted, That the said Commissioners shall and they are hereby required, upon the laying down any Main Pipe in any Street, Passage, or Place for supplying the same with Water, to fix or place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs on or near One Side of such Street, Passage, or Place, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fire Plug shall be finished the said Commissioners shall immediately deposit a Key or Keys of such Fire Plug or Fire Plugs at each Place within every Ward where any Engine shall be kept for the extinguishing of Fires; and it shall not be lawful for the said Commissioners to make any Rate or Charge whatever for any Water furnished or supplied for the Extinguishment of Fires within the Limits to which the Assessment for Water Rate extends, but the same shall from Time to Time be furnished and supplied by the said Commissioners *gratis*.

Requiring Commissioners to place Fire Plugs in every Street.

LXXIV. Provided always, and be it further enacted, That if any Person or Persons whomsoever, supplied with Water by means of Branch or Service Pipes under this Act, shall supply any other Person or Persons whatsoever with any Part of such Water, then, in every such Case, every Person so offending shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds; and it shall be lawful to the said Commissioners, if they shall so think fit, to take off the Water from the House or other Premises of any Person so offending.

Persons supplied with Water not to supply other Persons.

LXXV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever, supplied with Water in manner aforesaid, to any Penalty or Forfeiture for supplying any Person or Persons, also supplied with Water by means of Branch or Service Pipes, with Water during such Time as the Pipes or Cocks of such last-mentioned Person or Persons shall or may happen to be out of repair, or in case of Fire, or during Frost or Accident, such Pipes or Cocks nevertheless being repaired as soon as possible after any Damage shall happen thereto.

Persons supplied with Water may supply other Persons during the Time their Pipes, &c. may be out of repair.

LXXVI. And be it enacted, That every Person or Persons who shall contract with the said Commissioners for a Supply of Water by means of Branch or Service Pipes shall, in every Water Butt, Cistern, or Receptacle for Water to be provided by the said Parties so contracting with the said Commissioners, attach and fix a Ball Cock to the Pipe conveying Water into such Butt, Cistern, or other Receptacle,

Cisterns to be provided with Ball Cocks.

[*Local.*]

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and to repair and renew the same as often as shall be necessary, in order to prevent the Water running to Waste when such Butt, Cistern, or other Receptacle shall be full; and such Person or Persons, neglecting to attach and fix, or to repair and renew, such Ball Cock, shall forfeit to the said Commissioners a Sum not exceeding Five Pounds for every Offence; and the authorized Servant or Servants of the Commissioners shall have free Access (at all reasonable Times) to the Premises so to be supplied as aforesaid, to see that such Ball Cocks are kept in proper and sufficient Repair and Condition.

Penalty on Persons using false Keys for opening the Wells.

LXXVII. And whereas many of the Houses within the Limits to which this Act extends are inhabited in Flats or Floors, so that several Families frequently inhabit the same Tenement; and it may be found most convenient for the supplying of those Families with Water, to erect Wells or Fountains at the Bottom of the Stairs, or in Closes adjoining to the different Tenements, or in such other Places as may be found most convenient for all the Parties, and to furnish each Family with a Key to the Wells or Fountains, in order that they may take Water therefrom when wanted; be it therefore enacted, That whoever shall be found using any false Key, or any improper Instrument, for the Purpose of opening any Well or Fountain which may be so erected, or whoever shall be found taking Water thereout or therefrom, without having first agreed with the Commissioners to pay for the same, every such Person shall be liable in a Penalty not exceeding Five Pounds for every such Offence, to be recovered on Conviction of the Offender, on the Testimony of any One or more credible Witness or Witnesses, or upon the Confession of such Offender, before the Judge acting in the Police Court herein-after established.

Penalty on Persons without the Limits of this Act taking Water.

LXXVIII. And be it enacted, That if any Person or Persons residing without the Limits to which this Act extends, or within the Limits exempted from Water Rate as aforesaid, or any other Person or Persons whomsoever, shall draw, take, or carry Water from any of the public Wells and Fountains under the Management of the said Commissioners, to be used without the aforesaid Limits, or within the Limits so exempted, or if any Person or Persons residing without the Limits to which this Act extends or within the exempted Limits shall send or bring Horses or other Bestial to be watered at any of the aforesaid Wells or Fountains, the Person or Persons so offending shall for each of such Offences forfeit and pay a Penalty not exceeding Twenty Shillings, One Half of which it shall be in the Power of the Commissioners to pay to the Informer, on Conviction of the Offender.

Commissioners entitled to receive and demand Water Rent.

LXXIX. Provided always, and be it enacted, That in addition to the Assessment in Name of "Water Rate" the said Commissioners shall be entitled to demand and receive Water Rent from every Inhabitant within the Limits before described who shall be supplied by the said Commissioners with Water, for the Use of his or her Family, by means of Branch or Service Pipes laid into his or her House or Premises as aforesaid, the Rate of which Water Rent shall be

be fixed annually at the Meeting held for estimating the Expences and fixing the Assessment for the General Purposes of this Act, and said Rent shall not exceed Three *per Centum* of the Rent or Value agreeably to which the Person or Persons taking the Benefit of a Branch or Service Pipe is assessed for the other Purposes of this Act: Provided always, that the said Commissioners shall not be obliged to furnish such Supply of Water to any Inhabitant not paying Water Rate, nor for a less Sum than Five Shillings in any One Year, unless they shall think fit so to do; provided also, that in the Case of Manufacturers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of Family Consumption, or Persons requiring a Supply of Water for Baths, Cows, or Horses, such Supply, if desired to be delivered into the Premises of the Person or Persons requiring the same by means of Branch or Service Pipes, shall be furnished by the said Commissioners only if they think proper, and at such Rate as shall be annually settled by and between the Commissioners and such Persons respectively.

LXXX. And be it further enacted, That in case the said Commissioners shall wilfully neglect or refuse to supply any of the said Inhabitants paying Water Rate, and occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Commissioners for conveying Water from the said River *Dee* shall be laid, with Water for the Use of his or her own Family, at the Rate and in manner aforesaid (such Rate having been ascertained as aforesaid), for the Space of Ten Days next after Demand in Writing shall have been made by such Inhabitant to the said Commissioners for such Supply of Water, and Tender made of the Amount of the Rate for One Year for such Supply of Water as shall have been actually demanded, the said Commissioners shall forfeit and pay, from the Funds under their Management, to such Inhabitant, treble the Amount of the Rate or Rates so tendered, (in case the said Commissioners at the Time of such Demand and Tender being made can grant such Supply of Water without lessening the Supply to the other Tenants of the said Commissioners, but not otherwise,) to be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace acting for the said County of *Aberdeen*, by Distress and Sale of the Goods and Chattels under the Management of the said Commissioners, and also the further Sum of Twenty Shillings for every Day the said Commissioners shall continue to refuse or neglect to give such Supply, to be recovered as the before-mentioned Penalty is directed to be recovered.

Penalty for refusing to supply with Water.

LXXXI. And be it enacted, That the said Water Rent shall be payable in advance, and immediately upon the Commencement of the Period for which the Persons using the said Water may contract with the said Commissioners; and that failing Payment within Twenty-one Days after the said Rent shall have fallen due and be demanded from him, her, or them liable in Payment, by leaving a written or printed Notice, as is before directed with respect to the other Assessments appointed to be levied under this Act, then and in that Case it shall be lawful to the Collector to be appointed by the said

Water Rent payable in advance.

Commis-

Commissioners to prosecute for, levy, and recover such Rent from him, her, or them liable in Payment, in the same Manner as the Assessment for General Purposes and Water Rate is herein-before directed to be sued for, levied, and recovered.

Wells may be made for the supplying of Ships with Water.

LXXXII. And be it further enacted, That it shall and may be lawful to the said Commissioners to supply Ships or Vessels with Water for the Purposes of a Voyage, and for the greater Convenience in furnishing such Supply of Water to lay Pipes and to erect Wells or Fountains in convenient Stations along the Quays, and to exact and charge such Remuneration or Rate of Payment for the Water supplied to such Ships or Vessels as to the said Commissioners shall from Time to Time seem to be just and reasonable, and to make and establish such Rules and Regulations for supplying Ships and Vessels with Water as to the said Commissioners shall seem proper.

Penalty on Shipmasters taking Water from Wells vested in Commissioners.

LXXXIII. Provided always, and be it enacted, That if any Shipmaster, or other Person or Persons having the Charge of any Ship or Vessel lying within the Harbour or Bay of *Aberdeen*, or any other Person or Persons whatever, shall draw, take, or carry Water for or to such Ship or Vessel, for the Purposes of a Voyage, from any of the Wells, Springs, or Fountains vested in the said Commissioners, other than those specially set apart for the Supply of Ships or Vessels, or contrary to the Regulations to be established as aforesaid, such Shipmaster or other Person or Persons so offending shall, on being convicted, either on his or their own Confession, or on the Oath or Oaths of One or more creditable Witness or Witnesses, forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be recovered by summary Complaint made at the Instance of the Clerk or Treasurer to the Judge acting in the Police Court for the Time; and in default of Payment the Person or Persons so convicted shall be committed to Gaol for any Period not exceeding Twenty Days.

Wells for the Supply of Ships may be farmed.

LXXXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to farm or let in Lease by public Auction, for any Period not exceeding Three Years at one Time, any Well or Fountain, or Wells or Fountains, that may be set apart by the said Commissioners for the Supply of Ships or Vessels with Water, and that for Payment of such Rent and on such Conditions as to the said Commissioners may appear reasonable; with Power to the Tacksman or Tacksmen to levy and collect such Rates and Dues as the said Commissioners shall fix and declare to be payable for Water taken from such Wells or Fountains for the Supply of Shipping as aforesaid; and to confer on the Tacksman or Tacksmen the same Right which the Commissioners themselves, their Clerk or Treasurer, have, of suing for and recovering the Penalties herein-before made payable by Persons taking Water for the Supply of Ships or Vessels from Wells or Fountains other than those set apart for the Purpose.

Vessels in His Majesty's Service.

LXXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any  
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of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

LXXXVI. And be it further enacted, That if any Person shall wash any Dog or other Animal, or any Cloth, Wool, Leather, or the Skins of any Sheep, Lamb, or other Animal, or any noisome or offensive Thing, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, in any Reservoir or Aqueduct, Tunnel or Waterway, made or to be made for supplying the said City, Grounds, and Houses within the Limits of this Act with Water, or cause or suffer the Water of any Sewer or Drain to run or be conveyed into any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Waterway, or cause or permit any other Annoyance to be done to the Water contained in any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Waterway, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, corrupted, or injured, then and in each and every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For preserv-  
ing the Water  
clean and  
wholesome.

LXXXVII. Provided always, and be it enacted, That all the Monies which shall be annually drawn and received for Water distributed into Dwelling Houses or other Places by means of Service Pipes as aforesaid, or for Water supplied to Ships or Vessels, shall be placed to the Credit of the Water Account; and should the Revenue from the above Sources come to exceed the annual Charge properly belonging to the Water Department, the Commissioners for the Time being shall be obliged to reduce the Rent or Charge which they may have been in the Practice of exacting and levying for the Water so distributed by means of Service Pipes, it not being intended that any of the Revenue arising from Water Rent should ever go to the Credit of the Account for General Purposes.

Money re-  
ceived for  
Water to  
go to the  
Credit of  
the Water  
Account.

LXXXVIII. And whereas it would tend to the Comfort and Convenience of the Inhabitants of the said City if the Street called *Lodge Walk*, which leads into the Market Place, were declared to be a public Street; be it therefore enacted, That the said Street shall in future be held and deemed to be a public Street, and as such shall be cleansed, lighted, and kept in repair by the said Commissioners, similarly in all respects to other public Streets within the said City.

Lodge Walk  
declared a  
public  
Street.

LXXXIX. And whereas it would be attended with great Advantage to the Public if the Access to the Quay and Harbour of *Aberdeen* by the Road or Street called *Park Lane*, situated partly in the Parish of *Saint Clements* and partly in the East Parish aforesaid, were improved; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and

The Street  
called Park  
Lane to be  
widened,&c.

[*Local.*]

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empowered,

empowered, within Five Years from the passing of this Act, to enlarge and widen the said Road or Street, and to lower the Level of the same, and for that Purpose to purchase and take possession of such Grounds, Houses, and Tenements, or such Parts of the same as shall be necessary for enabling them to enlarge and widen the said Road or Street, and to lower the Level of the same, and with the Monies to be raised under the Authority of this Act to defray the Expence of all such Purchases, and the Expence of making the said Alterations and paving the said Road or Street.

Commis-  
sioners may  
cause any  
of the  
Streets to be  
widened, &c.

XC. And whereas many of the other Roads, Avenues, Streets, Lanes, and public Passages within the Limits of this Act are too narrow, as well as very indirect, steep, and incommodious, and in some Parts obstructed by Projections thereon; and it would be attended with great Utility and Advantage to the Public in general, and to the Inhabitants within the Limits before described, if the said Roads, Avenues, Streets, Lanes, and other public Passages were enlarged, altered, and improved, and all Projections thereon removed and prevented; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at any Time they may think proper, to cause all or any of the said Roads, Avenues, Streets, Lanes, and other public Passages to be enlarged, widened, or altered; and to cause to be removed from the said Streets, Lanes, Roads, and other public Passages all outer Stairs or other Encroachments and public Nuisances upon the same; and for these Purposes they are and shall be empowered, by private Treaty and Agreement with the respective Owners, Proprietors, Occupiers, or others interested, to purchase such Grounds, Houses, and Tenements, or such Part of the same as shall be necessary for enabling them to make the said Enlargements and Alterations of Roads and Streets.

Power to  
repave the  
Streets, alter  
the Levels,  
make Drains,  
&c.

XCI. And be it further enacted, That it shall be lawful to the said Commissioners and they are hereby authorized and empowered, in executing the Purposes of this Act, so far as relates to the paving of or otherwise improving the public Streets, Squares, Roads, Passages, and other Places within the Limits before described, to remove the Pavement of any of the said Streets, Squares, Roads, Passages, and other Places, and repave the same, or to repair the existing Pavement, as they may think proper, and to cause the Ground of the said Streets, Squares, Roads, Passages, and other Places to be raised or lowered, and the Drains, Common Sewers, Water Channels, and Soil Pipes to be deepened, enlarged, or otherwise altered, or at the Expence of the private Persons bound to uphold the same, when there are such Persons, and to make and construct other main Drains, Sewers, and Water Channels, and also conducting Drains or Channels for conveying Water and Soil into such main Drains, all in such Manner and of such Dimensions as may be thought necessary or proper.

Streets to be  
watered, &c.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners to cause such of the said Streets, Lanes, Passages, and Places as they shall think proper to be from Time to Time watered,

watered, and the Drains and Sewers to be from Time to Time scoured and cleaned out, and for these Purposes to provide the necessary Implements and Apparatus, and to use and apply the Water vested in them by this Act.

XCVIII. And be it further enacted, That all the present and future Pavements, Flag Stones, Kerb Stones, Stone, Gravel, and all the other Materials of the present and future Streets, Squares, Lanes, Roads, and other public Places within the Limits before described, (excepting the Materials of such Roads as continue under the Charge and Management of the Turnpike or Commutation Road Trustees,) and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks within the said Limits, and also all the present and future Lamps, Lamp Irons, Lamp Posts, Pillars, Pipes, and other Articles, Materials, Tools, and Things erected or to be erected, set up, fixed, or provided for the Purposes of this Act, (excepting such Lamps, Pillars, Pipes, and other Things as belong to the *Aberdeen* Gas Light Company, or to private Individuals,) and all Materials, Tools, Utensils, Carriages, Implements, Fire Engines, and other Things belonging to the Commissioners under the recited Act, or which shall be purchased or provided by the Commissioners under this Act, for the Purposes of this Act, shall belong to and be the Property of the said Commissioners, and shall be and are hereby vested in them.

Pavements,  
Lamps,  
Pipes, Tools,  
&c. to belong  
to Commis-  
sioners.

XCVI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized to purchase, acquire, and take possession of, and all Bodies Politic or Corporate, Heirs of Entail, Tutors and Curators, Life Renters, Tenants and Occupiers, and all and every Person or Persons whatever, Owners of or otherwise having Interest in any Property, or any Part thereof, (though under any legal Disability or Incapacity,) are hereby, for themselves and their Successors whatsoever, empowered to sell, dispose of, and convey to the said Commissioners all such Lands, Houses, Tenements, and other Heritages, with all Tacks, Leases, or other Rights affecting the same, or such Part or Parts of the same as may be deemed by the said Commissioners to be necessary for the Purposes of this Act, upon such Price, Recompence, or Consideration being paid or made to the Proprietor or Proprietors, Occupier or Occupiers, or other Person or Persons interested, as can be agreed on between them and the said Commissioners; and such Person or Persons so conveying, transferring, or disposing Property, in pursuance of this Act, are hereby, for themselves and their Heirs respectively, indemnified for all such Acts and Deeds.

Power to  
purchase  
Lands, &c.

XCVII. And in case it shall happen that the said Commissioners, and the Owners or Occupiers of or other Persons having an Interest in such Lands, Houses, Tenements, or other Heritages as may at any Time be deemed necessary for the Purposes of this Act, or the Owners or Occupiers of the Grounds or Areas on or through which Pipes may be carried, or Reservoirs, or Filtering Machines, or other Works

In case of  
not agreeing  
with the  
Parties, a  
Jury to be  
summoned.

Works constructed, cannot agree by private Treaty concerning the Price or Consideration to be paid for such Lands, Houses, Tenements, or other Heritages, or the Damage done to any Grounds through which Pipes may be taken, or any Part thereof; or in case the Owner or Occupier, or Owners or Occupiers, or other Persons interested, shall be absent, or cannot be found, or shall refuse or delay, after Twenty-one Days Notice, to enter into an Agreement for the Sale of such Lands, Houses, Tenements, or other Heritages, or for any Damage done to the same, in consequence of the Operations authorized by this Act; in every such Case be it enacted, That it shall and may be lawful for the said Commissioners to apply to the Sheriff of the County of *Aberdeen*, or his Substitute for the Time being, to summon a Jury, in order to value such Lands, Houses, Tenements, or other Heritages, or the Ground through which Pipes may be taken as aforesaid, and to ascertain the Damage sustained or to be sustained by the Owner or Owners, Occupier or Occupiers, or other Person or Persons having an Interest therein; and upon such Application being presented the Sheriff or Sheriff Substitute is hereby authorized and required to appoint the same to be intimated to such Owner or Owners, Occupier or Occupiers, and thereafter to issue a Precept or Summons in the usual Manner, calling together, on such a Day and at such Hour and Place as he shall fix, not less than Fifteen nor more than Twenty discreet, substantial, and disinterested Persons, as Jurymen, and in like Manner to issue his Precept for the Attendance of all and every such Person or Persons as either Party may deem necessary as a Witness or Witnesses; and on the Day of the Appearance of the said Jurymen and Witnesses the said Sheriff or his Substitute shall, from the Number of Jurymen then in attendance, impanel a Jury of Seven Persons, who, after hearing and considering the Evidence which shall be laid before them by either Party, shall return a Verdict upon Oath as to the Value of the Lands, Houses, Tenements, or other Heritages required for the Purposes of this Act, or the Ground through which Pipes may be taken, or on which Reservoirs or Filtering Machines may be erected or made, as well as for the Loss or Damage which the Owner or Owners, Occupier or Occupiers, or other Persons having an Interest in the same, may suffer (as the Case may be); and in making up their Verdict the Jury are hereby empowered to take under their Consideration all Circumstances: Provided always, that the Parties shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and that the Verdict to be returned by the Jury, and the Proceedings and Orders of the Sheriff or his Substitute in the Matter, shall be final, and not removable or questionable by Bills or Letters of Advocation or Suspension to or by any other Court whatever; and no Houses or Buildings acquired in manner aforesaid, which shall be inhabited at the Time of pronouncing such Judgment, shall be taken possession of by the Commissioners, unless Six Calendar Months as to Dwelling Houses, and Twelve Calendar Months as to all Manufacturing Houses, shall intervene betwixt the Time of pronouncing the said Judgment and the usual Term of entering to such Houses then next ensuing.

XCVI. And



XCVI. And be it further enacted, That the said Jury shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Tenements, and other Heritages, separately and distinctly from the Consideration of any other Damage sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Heritages, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Verdict as to Value of Lands and Damages to be ascertained separately.

XCVII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, Bodies Politic or Corporate, in or to such Messuages, Buildings, Lands, Tenements, or Heritages, or any Part or Parts thereof, or for any such Damage or Injury as aforesaid, than shall have been offered or tendered by the said Commissioners before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices, Precept or Precepts, and of summoning and returning such Jury and Witnesses, and also of the said Inquest, such Costs and Expences to be settled and allowed by the Sheriff or Sheriff Substitute for the said County, shall be borne and paid by the said Commissioners out of the Money which shall be then in their Hands, or of any Money arising by virtue of this Act, and shall and may be recovered by the Person or Persons entitled thereto by Distress and Sale of the Goods and Chattels vested in the said Commissioners, or in the Treasurer for the Time being under this Act, unless such Treasurer shall pay such Costs and Expences out of the Monies received by him by virtue of this Act, and which he is hereby authorized to do under a Warrant to be issued for that Purpose by the Sheriff or Sheriff Substitute for the said County; which Warrant such Sheriff or Sheriff Substitute is hereby authorized and required to issue, under his Hand, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if any such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money as a Recompence or Satisfaction as aforesaid than shall have been offered or tendered as aforesaid by the said Commissioners before the summoning or returning of the said Jury or Juries as aforesaid, then one Moiety of the Costs and Expences aforesaid shall be borne and paid by the Person or Persons, Bodies Politic or Corporate, with whom the said Commissioners shall have had any Controversy or Dispute, and shall be recovered in the same Manner as any Penalties and Forfeitures are herein-after directed to be recovered, and the other Moiety thereof shall be borne and paid by the said Commissioners out of the Money arising as aforesaid, and recoverable by Distress and Sale in manner aforesaid; but in Cases where Parties, by reason of Absence or Disability, shall have been prevented from treating and agreeing, such Costs and Expences shall be paid and borne by the said Commissioners out of the Money arising by virtue of this Act, and be recovered by Distress and Sale in manner aforesaid.

Expences of Jury how to be paid.

Penalty on  
Juror or  
Witnesses  
failing to  
attend.

XCVIII. And be it further enacted, That if any Person summoned as a Juryman or Witness under the Authority of the said Sheriff or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, such Sheriff and his Substitute is and are hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds.

Application  
of Com-  
pensation  
Money when  
exceeding  
200*l.*

XCIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, 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 or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages 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 Court, in the Purchase of other Lands, Tenements, or Heritages, 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, Tenements, or Heritages 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 or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, 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 Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under  
200*l.* and  
above 20*l.*

C. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purpose aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, 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,  
Tenements,

Tenements, or Heritages so purchased, taken, or used, or 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, her, 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 Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable.

CI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, 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, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three 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.

CII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Heritages to be purchased by virtue of this Act for the Purposes aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom any 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 Heritages 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 Three or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, respectively, as the Case may be, in manner as respectively before directed, to the Credit of the Parties interested in the said Lands or Heritages, (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them,) subject to the Order, Controul, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of the Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, 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*, or *British*

When under  
20%.

In case of  
not making  
out Titles,  
or if the  
Persons en-  
titled cannot  
be found.

*British* Linen Company, respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

In case of questionable Title, Possessor to be deemed to have a Title until the contrary be shown.

CIII. Provided always, 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 Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in possession of such Lands, Tenements, or Heritages, at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, 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, Tenements, or Heritages, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

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

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

CV. Provided also, and be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or as shall have been ascertained and settled by the Verdict of a Jury, for the Purchase of any such Lands, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Owner or Owners of such Lands, Tenements, or other Heritages, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively,

respectively, within One Calendar Month after the same shall have been so agreed for or offered; or if the Person or Persons so entitled or interested, or any of them, cannot be found; or if he or they shall refuse to receive such Money or Compensation; and if, in consequence thereof, it shall be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, in manner by this Act directed; then and in all or any of the said Cases it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, or other Heritages respectively; and then and thereupon such Lands, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Estates, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Commissioners, to and for the Purposes of this Act, for ever; and which Tender, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Right, Title, Claim, Interest, and Demand of every other Person whatsoever: Provided also, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement or other Heritage of the Person or Persons entitled to such Payment or Security, for the Purposes of this Act, without the Leave and Consent in Writing of such Person or Persons respectively.

CVI. And be it enacted, That if any Lands, Tenements, or other Heritages, or any Goods, Articles, Materials, or Things, which shall have been acquired or purchased for the Purposes of this Act, shall remain after answering the End for which the same were respectively purchased or acquired, it shall be lawful for the Commissioners to sell and dispose of the same either by public Auction or otherwise, and to apply and put the Price to be obtained for such Lands, Tenements, or other Heritages, Goods, Articles, Materials, or Things, to the Credit of the Department for which the same had been respectively purchased.

Commissioners to sell Materials and Ground not required.

CVII. And be it enacted, That the Rights to and Conveyances of all Heritable Property to be acquired in the Execution of this Act shall be made and granted to and in favour of the Clerk of the Commissioners for the Time being, and his Successors in Office; and which Rights and Conveyances so to be made and granted shall be sufficient for vesting such Property in the Commissioners under this Act.

Heritable Property to be conveyed to the Clerk.

CVIII. And be it enacted, That upon the Sale of any Property, Real or Personal, belonging to the Commissioners, the Rights and Conveyances necessary for completing the Purchaser's Title thereto shall be granted by any Two or more of the said Commissioners; and all Charters, Dispositions, Assignations, and other Deeds and Conveyances, to be so granted, shall be as valid and effectual to the Receivers as if granted by all the Commissioners or their Quorum.

Deeds and Conveyances on the Sale of Property to be signed by Two of the Commissioners.

[*Local.*]

11 O

CIX. And

Commiss-  
sioners may  
borrow to  
the Extent  
of 36,000*l.*

CIX. And in order to enable the said Commissioners to pay off and discharge the Debts owing by the Commissioners acting under the said Act of the Fifty-eighth Year of the Reign of His late Majesty, and to execute the Purposes of this Act, be it further enacted, That it shall be lawful for the Commissioners under this Act, and they are hereby empowered, from Time to Time, to borrow and take up at Interest, upon the Security and Credit of the several Rates, Duties, and Assessments given and granted and authorized to be levied by virtue of this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of Thirty-six thousand Pounds; that is to say, that at no One Time the Debt owing under this Act shall exceed the said Sum, unless as herein-after provided.

Commiss-  
sioners may  
issue Bonds  
and Assign-  
ments of the  
Rates and  
Monies in  
Security.

CX. And for the greater Security of the Person or Persons who shall advance or lend such Monies or any Part thereof, and effectually to provide for the Payment of the same, be it further enacted, That the said Commissioners shall be and they are hereby empowered and required to issue to such Person or Persons separate Bonds and Assignments for the Sum or Sums so advanced and lent, bearing Interest, and of the Form and Tenor, transferrable by Indorsation, and payable in manner herein-after provided; and that such Bonds and Assignments shall be marked or numbered progressively from Number One upwards, according to the Time and Order in which the same shall be issued; and full Copies of the same shall be entered by the Treasurer to such Commissioners in the Sederunt Book of the said Commissioners, or in such other Book or Books to be kept for the Purpose of entering such Securities as such Commissioners shall direct; and which Copies so entered shall be signed by such Treasurer and such Two of the said Commissioners as shall witness each particular Bond and Assignment, as herein-after mentioned: Provided always, that no such Monies shall be borrowed, or Bonds and Assignments signed and issued, except at a Meeting or Meetings to be holden in consequence of a previous Order of the Commissioners for that Purpose, entered in their Sederunt Book, and of which all the Commissioners for the Time being shall have due Notice; and that such previous Order shall likewise be printed in a Newspaper published within the said City of *Aberdeen* at least Eight Days before such Meeting or Meetings; and every such Bond and Assignment shall be in the Words or to the Effect following; *videlicet.*

Form of  
Bond.

‘ Number [*here state the Number*].  
‘ **B**Y virtue of an Act made in the Tenth Year of the Reign of His  
‘ Majesty *George* the Fourth, intituled *An Act* [*here set forth*  
‘ *the Title of this Act*], I *A. B.*, Treasurer to the Commissioners by  
‘ the said Act appointed, and by Authority of the said Commis-  
‘ sioners, expressed in a Minute engrossed in their Sederunt Book,  
‘ of Date the [*here state the Date*], in consideration of the Sum  
‘ of [*here state in Words at length the Amount of the Sum for*  
‘ *which the Bond and Assignment is granted*], instantly lent and  
‘ paid to me, on account of the said Commissioners, and for the  
‘ Purposes of the said Act, by *C. D.* of *E.*, do hereby bind and oblige  
‘ the said Commissioners for the Time being, out of the first and  
‘ readiest

‘ readiest of the Monies to be raised under the annual Assess-  
 ‘ ments authorized by the said Act to be imposed and levied, to  
 ‘ pay to the said C.D., his Executors, Administrators, or Assigns,  
 ‘ Interest for the said Sum at the Rate of [*here state the agreed on*  
 ‘ *Rate of Interest*] *per Centum per Annum*, regularly once in the  
 ‘ Year, *videlicet* [*here state the Time of Payment*] if demanded,  
 ‘ and to repay such Principal Sum of [*here again state the Amount*  
 ‘ *of the Sum*], and all Interest which shall arise thereon (not before  
 ‘ paid), to the said C.D., his Executors, Administrators, or Assigns,  
 ‘ on the [*here state the Time of Payment*], or on any Twentieth Day  
 ‘ of *June* or Twentieth Day of *December* thereafter, on Premonition  
 ‘ of Three Months by the said C.D., his Executors, Administrators,  
 ‘ and Assigns, to the Treasurer of the said Commissioners for the Time  
 ‘ being; and for the further Security of the said C.D. I do hereby  
 ‘ assign to the said C.D., his Executors, Administrators, or Assigns,  
 ‘ such Proportion of the said Monies to be raised under the said an-  
 ‘ nual Assessments as shall be equivalent to the said Sum of [*here*  
 ‘ *again state the Amount*], and the Interest to become due thereon as  
 ‘ aforesaid, from the Date hereof to the said Term of Payment, and  
 ‘ thereafter until the said Principal Sum be paid. Dated and marked  
 ‘ or numbered at                      this                      Day of                      in the  
 ‘ Year

‘ A. B. Treasurer.

‘ K. L. Commissioner.  
 ‘ M. N. Commissioner.’

CXI. And be it further enacted, That in case the said Commission-  
 ers shall think it advisable to raise any Part of the said Sum of Thirty-  
 six thousand Pounds by means or in the way of Cash Accounts or  
 Credits, to be opened in their Name with One or more Banks or  
 Banking Companies, it shall be lawful to and for the said Commis-  
 sioners, and they are hereby authorized and empowered, from Time  
 to Time, by any Bond and Assignment, or Bonds and Assignments,  
 under the Hands of their Treasurer, to mortgage or assign the sev-  
 eral Rates, Duties, Assessments made, granted, and authorized to  
 be levied under the Authority of this Act, as a Security or Securities  
 for the Money that may be so raised or procured in the way of  
 such Cash Accounts or Credits, together with Interest for the  
 same.

Part of the  
 Money may  
 be raised  
 on Cash  
 Account.

CXII. And be it further enacted, That the Bonds and Assignments  
 to be so granted shall be after such Form and Tenor as shall be  
 adjusted and agreed upon between the said Commissioners and the  
 Managers or Directors of the Bank or Banking Companies agreeing  
 to grant such Cash Accounts or Credits; and that the Bonds and  
 Assignments to be so granted shall be equally valid and effectual to  
 such Bank or Banking Companies as those herein-before authorized  
 to be granted to Persons lending Money as aforesaid for the Pur-  
 poses of this Act, but shall not be capable of giving to such Bank  
 or Banking Companies any Right to the Funds to be raised under  
 this Act, in preference to other Creditors who shall have advanced  
 or lent Money on the Security of Bonds and Assignments granted  
 or to be granted as aforesaid.

Bonds to be  
 of the Tenor  
 agreed upon  
 between  
 Commission-  
 ers and Per-  
 sons granting  
 Credits.

CXIII. And

Bonds and Assignments to be a sufficient Security to the Holders, and shall entitle them to recover.

May be transferred according to this Form, and entered and certified by the Treasurer.

CXIII. And be it enacted, That all such Bonds and Assignments, on Paper duly stamped, and signed by the Treasurer of the said Commissioners, and witnessed by Two of the said Commissioners for the Time being, and issued at such regular Meeting or Meetings as aforesaid, shall be a sufficient Security to the Person or Persons, Banks or Banking Companies, so lending or advancing Monies for the Purposes of this Act; and that till Repayment such Principal Monies, and the Interest to arise thereon, shall be a Lien and Charge on the Rates and Monies by this Act granted, and entitle the Holder of such Securities for the Time being to recover such Principal Monies and Interest from such Commissioners, and their Treasurers or other Officers having the Management of or receiving such Rates and Monies, out of the first and readiest of such Rates and Monies, and that by Action to be brought, if necessary, before the Sheriff or Sheriff Substitute of the said County of *Aberdeen*, or by any other Form known and used in the Law of *Scotland*, together with the full Expences of such Action, and of recovering such Monies and Interests; and that every Person or Persons to whom such Bonds and Assignments shall be issued and granted as aforesaid, or who for the Time being shall have Right to the same, may from Time to Time assign or transfer his, her, or their Right, Title, or Interest in the Premises (by a Writing under his, her, or their Hand or Hands, to be indorsed on the Back of such Bond and Assignment, in the Presence of One credible Witness,) to any other Person or Persons; and that such Transfer or Indorsement shall be in the following Words, or Words to the like Effect:

‘ I *C.D.* do transfer this Bond and Assignment, with all the Right, Title, or Interest which I have under the same, to *E.F.*, his [her or their, as the Case may be,] Executors, Administrators, or Assigns. Dated at this Day of  
(Signed) ‘ *C.D.*’

‘ Witness, *K.L.*’

Which Transfer or Indorsement shall be notified to the Treasurer of the said Commissioners, who shall cause, and he is hereby required to cause, an Entry or Memorial of such Transfer or Indorsement, containing the Date, Names of the Parties, and Number or Mark of such Bond and Assignment, and the Interest then due on the same, to be entered in the Sederunt Book of the said Commissioners, or such other Book or Books as shall be kept as aforesaid for entering such Transfers, Bonds, and Assignments, and shall certify such Entry on the Back of such Bond, and immediately under such Transfer or Indorsement; and after such Entry and Certificate, and not till then, such Transfer or Indorsement shall entitle the Person or Persons to whom the same shall be so made, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of such Bond and Assignment; and that every such Person to whom such Transfer shall be made as aforesaid may in like Manner transfer again such Bond and Assignment to any other Person or Persons, so often as occasion may require; and that it shall not be in the Power of the Person or Persons making such Transfers, by Indorsement as aforesaid, to make void, release, or discharge such original Bond and Assign-



Assignment, or Transfer or Transfers of the same, or any Monies due, or Benefit arising thereupon, or any Part thereof.

CXIV. And be it enacted, That the Bonds and Assignments for the Monies herein authorized to be borrowed or raised shall not entitle the Holders thereof to any Preference on account of the Priority of the Dates of such Bonds and Assignments, or of the Dates of the Advances, but that the Claims of all Persons entitled to Monies in virtue of such Bonds and Assignments shall be, in proportion to the Sums therein respectively mentioned, equally with one another.

No Priority of the Bonds and Assignments.

CXV. And be it further enacted, That in the Event of any Person or Persons having Right to any of such Bonds and Assignments refusing to receive Payment of the Principal Monies and Interest due on the same, when tendered, on any Twentieth Day of *June* or Twentieth Day of *December* subsequent to the Term of Payment mentioned in the Bond, or, in the Event of such Person or Persons refusing or being incapable to grant a sufficient Discharge upon Payment, then and in either of these Events the said Commissioners or their Treasurer for the Time being, provided Six Months Premonition has been given of their Intention to pay up, shall be empowered, and they are hereby required, upon Application to and by Warrant of the Sheriff or Sheriff Substitute of the said County of *Aberdeen* (which Warrant such Sheriff or Sheriff Substitute is hereby empowered and required to grant), and upon such due Notice as such Sheriff or Sheriff Substitute shall appoint to be given to the Person or Persons then having Right to such Bond and Assignment, to consign such Principal Monies, and the Interest then due upon the same, in the Hands of the Cashier of the Bank of *Scotland*, or Royal Bank of *Scotland*, (on account of the Person or Persons then having Right to such Bond or Assignment,) as such Sheriff or Sheriff Substitute shall appoint; and that upon Payment or upon such Consignation the Bond and Assignment, or Bonds and Assignments, as the Case may be, so granted and having become payable as aforesaid, shall be discharged and become void, and the Lien for the same upon the Rates and Monies payable by this Act shall cease and determine: Provided always, that the said Commissioners or their Treasurer for the Time being shall enter, and they are hereby required regularly to enter, a Memorial of such Payments or Consignations, with the Date of the same, and Names of the Parties, and Number of the Bond and Assignment, in the Sederunt Book of the said Commissioners, or such other Book or Books to be kept as aforesaid.

In case the Holder refuse to accept of Payment, the Money may be consigned.

CXVI. And be it further enacted, That when and so often as the said Commissioners shall be called upon and required to pay up the Whole or any Part of the Principal Sums that may have been borrowed or raised in manner aforesaid it shall be lawful to the said Commissioners and they are hereby empowered to borrow a Sum or Sums equal to that or those which shall have been called up, and with the Money to be so again borrowed to pay the Principal Sum due upon the Bond or Bonds of which Payment shall have been so re-

Money called up may be replaced by a new Loan.

[*Local.*]

11 P

quired;

quired; and the said Commissioners may either require the Holder or Holders of such Bond or Bonds to discharge the same, or to transfer such Bond or Bonds to the new Lender or Lenders, in the Manner herein-before prescribed; and in the Event of any Bond or Bonds being discharged it shall be lawful to the said Commissioners and they are hereby empowered to issue to the Person or Persons who shall advance or lend Money for paying off such Bond or Bonds new and other Bonds and Assignments for the Sum or Sums so advanced or lent, which Bonds and Assignments shall be in the Words or to the Effect, and shall be numbered, executed, and copied as herein-before prescribed in the Case of a Bond and Assignment to an original Lender, and shall be equally valid and effectual to the Holders as if they had been Bonds and Assignments granted for the original Loan.

Commis-  
sioners and  
Treasurer  
not to be  
personally  
liable.

CXVII. And be it enacted, That no Commissioner or Treasurer shall be held or adjudged to have rendered himself personally liable for the Repayment of any Money borrowed under the Authority of this Act by reason of his having signed any Authority to borrow any such Money, or by reason of his having signed any Bond or other Security for the same; and all such Bonds or other Securities shall be held and considered as granted on the sole Security of the Assessments authorized to be made as aforesaid.

Application  
of Monies.

CXVIII. And be it further enacted, That out of the Monies to be so raised and collected by virtue of this Act the said Commissioners shall in the first place pay and discharge all the Expences and Charges of procuring and passing this Act, or incident thereto, (including the Expence of the Surveys and Plans which have been made since the passing of the said recited Act with a view to procure an additional Supply of Water for the said City,) and in the next place shall pay and discharge the Debt due under the said recited Act, and the Interest thereof, and of the Principal Money that shall be borrowed in pursuance of this Act, and shall apply the Remainder of the Money so raised in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and to such other Purposes as are hereby directed.

Application  
of borrowed  
Money li-  
mited.

CXIX. Provided always, and be it enacted, That it shall not be lawful to or for the said Commissioners to use or apply more than the Sum of Five thousand Pounds of the Monies which they are empowered to borrow as aforesaid for any of the other Purposes of this Act, until after the Debts due under the said recited Act, and the Expence attendant upon the obtaining of this Act, shall be paid off, and the Works for raising and conveying Water from the said River *Dee* as aforesaid shall be executed and completed, and the Expence and Charges thereof paid and discharged.

Power to  
borrow  
1000*l.* in an-  
ticipation of  
Assessments.

CXX. And whereas it may happen that the Commissioners under this Act may occasionally find it expedient and necessary to anticipate the Assessments herein authorized to be levied, by expending, in the Execution of the Powers hereby granted, a larger Sum in One Year  
than

than the Revenue arising from such Assessments will liquidate within that Year; be it enacted, That it shall be lawful to and for the said Commissioners to authorize their Treasurer from Time to Time to borrow any further Sum or Sums of Money, not exceeding in the whole One thousand Pounds at any One Time, to be expended in anticipation of the Assessments as aforesaid, and to grant Bills or Bonds for the same: Provided always, that the said Commissioners shall be bound to make Provision for the Repayment of the Sum or Sums so borrowed, and of the Interest that may be due thereon, out of the Assessments to be levied in the Course of the Three Years subsequent to that in which the Money shall have been borrowed; provided also, that the Assessment arising from the Department for which the Money borrowed was expended shall be chargeable with the Repayment thereof; and Three Years at least shall elapse betwixt the Payment of the last Instalment and the effecting of any new similar Loan in anticipation of the Assessments.

CXXI. And be it enacted, That, in case of any Misapplication of the Money received or levied by virtue of this Act, all Persons who shall so misapply the same, or by whose Authority the same shall be misapplied, shall forfeit and pay Double the Sum so misapplied, together with the Expences of Process, to be recovered at the Instance of any Three or more of the Commissioners, who are hereby authorized to sue for and recover the same by summary Complaint before the Court of Session, without abiding the Course of the Roll, or before the Judge Ordinary of the Bounds; and the Money thus recovered shall be applied for the Purposes of this Act.

Penalty for misapplying any of the Monies.

CXXII. And whereas it would be greatly for the Convenience and Benefit of the Inhabitants residing within the Limits aforesaid that proper Foot Pavements were made in Situations requiring the same; be it therefore enacted, That the Owners or Proprietors of all Houses and other Buildings, or of Gardens and Grounds on which Buildings are not erected, which are adjoining to or fronting any Street, Lane, Square, or public or principal Place already formed or to be formed within the Limits aforesaid, shall, at their Expence, cause the Ground before their respective Properties, on the Sides of the said Streets, Lanes, Squares, or other public or principal Places, to be well and sufficiently paved with flat hewn or other Stones, of such Breadth and in such Form and Manner as the said Commissioners (after visiting and inspecting the Grounds and hearing the Parties concerned) shall by Orders to be pronounced by a Majority of them from Time to Time direct and appoint: Provided always, that when the whole Breadth of any of the said Streets will not admit of Pavement being laid on both Sides thereof, the same shall be made out upon any One of the Sides that shall be judged by the said Commissioners to be most commodious and best adapted for the Purpose; and it shall be in the Option of the Owners or Proprietors of the Gardens or Grounds on either Side of such Streets, Lanes, Squares, and other public and principal Places on which no Buildings are erected, either to pave opposite their respective Properties in manner aforesaid, or to pave opposite to such Gardens or Grounds with square-dressed Granite Stones,  
until

Foot Pavements to be made.

until the same shall be built upon, provided a proper Kerb or Bord Stone shall be laid at the Sight and to the Satisfaction of the said Commissioners or their Overseer; and such Parts of the said Footpath as are opposite to Lanes or Closes which are Cart or Carriage Entries may also, if the said Commissioners think proper, be paved with square-dressed Granite Stones: Provided always, that in case any such Owner or Proprietor shall refuse or neglect to cause such Pavements to be made in the Manner and Form so directed, within such Time as he, she, or they shall have been required so to do, by a Decree pronounced by the said Commissioners (after having visited and inspected the Grounds and heard the Parties concerned), that then it shall and may be lawful for the said Commissioners to cause the said Foot Pavements to be made in such Form and Manner as they shall order and direct, at the Expence of such Owners or Proprietors respectively; and in case any such Owner or Proprietor shall refuse or neglect to pay such Charges and Expences, when required, it shall and may be lawful to the Magistrates of *Aberdeen*, or the Sheriff of the County or his Substitutes, in their proper Court, to decree such Charges and Expences to be paid by such Owners or Proprietors, either to the Tradesmen by whom the Work shall have been done or to the Treasurer or Collector to the said Commissioners, with the additional Expences in suing for and recovering the same: Provided always, that in every Case where such Owner or Proprietor shall be unable to pay the Expences of making such Foot Pavements in One Sum the said Commissioners may receive the same by such Instalments and at such Periods as to them shall seem proper; and after such Foot Pavements have been made the same shall be kept in repair by the Commissioners under this Act.

Streets to be paved.

CXXIII. And be it further enacted, That all Streets, Lanes, Squares, and public Passages already made, laid out, or opened, or that shall be hereafter made, laid out, or opened, and where One Half of the Building Areas along any Street, Lane, Square, or Passage are built upon, or sold or feued out for the Purpose of being built upon, or as soon as Areas to that Extent are so built upon, sold, or feued out, the same shall be paved, if so ordered by the Commissioners, (if not already paved,) by and at the Expence of the Proprietors and Feuars, in proportion to the Extent of the Front of the Building Area belonging to him, her, or them respectively, and the remaining Part of such Street, Lane, Square, or public Passage shall be paved at the Expence of the Owner or Owners of the unsold or unfeued Ground on either Side.

Manner of paving.

CXXIV. Provided always, and be it enacted, That the Stones to be used in paving such Streets, Lanes, Squares, and public Passages shall be squared Granite Stones of the most approved Size (unless the Commissioners shall agree to admit Stones of any other Description), and that the same shall be laid and bedded in such Form and Manner as the said Commissioners shall direct: Provided also, that where, as in the Case of Squares and Terraces, the Ground is feued or built on one Side only, the Proprietors and Feuars on the Side so feued or built upon shall be at the Expence of paving the whole of the

Provision as to Squares and Terraces.

the Area of such Squares, Terraces, or other Places opposite their respective Properties, and the Proprietors of Houses or Areas having Streets along the End or Back thereof as well as the Front shall be liable in a Proportion of the Expence of paving all such Streets: Provided also, that nothing herein contained shall be understood to relieve the original Proprietors of Streets, Squares, or other Places of any Obligation they may have come under to the Purchasers or Feuars, in regard to paving such Streets, Squares, or other Places.

CXXV. And whereas Doubts may arise with respect to the Length or Termination of Streets forming Outlets from the said City and Suburbs; be it therefore enacted, That in as far as the Obligation to pave depends on the Extent of Front feued out or built upon, the Provisions contained in this Act shall operate and apply to every Two hundred Yards of such Streets, in the same Manner as if that were the actual Length of the Street.

Provisions as  
to Streets  
forming  
Outlets.

CXXVI. And be it further enacted, That nothing herein contained shall be understood to free and relieve the Turnpike and Computation Road Trustees from supporting and keeping in repair as heretofore those Parts of the public Roads to which the Operation of this Act shall not be actually extended.

Roads.

CXXVII. And be it further enacted, That nothing herein contained with respect to paving, widening, or levelling Streets shall be understood to apply to such Streets, Squares, Lanes, and Places as are not Thoroughfares for Carriages, unless at least Two Thirds of the Proprietors of the Ground or Building Areas along the Sides of any such Street, Square, or Place shall apply to have the same declared a public Street, and made subject to all the Provisions contained in this Act.

Streets not  
Thorough-  
fares ex-  
empted from  
Conditions  
as to paving.

CXXVIII. And be it also enacted, That the Scavengers employed in cleaning the Streets shall, before such Hour in the Morning as shall be from Time to Time fixed and directed by the said Commissioners, scrape, rake, sweep, and clean the Foot Pavements and whole of the said Streets, Squares, Closes, Courts, Thoroughfares, and Lanes, every lawful Day, and shall collect and remove therefrom all Dust, Ashes, Nastiness, Filth, Stones, and Garbage of every Sort which may be found thereon; and if the Scavengers shall neglect so to do, it shall be competent to and in the Power of any Inhabitant liable to the Rates imposed by this Act, first to represent such Neglect to the Inspector appointed by the said Commissioners, and if that is disregarded, or the Offence repeated, to notify the same in Writing to the said Commissioners at their First Meeting, or at a Special Meeting to be called for the Purpose; and upon Conviction of the Inspector of disregarding such Representation, or permitting a Repetition of such Offence, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings; or in case the Scavengers shall happen to be convicted of such Offence, each of them shall for every Offence forfeit a Sum not less than Two and not more than Three Days Wages payable to them at the Time, or be dismissed, as the Commissioners shall think fit.

Scavengers  
to clean the  
Streets be-  
fore certain  
Hours every  
Day.

[Local.]

11 Q

CXXIX. And

Foot Pavements to be cleared of Snow and Ice.

CXXIX. And be it enacted, That in Time of Snow or Frost the Tenants and Occupiers of the Shop or Shops or other Apartment or Apartments on the Ground Floor of any Dwelling House or other Building alongst which Foot Pavement has been laid, shall be obliged, from Time to Time, to scrape, sweep, and clear away the Snow and Ice that shall have fallen or formed upon the said Pavement opposite such Shop or Shops or other Apartment or Apartments; and in case any Person or Persons liable to scrape, sweep, or clear away such Snow or Ice shall neglect or refuse to do so, the Person or Persons so neglecting or refusing shall forfeit and pay a Penalty not exceeding Five Shillings for each Offence, over and above the Expence of executing the Work, which the Inspector, in the above Event, is hereby authorized to cause to be performed by Scavengers or others; and such Penalty and Expence may be recovered in the Police Court, on a Complaint at the Instance of the Inspector: Provided always, that the Foot Pavements opposite to uninhabited Houses, Shops, Warehouses, or other Buildings, as well as opposite to Courts, Closes, or unbuilt Areas, shall be swept and cleared of Snow or Ice by the public Scavengers, or others employed by the said Commissioners.

Steam Engines, &c. to consume their own Smoke.

CXXX. And be it enacted, That the Owners and Occupiers of all Steam Engines, and of all Iron Foundries, Glass Works, Gas Manufactories, Distilleries, Breweries, and other Manufactories wherein Furnaces are used, already erected within the Limits of this Act, shall, within Six Months from the passing of this Act, adopt the Method now practised, or some good and efficacious Method, of consuming and burning the Smoke arising therefrom, so far as the same can be done, so as to prevent the same occasioning any Nuisance which can be avoided; and if any Person or Persons shall, after the passing of this Act, erect any such Steam Engine, Iron Foundry, Glass Work, Gas Manufactory, Distillery, Brewery, or other Manufactory wherein any Furnace is used, within the Limits aforesaid, without the same being upon the Principle of consuming its own Smoke, or having erected any Steam Engine, Iron Foundry, Glass Work, Gas Manufactory, Distillery, Brewery, or other Manufactory wherein any Furnace is used, shall not reconstruct the same upon the Principle of consuming its own Smoke, so far as the same in either Case can be done, he, she, or they shall, besides being obliged so to reconstruct the same, forfeit and pay for every such Neglect any Sum not exceeding Fifty Pounds, to be applied to the general Purposes of this Act; and the Furnace of the Steam Engine or Engines to be erected under the Authority of this Act shall be similarly constructed, under the like Penalty of Fifty Pounds, besides Costs of Suit, one Moiety of which Penalty shall belong to the Person suing for the same, and the other Moiety to the Poor of the said Parishes of *Old Machar* and *Banchory Devenick*; providing also, that all Complaints made in regard to these Matters shall be judged of by the said Sheriff in his own proper Court, or by any one of his Substitutes, on the Application of the Fiscal of such Court, or of any private Party having Interest; and the Owner or Owners of such Furnaces shall forfeit and pay any further Sum, not exceeding Two Pounds, for every Day the same shall be permitted to remain without being so constructed, after Four Weeks from  

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the

the Date of the Decree awarding the first-mentioned Penalties, to be recovered and applied in like Manner as the said Penalties of Fifty Pounds are directed to be respectively recovered and applied.

CXXXI. And be it further enacted, That if any Person or Persons shall carry, push, roll, drive, or draw, or caused to be carried, pushed, rolled, driven, or drawn, on any of the Foot Pavements within the Bounds before described, any Bier, Sledge, Cask, Handbarrow or Wheelbarrow, Wheel or Wheels, or any Coach, Waggon, Cart, Sedan Chair, 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 Foot Pavements to or from Stables or Cowhouses) upon any Part of the said Foot Pavements, or wilfully permit any Horse or other Cattle which such Person may be riding, driving, or leading, to go thereon; or shall tie or fasten any Horse, Ass, Mule, or any other Cattle, to any House, Wall, or other Thing, across any of the Footways or Pavements; or shall set or leave any Cask, Bale, Crate, Box, Tub, Bucket, Pail, Stool, Bench, or Stall on the Foot Pavements or Streets, or shall throw or cast any Dirt, Dung, Ashes (except in Times of Frost for the Purpose of rendering the Pavement more safe for Passengers), or Rubbish, into or upon the same; or shall erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Thing, so as in any way to cause any Obstruction or Impediment on the Streets or other Places, or on the Foot Pavements; or shall roll any Cask, empty or full, along the said Foot Pavements, for any Distance whatever, (except across them directly to or from a Cellar, Shop, or Warehouse,) or shall roll any such Cask along any of the public or principal Streets, Squares, Roads, Passages, or Places within the Limits to which this Act extends, except from a Shop, Cellar, Warehouse, or other Place directly to such Cart or Carriage as it is to be loaded upon, or from such Cart or Carriage as it has been loaded upon directly to the Shop, Cellar, Warehouse, or other Place in which it is to be deposited, not exceeding Thirty Yards in any Case; or shall be in or upon any Cart or Waggon when driving along any of the Streets, Squares, Passages, or Places of the said City, or any of the Roads, Streets, Passages, or other Places within the Limits over which this Act extends, without having a Person on Foot leading the Horses yoked in such Cart or Waggon (such Light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two drawing the same, excepted); or shall drive any Cart or other Carriage on the Streets, Squares, Passages, or Places of the said City, or any of the Roads, Streets, Passages, or other Places within the Limits over which this Act extends, furiously, or in any way improperly; or shall leave any Waggon, Cart, or Carriage standing on the said Streets, Roads, or Passages, yoked or unyoked, either during the Day or Night, to the Danger, or to the Obstruction of the free Passage of any other Carriage, or of any Passenger, along the said Streets and other Places; or shall ride any Horse furiously or improperly, or drive any Horse or Cattle, or Carriage of any Kind, in an improper Manner, upon any

Regulating  
Foot Pavements and  
Streets.

any of the said Streets, Roads, or Passages ; or shall clean, dress, drive, or turn loose any Horse or other Cattle ; or show or expose, or exercise, any Stallion or Stone Horse (except in such Place as the Commissioners direct) ; or show or expose, or exercise, or expose to sale, any Horse or other Beast ; or kill or slaughter, or scald, singe, dress, or cut up, any Animal, upon any of the Streets, Roads, or Passages ; or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shamble, into or upon any of the Streets ; or shall drag any Timber or other such Thing on the public Streets, Roads, or Passages ; or shall suffer any Timber or other such Thing, though principally conveyed on a Wheeled Carriage, to twist or drag upon the Streets, Roads, or Passages ; or shall suffer any Plank, Piece of Timber, Iron Bar, or other such Thing, to project more than Twelve Feet before or behind the Machine, Cart, or other Carriage on which it is placed, or occupy with the Machine on which it is carried more than Eight Feet in Breadth of the Street, Road, or Passage, so as to give reasonable Cause to fear Injury to Persons or Property ; or shall in any Street, Square, public Passage or public Place, within the Bounds to which this Act extends, hoop, fire, cleanse, wash, or scald any Cask or Tub ; or hew, saw, or cut any Wood or Timber, or bore any Timber ; or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Spring, or other Part of any such Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot be conveniently removed for that Purpose) ; or shoe, bleed, or farry any Horse or other Beast (unless in case of sudden Accident) ; or shall in any Street, Square, public Passage or public Place within the Limits to which this Act extends, sell, or assist in selling, by Auction or Public Sale, any Cattle, Goods, Wares, Merchandize, or Thing or Things whatsoever ; or shall hang up, place, or expose to sale, or cause or permit to be hung up, placed, or exposed to sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher Meat, or other Matter or Thing, in or upon or so as to project over or upon the Foot Pavement or Carriageway of any such Streets, Squares, public Passages or Places, within the Limits to which this Act extends, or beyond the Line or on the Outside of the Window or Windows of the House, Shop, or place at which the same shall be so hung up, placed, or exposed to sale, or so as to obstruct or incommode the Passage of any Person or Carriage ; or shall throw Water out of any Door or Window, by Night or by Day, or shake or dust any Carpet from or over any Window or Stair opening to any public Street, Lane, or Place ; or shall leave open after Sunset the Door, Window, or Grating of any Cellar or other Underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, and public Places of the said City or Limits from falling into such Cellars or other Underground Rooms or Apartments ; or shall set or place upon the Outside of any Window or Opening fronting any of the Streets, Squares, Lanes, Closes, or Passages of the said City or Limits any Furniture, Flower Pots, or Boxes for raising or preserving Flowers, Shrubs, or other  
Plants



Plants or Vegetables, or any other Article, unless the Soles and Outsides of the Window or Opening at which any such Furniture, Pots, Boxes, or Articles are set or placed shall be sufficiently railed in and secured with good and substantial Rails of Iron, so as to prevent the Risk of the said Furniture, Pots, Boxes, or other Articles falling from the said Windows or Openings; or shall play at Foot Ball or at any other Game, or shall slide upon the Carriageway or Foot Pavement of any of the said Streets, Squares, Lanes, or public Places in Time of Frost, or shall fly any Paper Kite or other Kite, or shall trundle any Hoop or Hoops, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers, either on Foot or on Horseback or in a Carriage; or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Firearms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or play at any Game to the Annoyance of the Inhabitants or Passengers, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Square, public Passage or Place, or shall wilfully obstruct or incommode, hinder or prevent, the free Passage of any Footway or Causeway; then and in every such Case it shall and may be lawful for any Person who shall see such Offence committed to seize such Offenders, and by Authority of this Act, without any other Warrant, to convey them to the Custody of any Officer of Police or other Peace Officer, in order to be secured or conveyed before One of the said Provost, Baillies, Sheriff or Substitute; and the Parties accused being brought before him, or legally cited to appear before him (should they not be seized and brought as aforesaid), the said Judge shall, upon the Complaint of the Procurator Fiscal of the Burgh Court of *Aberdeen* or of the said Inspector, 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 riding or driving any Horse or Cattle, Cart or Carriage, furiously or improperly, he, she, or they shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and any Person convicted of any other of the above Offences shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

CXXXII. And be it further enacted, That it shall and may be lawful to the said Commissioners to cause to be removed or taken down or taken away all Signs, Sign Posts, Boards, Sheds, Awnings, Dyers', Scourers', or Barbers' Poles, Poles from Windows for suspending Clothes, or any other Poles projecting or hanging over any of the Foot Pavements, Streets, Squares, Lanes, or Passages, or any Goods or other Things exposed at the Doors of Shops, so as to encroach on the Foot Pavements, and to prevent the Obstruction of Passengers by the Offer of Goods for Sale at Shop Doors, or at any Distance from the same; and in future all Signs or Boards shall be placed or affixed close on or flat to the Wall or Front of the Houses, Shops, Warehouses, or other Buildings whereunto they shall respectively belong; and no Window Shutter which shall hereafter be constructed shall be hung on the Outside of the Houses, Shops,

Regulating  
Sign Posts,  
&c.

[*Local.*]

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Ware-

Warehouses, or other Buildings to which they belong, neither shall any Doors open outwards on any public Street, Square, Passage, or Place, so as the same when open shall project over or upon any of the said Footways; and if any Person or Persons shall at any Time hereafter hang, place, or erect, or cause to be hung, placed, or erected, any Sign, Sign Post, or Pole, or cause any other Obstruction or Annoyance whatever, or shall expose Goods or any other Thing at the Door of any Shop, or offer Goods as aforesaid, contrary to the Meaning of this Act, or shall hang any Window Shutters on the Outside as aforesaid, so as the same when open shall project over or upon any of the said Footways, or construct any Door to open outwards as aforesaid, it shall be lawful for the said Provost, Baillies, Sheriff, or Sheriff Substitutes, or any of them, on the Complaint of the Inspector or Clerk of Police, to order the same to be removed and taken away, and to ordain such Person or Persons to pay any Sum not exceeding Five Pounds for every such Offence; saving and reserving to any Person who may suffer Injury from such Sign Boards, Projections, or other Annoyances, to prosecute for Damages according to Law.

Not to apply  
to public  
Market  
Places.

CXXXIII. Provided always, and be it enacted, That nothing contained in this Act is to be construed to extend so as to prevent Persons from placing any Stall, Booth, Bench, Cart, or Barrow, for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any public Market Place within the Limits before described, on the usual Days of such Markets or Fairs.

Commission-  
ers to make  
Rules for  
regulating  
Stalls, &c.  
upon Market  
Days.

CXXXIV. Provided always, and be it enacted, That it shall be lawful to and for the said Commissioners and they are hereby empowered to establish from Time to Time such Rules and Orders as may appear necessary and expedient for regulating the Situation of such Stalls, Booths, Carts, Barrows, Baskets, and such like, upon the said usual Market Days, so as a free and uninterrupted Passage may be preserved for all Horses, Carriages, Foot Passengers, and others in the said Streets, to remove in a summary Manner all such Stalls, Booths, Carts, Barrows, Baskets, or any other Obstruction or Annoyance, to such Situation or Place of Safety as they or their Inspector shall direct; and if any Person to whom the same may belong, or who shall have the Charge of such Stalls or other Things, shall refuse to remove the same, or obstruct any Officer in the Execution of the Orders of the said Commissioners, he or she shall not only be liable in the Expence of such Removal, but also in a Penalty not exceeding Twenty Shillings, to be recovered in the Police Court on the Complaint of the Inspector; and the Offender or Offenders shall be detained in Custody of such Officer until the said Penalty is paid or sufficient Security found therefor: Provided nevertheless, that Venders of Vegetables and dried Fish of all Descriptions shall have Liberty to put up Stalls and expose such Articles for Sale in *Castle Street* on any Day beside Market Days, but always in such Situations and under such Orders and Regulations as the said Commissioners may appoint: Provided always, that such Rules and Regulations shall be painted on Boards, and affixed in conspicuous Places in such

Street,

Street, and shall not be inconsistent with the Laws of that Part of the United Kingdom called *Scotland* or with the Provisions of this Act, and shall be renewed as often as the same shall become obliterated or defaced.

CXXXV. And be it further enacted, That the Owners and Proprietors of all Houses and other Buildings fronting any public Street, Square, or other public Place within the aforesaid Limits, where there are no sunk Areas between the Houses and the Foot Pavement, shall cause the Water from the Roofs of such Houses or Buildings to be conveyed in Leaden or other Pipes affixed against or on the Sides or Fronts of such Houses or Buildings, and not projecting more than Four Inches from the Surface of the Wall, and reaching within Six Inches of the Pavement across which a Cut or Gutter shall be made for conducting the Water into the contiguous Water Channel, unless the Owners or Proprietors shall prefer passing the Water by means of a Pipe into the Houses or other Buildings, or below the Foot Pavement, so that the same shall be discharged within such Houses or Buildings, or into such Water Channels; and all such Pipes the said Owners and Proprietors shall be bound to keep clean and in repair at their own Expence; and in case such Owners or Proprietors shall refuse or neglect to cause the Water to be conveyed as aforesaid, and the Pipes to be kept clean and in repair, it shall and may be lawful to the said Magistrates, Sheriffs, or Sheriff Substitute respectively, and they or any One of them are authorized, on the Complaint of the said Inspector, which Complaint the Inspector is hereby required to make, to cause the Pipes which may be necessary to be affixed, and when necessary to be repaired and cleaned, at the Charge and Expence of such Owners or Proprietors respectively; and in case such Owners or Proprietors shall refuse or neglect to pay such Charges when required, it shall and may be lawful to the said Magistrates, Sheriff or Sheriff Substitute, or any One of them, on the Complaint of the said Inspector, to decree such Charges and Expences to be paid by such Owners or Proprietors, either to the Tradesmen by whom the Work shall have been done, or to any other Person or Persons to be named by the said Magistrates and Sheriffs, or any One of them, with the additional Expence incurred in recovering the same.

Water from  
Roofs of  
Houses to  
be conveyed  
in Pipes.

CXXXVI. And for the more conveniently enforcing of the Obligations on Proprietors for forming the Foot Pavements, and forming and keeping in repair the Pipes for conveying Water from the Roofs of Houses, be it enacted, That in case of the Proprietor not being resident within the Limits to which this Act extends, it shall be lawful to proceed against the Tenant or Occupier, Notice being given by Letters sent through the Post Office to the Proprietor or the Person acting for him, or in such other Way as the Judge before whom the Procedure takes place shall direct; and it shall be lawful to the Judge to issue his Decree against the Tenant the same as if he were the Landlord; and in such Case it shall be lawful to the Tenant to apply the Rents due or to become due by him, or such Part thereof as may be necessary, for Implement of such Obligations; and such Obligation shall be a sufficient Dis-

Tenants may  
defray Ex-  
pences, and  
retain the  
same out of  
their Rents.

charge

charge of the Rents due or to become due to the Extent of the Sums so applied, and Deductions shall be allowed by the Landlords accordingly: Provided always, that no Tenant shall be liable to be decreed to pay at any Time a greater Sum than the Amount of the Rent for the Year or Half Year current at the Time, together with the Arrears of Rent, if there be any such.

Houses to  
be built in  
Line.

CXXXVII. And be it further enacted, That before any Building of any Description is begun to be built along the Sides of any of the Streets, Squares, Lanes, or public Places comprehended in this Act, Notice thereof in Writing shall be given by the Proprietor of such intended Building, or by the Contractor for erecting the same, to the Clerk of the said Commissioners, at least Eight Days preceding, and the said Commissioners shall thereupon have Power to lay down the Line of such new Buildings, and to cause the same to be set back, if that shall be thought necessary, for the Purpose of widening the Street or otherwise improving the same; and in the Case of Houses or other Buildings at the Corners of Streets, to cause the Corners be rounded off to the Height of the First Story or Floor, at least; and to give such Directions, and such Orders in Writing, for the above Purposes, as the said Commissioners shall think proper, and to cause the same to be delivered or left at the House or last or usual Places of Abode of such Owner or Owners, some or one of them; and if any House or other Building shall be built, erected, or rebuilt contrary to such Directions and Orders, the same shall be deemed an Encroachment, Nuisance, and Annoyance, within the Intent and Meaning of this Act, and be removed or removable as such: Provided always, nevertheless, that full Recompence and Satisfaction shall be made to the Owner or Owners of and all Persons interested in such Premises, for any Loss or Damage he, she, or they may sustain by such House or other Building being so set back as aforesaid, such Recompence and Satisfaction to be made and settled in the same Manner as is herein-before provided for making and ascertaining Compensation and Satisfaction to be made for Houses and Buildings damaged or injured by or in taking down Houses or Buildings for the Purposes of this Act.

Stones,  
Lime, &c.  
on Streets,  
to be in-  
closed and  
lighted.

CXXXVIII. And be it further enacted, That in case any Stones, Lime, Sand, or other Materials shall be deposited, or in case any Sheds for Masons, or any other Erection or Inclosure, be placed or formed upon any of the Streets, Squares, Lanes, Passages, or other public Places within the Limits of this Act, or in case any Hole or Opening shall be made in or adjacent to any of the said Streets, Squares, Lanes, Passages, or other public Places, for the Purpose of digging Foundations for building, for paving or repairing the Streets, for digging Wells or Drains, laying Pipes, or any other Purpose, the Persons or Body Corporate making or causing to be made such Depositions, Erections, Inclosures, Holes, or Openings, and the Persons employed and concerned therein, shall at their own Expence cause a sufficient Rail or Fence to be put round such Depositions, Holes, or Openings, and round such Erections and Inclosures, if it be thought necessary, and shall also cause a sufficient Number of Lamps or Lights to be affixed at or near the same, to be kept

kept burning every Night from Sun-setting to Sun-rising that such Depositions, Erections, and Inclosures shall remain, or such Holes and Openings shall be unfilled up, all under the Orders and to the Satisfaction of the Inspector or Superintendent of Streets, or other acting Officer for the Time; and in case any of the said Persons or Bodies Corporate aforesaid shall refuse or neglect to fence such Depositions, Erections, Inclosures, Foundations, or Holes, or to affix and keep burning Lamps or Lights in manner foresaid, it shall and may be lawful to the Judge acting in the Police Court, on the Complaint of the said Inspector, to decern the Persons or Body Corporate so offending to pay any Sum not exceeding Two Pounds for each Day or Night the same may remain without a sufficient Rail or Fence during the Day, and without such Rail or Fence, and Lamps or Light, during the Night; and also to order the said Depositions, Erections, Inclosures, Foundations, or Holes to be fenced, and Lamps or Lights to be affixed and kept burning, at the Expence of the Persons employed or concerned therein; reserving always to any Persons who may suffer Injury by such Operations, whether the said Provisions be observed or not, to prosecute for Reparation and Damages according to Law.

CXXXIX. And be it further enacted, That when any House within the Limits of this Act is to be roofed or unroofed, or built or taken down, or when any Operation is to be performed thereon, whereby Risk shall arise of Stones, Slates, or other Materials falling upon the Streets or Foot Pavements, or whereby any extraordinary Dust or other Annoyance to the Public shall arise, the adjoining Pavement and Street shall be inclosed with a sufficient Rail or other Fence, to be erected and maintained at the Expence of the Proprietors, so as to prevent Passengers from walking on such Pavement or Street; and such Operations shall be performed with the least possible Delay, and at such Hours in the Morning, or other Times, and in such Way and Manner, as the Inspector or Superintendent of Streets or other Officer may direct, so as to occasion the least possible Hazard or Inconvenience to the Public; and in all Cases where any such Operation is to be performed Notice shall be given to the Inspector of Streets of what is intended, Twenty-four Hours at least before the Operation is begun, in order that he may see that the Pavement and Street are sufficiently fenced or guarded and lighted in manner aforesaid, and he may order what he considers, in the Circumstances of the Case, to be otherwise necessary for lessening the Hazard and Inconvenience; and in case of Failure to give such Intimation, the Proprietor of the Building or other Person on whose Employment the Work is executed, and also the Tradesman or Tradesmen employed, shall be liable in a Penalty not exceeding Two Pounds for every such Offence; and in case of Failure to provide and maintain a sufficient Rail or other Fence, or to obey the Orders which may be given by the Inspector for lessening the Hazard or Inconvenience, for every such Offence such Proprietor or other Person, and such Tradesman or Tradesmen, (all of them being held answerable for each other,) shall be subject and liable to a Penalty, Day by Day, not exceeding Five Pounds for each of these Offences; reserving always to any Person who may suffer Injury in the Course

Houses building or under Repair to be fenced and lighted.

[*Local.*]

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of

of such Operation, whether the said Provisions be observed or not, to prosecute for Reparation and Damage according to Law.

Houses,  
Shops, &c.  
to be num-  
bered.

CXL. And be it enacted, That the said Commissioners shall and may order and direct the Houses, Buildings, Shops, or Warehouses within the Limits of this Act to be numbered, at the Expence of the Proprietors thereof, with Figures to be placed or painted on the Doors, or on such other conspicuous Part thereof as the Proprietor thereof shall prefer; 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, Row, Lane, Close, Passage, or Place, the Name of such Street, Square, Row, Lane, Close, Passage, or Place; and any Person or Persons who shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding Two Pounds, to be levied and recovered in manner herein-after directed: Provided always, that when any of the said Numbers or Names shall be unavoidably defaced, in consequence of the Shop, Door, Wall, or other Place on which the same is marked being new painted or altered, the Possessors or Proprietors of the said Shop, Door, Wall, or other Place shall and they are hereby required to replace the said original Number or Name in a Character not being less than Two Inches in Height, and of a proportionable Breadth, where it formerly was, or in some other conspicuous Situation on such Shop, Door, Wall, or other Place, to be approved by the said Commissioners, and that within Ten Days after the same has been so defaced, under the like Penalty for each Offence, to be levied and applied in manner herein-after directed.

Dung, &c.  
vested in the  
Commission-  
ers.

CXLI. And be it further enacted, That the whole Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the Limits to which any of the Provisions of this Act shall be extended shall be vested in the said Commissioners, saving and excepting the Dung, Fulzie, Soil, Dirt, Ashes, and Filth of the Bridewell and Barracks, and the Infirmary, *Gordon's* Hospital, the Poor's Hospital, and any other Charitable Institutions, and also the Refuse of public Slaughter Houses, and of Tan Yards, Spinning Mills, and Boil Houses, and the Dung from Stables and Cow Houses, and the Houses of other Bestial; and also, saving and excepting, for the Period of Fifteen Years from and after the passing of this Act, the whole Dung, Fulzie, Soil, Dirt, Ashes, and Filth belonging to any Person having an Ash Pit or Necessary for the Use and Accommodation of his or her Family, and for receiving the Dung, Fulzie, Soil, Ashes, and Filth of such Family exclusively, and situated within the said Seventh, Eighth, or Ninth Wards, or within those Parts of *Broadfort* and *Causeway End* not assessed under the aforesaid Act of the Fifty-eighth Year of the Reign of His late Majesty, provided that such Ash Pit or Necessary be in an inclosed Court or other inclosed Place removed from any public Street, Lane, or Passage, and in such a Situation as not to admit of Depositions by Neighbours, or be offensive to Neighbours or the Public; and it shall and may be lawful to the said Commissioners and they are hereby required to cause to be gathered and carried off the said  
Dung,

Dung, Soil, Fulzie, Dirt, Ashes, and Filth so vested in them, and to deposit the same in such suitable Place as they shall think fit, and to sell and dispose of as public Property the said Dung, Fulzie, Soil, Dirt, Ashes, and Filth to such Person or Persons as may be willing to purchase the same, and that in such Manner as the said Commissioners may think fit; and the Money thence arising shall make Part of the Funds for the General Purposes of this Act: Provided always, that Ashes or Danders, Coal, Culm, Sweepings of Cellars, or other Rubbish of whatever Description, deposited by any Person or Persons, and not fit to be used and sold for Manure, shall be forthwith removed, under the Direction of the Inspector or Superintendent of Streets, at the Expence of such Person or Persons, for which Expence the Judge officiating in the Police Court is hereby authorized and required to decern, upon a Complaint at the Instance of the said Inspector or Superintendent of Streets.

CXLII. And be it further enacted, That if any Person or Persons shall sell or otherwise apply to their own Purposes, or intentionally throw into any Burn or Stream, any Dung, Soil, Fulzie, Dirt, Ashes, and Filth vested in the said Commissioners, they shall be liable in a Penalty, over and above the Value of the same, of not less than Twenty Shillings or more than Five Pounds for each Offence, to be levied and applied for the General Purposes of this Act: Provided always, that it shall be lawful to the said Commissioners, and they are hereby required, to make and establish, from Time to Time, general Regulations in relation to the gathering, collecting, conveying, depositing, retaining, and accumulating of the Dung, Fulzie, Soil, Dirt, Ashes, and Filth within the Limits to which this Act may happen to be extended, as well what is vested in them as what is not vested in them, so as to ensure the gathering, collecting, conveying, and disposing thereof early in the Morning, or at other proper Hours, and generally in such Way as will create the least possible Annoyance to the Public, and to Individuals having inclosed Ash Pits or Necessaries within their Premises, and to prevent the depositing, retaining, and accumulating thereof in Places or in Quantities or for a Length of Time such as may occasion or give reasonable Cause to fear Consequences injurious to the Health or Comfort of the Neighbourhood or of Individuals; which Regulations shall be published in at least One Newspaper, and in such other Way as the Commissioners may consider to be sufficient for ensuring the Intimation thereof to those interested; and in case of Failure in observing the said Regulations, or in case the Owner of the Dung, Fulzie, and Refuse of any Slaughter House, Stable, or Cow House, or other Places excepted as aforesaid, shall mix or allow to be mixed therewith any Dung, Soil, Dirt, Ashes, or Filth vested in the said Commissioners, or if any Dung, Soil, Dirt, Ashes, or Filth vested in them shall be mixed with Dung, Fulzie, or Refuse of any Slaughter Houses, Stables, or Cow Houses, or other Places excepted as aforesaid, without the Knowledge of the Owner thereof, and the said Owner shall not, within Twenty-four Hours after he shall come to the Knowledge of such Mixture having taken place, give Notice thereof to the said Inspector of lighting and cleansing, or those acting under him, in all or any of these Cases it shall be lawful for the

Regulations  
regarding  
Dung.

the Judge officiating in the Police Court, or any other Judge competent, and they are hereby authorized and required to declare the said Dung, Fulzie, and Refuse vested in the said Commissioners ; and it shall then be lawful for the said Inspector to take possession of, sell, and dispose of the same as public Property, and the Money thence arising shall make Part of the Funds for the General Purposes of this Act.

Inspector to secure Fulzie, &c. until Questions regarding it are decided.

CXLIII. And be it further enacted, That it shall be lawful for the said Inspector, or those acting under him, to seize, detain, and secure all Dung, Fulzie, or Refuse, mixed as aforesaid, until any Question that shall arise regarding it shall be determined by the Judge acting in the Police Court, or any other Judge having Jurisdiction in Terms of the Provisions of this Act.

Penalty imposed for each Offence not exceeding 5*l.*

CXLIV. And be it further enacted, That if any Person or Persons shall be convicted on a Complaint at the Instance of the said Inspector, before the Judge officiating in the Police Court, of having mixed, or allowed to have been mixed, with the Dung, Fulzie, and Refuse of Slaughter Houses, Stables, or Cow Houses belonging to private Parties, any Dung, Soil, Dirt, Ashes, or Filth vested by this Act in the said Commissioners, such Person or Persons shall be liable for every such Offence in a Penalty not exceeding Five Pounds and not less than One Shilling, which the said Judge is here authorized and required to impose.

Power to purchase or rent Dung-hill Stances, and to erect Privies.

CXLV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to take in Lease for a Term of Years and on such Conditions as they may deem reasonable, or to bargain and agree for the Purchase of Ground for the Purpose of Dunghill Sites or Stances, and to pay the Rent, Price, or Feu Duty of such Ground out of the Funds to be raised by virtue of this Act and to enclose such Grounds, if it shall be deemed necessary to do so ; with Power also to the said Commissioners to erect and maintain such Number of Privies or Necessary Houses, and in such Situations as they may deem proper, as conducing to the Purposes of general Cleanliness within the Limits aforesaid, so as the same be not to the Annoyance of any individual Proprietors or their Property, and to purchase or take in Lease Ground for such Privies : Provided always, that these different Measures be sanctioned and approved of by a Majority of the Commissioners present at a Meeting to be called for the Purpose of determining thereanent, in the Manner herein-before appointed for calling Special Meetings : Provided also, that until a sufficient Number of Privies or Necessary Houses be provided it shall be lawful to the said Commissioners and they are hereby authorized to waive their Right to the Contents of all or any such Necessary Houses in Stable Courts or other Places as are kept open for the Accommodation of the Public.

Commissioners may grant Leases of the Dung.

CXLVI. And be it enacted, That it shall be lawful to the said Commissioners to grant Leases, for any Period not exceeding Three Years, of the Dung, Fulzie, Soil, Dirt, Ashes, and Filth hereby vested in them ; such Leases being let by Public Roup to the highest Bidder,



Bidder, under such Limitations, Restrictions, and Conditions as to the said Commissioners shall appear proper: Provided always, that nothing contained in this Act shall entitle such Lessee, or any other Person or Persons acting under the Authority of this Act, to enter any inclosed Court or other inclosed Place, for the Purpose of taking away such Dung, Fulzie, Soil, Dirt, Ashes, and Filth, if the Occupier of such Court or other Place shall choose to deliver, or cause the same to be delivered, upon the Street, to the Scavengers or other Persons acting under the Authority of the Commissioners at such Times and in such Manner as shall be required by the Regulations to be established as aforesaid.

CXLVII. And be it enacted, That if any Person, having any Ash Pit or Necessary in a Court or other Place completely inclosed so as to exclude the Risk of Depositions by Neighbours, shall be desirous to reserve the Contents of such Ash Pit or Necessary for the Use of any Garden or other Grounds which such Person may occupy, it shall be lawful to and for the said Commissioners to agree to such Reservation, and to accept of such annual Rate of Payment, in lieu of the Contents of such Ash Pit or Necessary, as may be agreed upon between them and the Owner of such Ash Pit or Necessary: Provided always, that with respect to the Time and Manner of removing the Contents thereof the Regulations to be established as aforesaid shall be strictly observed; and no Person who shall so compound for the Contents of any Ash Pit or Necessary shall be entitled to sell or give away any Part thereof, or to use the same in any Way other than for manuring Gardens or Grounds occupied by such Person, under the Penalty of paying to the said Commissioners double the Sum agreed to be paid in lieu of the Contents of such Ash Pit or Necessary.

Ash Pits may be compounded for in certain Cases.

CXLVIII. And be it enacted, That the Proprietors, Owners, or Occupiers of Distilleries and other Works shall dig, make, and construct covered Sist Pools or Reservoirs within their own Grounds, for receiving and depositing their Refuse, to prevent offensive or dangerous Consequences to the Health of the Inhabitants by its running into any Burn, River, Ditch, or Sewer; and if they refuse so to do when thereto required by the said Commissioners the said Sheriff, or any One of his Substitutes, or the Magistrates of *Aberdeen*, if within their Jurisdiction, are hereby authorized and required, on Complaint of the Clerk or Overseer of Police, to cause the same to be done at the Expence of the Owners or Occupiers of such Distilleries or other Works; and the Law Expence which may be incurred in making and maintaining such Complaint shall be considered Part of said Expence.

Distillers to make Reservoirs for their Refuse.

CXLIX. And be it enacted, That no Merchants, Shopkeepers, Traders, or other Persons, Dealers in Gunpowder, within the Limits to which this Act extends, shall have or keep in their Houses, Shops, or Warehouses, at any One Time, more than Four Pounds Weight of Gunpowder, but shall deposit and lodge their whole remaining Stock of Powder in the Store House or Powder Magazine already constructed, or which may hereafter be constructed, by the

Limiting the Quantity of Gunpowder to be kept in Houses, Shops, &c.

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said Commissioners; and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candle-light or other artificial Light; and if any Merchant, Trader, Shopkeeper, or other Person dealing in Gunpowder shall be convicted of having in his, her, or their House, Shop, or Warehouse, at any One Time, a greater Quantity than Four Pounds Weight of Gunpowder, he, she, or they shall forfeit and pay the Sum of Twenty Shillings for every Pound Weight above the said Quantity, over and beside the Forfeiture thereof; and if any Person shall be convicted of selling any Quantity thereof at any other Time than during Day-light, the Person so offending shall for every such Offence forfeit and pay the like Sum of Twenty Shillings, over and besides the Forfeiture of the Powder in his, her, or their Possession; and the said Commissioners shall make such Orders and Regulations respecting the receiving and depositing the said Gunpowder as the Nature of the Case shall appear to them to require.

Searching  
for Gun-  
powder.

CL. And be it further enacted, That it shall be lawful to the said Commissioners and they are hereby empowered, by an Order signed by their Preses at any Meeting under this Act, to authorize the Superintendent of Police and his Assistants to enter, and such Superintendent and his Assistants shall in consequence of such Order be entitled to enter, and search for Gunpowder in the Premises of any Dealer or suspected Dealer in that Article: Provided always, that the Name or Names of the Dealer or Dealers whose Premises are to be searched shall be mentioned in such Order.

Gunpowder  
to be kept  
separate  
from other  
Goods.

CLI. And be it also enacted, That the aforesaid Quantity of Four Pounds Weight of Gunpowder allowed to be kept within Houses, Shops, or Warehouses shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured under Lock and Key, under a Penalty of Five Pounds, to be paid for each Offence by the Occupier of the said Houses, Shops, or Warehouses, and to be levied and applied in manner herein-after directed.

Duty on  
Gunpowder.

CLII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to assess and levy upon all Importers of Gunpowder to the said City such Sum or Sums of Money, not exceeding One Halfpenny on each Pound Weight of such Gunpowder, in addition to the other Sums allowed to be imposed by this Act, as may be sufficient for defraying the extra Expence attending the receiving and giving out the said Powder, and the Management and Superintendence of the Magazine erected or to be erected for the Security thereof, and keeping the same in repair; and in order to ascertain the Number of Persons liable in the said Assessment, and the Quantity of Gunpowder imported by them, the Bulking Officer at the Port of *Aberdeen* shall be obliged to furnish to the Clerk of the said Commissioners a List of such Importers, and the Quantity imported by them respectively, so far as known to him, the Commissioners allowing him for his Trouble such Remuneration as to them may seem proper.

CLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Gunpowder imported for the Use of His Majesty, His Heirs and Successors, or of any of His Majesty's Forces, or to or for the Use of any Militia, Yeomanry, or Volunteer Corps.

Not to extend to Gunpowder for His Majesty's Use.

CLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Statutory or Special Meeting to be called as aforesaid to authorize and direct the Gunpowder Magazine at the *Gallowhills* to be pulled down and removed, and to cause another Magazine to be erected in lieu thereof, at a Distance more remote from inhabited Houses, and from the public Roads and Avenues leading to the said City, and for that Purpose to purchase Ground for such new Magazine, and to pay the Price agreed to be given therefor, as well as the Expence of removing the old and building the new Magazine, out of the Funds to be raised under this Act.

Power given to remove the Powder Magazine, and to build a new One.

CLV. And be it enacted, That the said Commissioners shall and may provide and erect such Number of Lamps, Lamp Posts, Lamp Irons, and Gas Tubes as may be necessary for lighting in a suitable Manner all the Places, Ways, Streets, Lanes, Squares, Closes, and Passages within the Limits before described, and shall and may light such Lamps with Oil or Gas, or enter into Contracts, One or more, for lighting such Lamps with Oil or Gas; and it shall and may be lawful to the said Commissioners to order the Lamp Irons, Lamp and Gas Tubes, to be fixed either upon the Kirb Stones of the Foot Pavements or at the Railings, or upon the Houses and other Buildings on the Sides of the Streets, with as little Injury as possible; always indemnifying the Proprietors or Possessors for any Damage done to the said Houses or other Buildings by such Lamp Irons or Gas Tubes being affixed thereto.

Commissioners to erect Lamps, and to contract for lighting Streets.

CLVI. And be it enacted, That in case it shall be necessary for fulfilling any Contract to be entered into by or with the said Commissioners for lighting the said Streets, Ways, Lanes and other Places with Gas, that Tubes for conveying the said Gas shall be laid down in the Streets, Ways, Lanes, and other Places, it shall be in the Power of the said Commissioners and they are hereby authorized to grant the necessary Warrant and Authority for opening up the said Streets, Ways, Lanes, and other Places, as well for laying down Pipes for conveying said Gas to the public Lamps, as into the Houses, Shops, Warehouses, or other Premises of the Inhabitants; the Person or Persons obtaining such Warrant and Authority, and those employed by them, being always bound to carry on the said Operations in the Manner least inconvenient for the Inhabitants, and with the least possible Delay to reinstate the Streets, Ways, Lanes, and other Places opened up by them, in the same Situation as before they shall have been so opened up.

Streets may be opened for laying Gas Tubes.

CLVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize

Gas Pipes not to be laid on private or

Premises  
without Con-  
sent.

or empower the said Commissioners, or any Company or Companies of Proprietors or Person or Persons contracting with the said Commissioners for lighting with Gas such Roads, Streets, and public Places, to carry or lay any Pipe or Pipes, Cocks, or Branches from any Mains or Pipes, into or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Company or Companies of Proprietors or Person or Persons contracting with the said Commissioners for lighting such Streets and public Places to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds, for that Purpose first had and obtained.

Owners of  
private  
Grounds  
may alter  
the Position  
of Gas Pipes.

CLVIII. Provided also, and be it further enacted, That in case the said Commissioners shall at any Time hereafter permit the Soil, Pitching, or Pavement of any Road or Way, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, to be broken up, with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall be so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Company or Companies of Proprietors or Person or Persons contracting with the said Commissioners, and so that such Company or Companies of Proprietors or Person or Persons contracting with the said Commissioners as aforesaid be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

For stopping  
the Escape  
of Gas.

CLIX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Commissioners, in pursuance of this Act, the Company or Companies of Proprietors or Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Limits of this Act, shall, at their own Expençe, immediately after receiving Notice by Parol or in Writing, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Company or Companies of Proprietors or Person or Persons as aforesaid shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company or Companies  
of

of Proprietors or Person or Persons as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said City or County of *Aberdeen*, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of any such Company or Companies of Proprietors or Person or Persons as aforesaid, by the Warrant of any Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

CLX. And be it further enacted, That whenever the Water of the said Commissioners for supplying the Inhabitants of any Houses within the Limits of this Act with Water shall be contaminated by any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, the said Company or Companies of Proprietors or Person or Persons making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Commissioners supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company or other Persons making, furnishing, or supplying such Gas shall within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for the said Commissioners as aforesaid, or by any Person making use of such Water, to be left at the usual Office or Place of transacting Business of the said Company or Companies of Proprietors or other Person or Persons making and supplying Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Commissioners as aforesaid; and in case the said Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying Gas shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Company or Companies of Proprietors or other Person or Persons as aforesaid shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of the Commissioners under this Act as aforesaid, for the Use and Benefit of the said Commissioners, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Commissioners shall be and remain contaminated or affected by such Gas;

To prevent  
Escape of  
Gas and Con-  
tamination  
of Water.

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and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Commissioners as aforesaid, or by and in the Name of any One or more of the said Commissioners, at the Option of the Parties prosecuting such Information against the said Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying Gas, before any Justice of the Peace for the said City or County of *Aberdeen*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Commissioners, for the Use of such Commissioners.

For ascertaining if the Water be contaminated.

CLXI. And be it further enacted, That in any Case in which it shall be or become a Question, upon such Complaint made as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, it shall be lawful for the said Commissioners to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company or Companies of Proprietors or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company or Companies of Proprietors or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and of the Repair of the Pavement of the Road, Street or Streets, which shall be taken up or disturbed, shall be borne and paid by the said Company or Companies of Proprietors or Person or Persons supplying Gas as aforesaid; which Costs and Expences of Digging, Search, and Examination shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company or Companies of Proprietors, or other Person or Persons as aforesaid, then and in such Case the said Commissioners shall bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Company or Companies of Proprietors, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company or Companies of Proprietors, or other Person or Persons as aforesaid, in and by such Search and Examination; the Amount of such

such Injury, Loss, or Damage to be ascertained and determined by such Justice or Justices of the Peace as aforesaid.

CLXII. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, or other Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Company or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Fifty Pounds.

Gas Pipes to be laid Four Feet from Water Pipes.

CLXIII. And be it further enacted, That if any Company of Proprietors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, or running Stream; Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case the said Company or Companies of Proprietors or other Person or Persons as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record in *Scotland*, by Action of Debt; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always,

Penalty for conveying Washings into any River, &c.

always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased ; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be sued for or recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Company or Companies of Proprietors, or any of them, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, and such Company or Companies of Proprietors or other Person or Persons shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Companies of Proprietors or other Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing shall be so done or caused to be done as aforesaid ; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Nothing herein to prevent Persons supplying Gas from being indicted for a Nuisance.

CLXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Company or Companies of Proprietors, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Company or Companies of Proprietors, or



Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

CLXV. And be it further enacted, That the said Commissioners may and they are hereby empowered, from Time to Time, at any of the said Meetings, as Occasion shall require, to contract with any Person or Persons for paving, raising, lowering, amending, repairing, cleansing, and lighting the said Streets, Lanes, or Alleys, Footways, public Ways and Passages, or any Part or Parts thereof; also for forming and constructing the Waterworks hereby authorized to be made, or any Part thereof, and for furnishing Pipes or Machinery, laying or putting up the same, and for doing and performing all other Matters and Things necessary for completing, upholding, or repairing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and shall specify the several Works to be done, the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties in case of Non-performance thereof, and shall be signed by the Clerk and Preses of the Meeting, or other Person to be appointed by the Commissioners present at the Meeting at which the Contract shall be agreed to, and by the Person or Persons contracting to perform such Works: Provided always, that it shall not be lawful to or for the said Commissioners to enter into any Contract which shall amount to the Sum of Thirty Pounds, unless Fourteen Days Notice shall have been given in One of the Newspapers published at *Aberdeen*, expressing the Intention of entering into such Contract, and desiring Tenders to be lodged within a Time to be specified in the Notice; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract.

Commissioners may contract for executing Works.

CLXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously obstruct, hinder, or molest the said Commissioners, or any Officer, Servant, or other Person or Persons, in doing and performing any of the Works, or in exercising any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done; or shall wilfully or maliciously break, throw down, take away, damage, or destroy any Works to be erected and made by virtue of this Act, or any Works, Matter, or Thing declared by this Act to vest in the said Commissioners; or destroy, damage, or injure any Engine, Water House, Reservoir, Tunnel, Well, Fountain, Pipe, or Plug, or any Lamp, or any Post, Iron, or other Furniture thereof, or any Materials used for the lighting and paving the said City and other Places within the Limits before described, and supplying the same with Water; or shall wilfully extinguish the Light or Lights in any such Lamps; and Complaint thereof shall be made by the Clerk

Penalty on obstructing Officers or injuring the Works, &c.

[*Local.*]

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or

or Treasurer of the said Commissioners to the Magistrates of *Aberdeen*, or to the Sheriff or Sheriff Substitute of the County, acting as Judges in the Police Court established by this Act, or to any Justice or Justices of the Peace acting for the County of *Aberdeen*; it shall be lawful for such Magistrates, or any of them, or for such Sheriff or Sheriff Substitute, Justice or Justices, and he and they is and are hereby required to cause summon before him or them the Party or Parties complained against, and in case of his, her, or their making Default to appear according to such Summons, to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person who shall see such Offence committed to apprehend, and also for any other Person to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to deliver, him, her, or them into the Custody of a Peace Officer, in order to be conveyed before the said Magistrate or other Judge; and the Party or Parties so accused being brought before such Magistrate or other Judge, or Oath being made before such Magistrate or other Judge that such Offender or Offenders cannot be found or apprehended, such Magistrate or other Judge shall examine upon Oath any Witness who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds, and shall also make full Satisfaction (such Satisfaction to be ascertained by such Magistrate or other Judge) to the said Commissioners for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty and make such Satisfaction as aforesaid, such Magistrate or other Judge shall and may and he and they is and are hereby empowered and required to commit such Offender to the House of Correction of the said City and County of *Aberdeen*, for a Period not exceeding Sixty Days, and to be kept at hard Labour, unless such Forfeiture and Satisfaction shall be sooner paid and given; and it shall be lawful for the said Magistrates or other Judge to publish the Name or Names of such Offender or Offenders, and the Nature and Extent of the Offence and Punishment, in the *Aberdeen* Newspapers.

Persons carelessly breaking the Lamps, or damaging the Springs, to make good the same.

CLXVII. And be it enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps, or the Posts, Irons, Gas Pipes, Tubes, or other Furniture thereof, or the Fountains, Wells, Reservoirs, Cisterns, Pipes, and other Conductors, for conveying and distributing the Water as aforesaid, and shall not immediately on Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any One of the Magistrates of *Aberdeen*, or the Sheriff of the County, or his Substitute, upon Complaint made to him by the Clerk or Treasurer of the said Commissioners, to cause to be summoned before him the Party or Parties complained of for doing such Damage, and upon Proof of the Complaint by One or more Witness or Witnesses, or the Confession of the Party or Parties so complained of and summoned, to

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award against him, her, or them such Sum or Sums of Money, by way of Satisfaction for the Damage, as such Magistrate, Sheriff, or Substitute, shall think proper; and in case of Neglect or Refusal of the said Party or Parties to pay the Sum or Sums of Money so awarded, within Three Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his, her, or their Goods or Chattels; the Surplus, after Payment of the Damage or Expence, if any be, arising from such Sale, to be paid to him, her, or them, when demanded.

CLXVIII. And be it enacted, That it shall be the Duty of the said Superintendent of Police and of the Officers of the Watching Department, to be appointed by the said Commissioners or by their Authority, to guard, patrole, and watch the Streets, Ways, and Passages within the Limits herein-before described, according to Regulations to be prescribed by the said Commissioners; and to apprehend and bring before the Magistrates of the City, or any of them, or the Sheriff of the County or his Substitutes, acting as Judges under this Act, all Persons who may be found within the said Limits actually committing any criminal, riotous, or disorderly Act, or accused or suspected of having committed any such Act, whether within or beyond the said Limits; and to carry into full Effect all the Rules and Regulations hereby enacted, or which shall be laid down by the said Commissioners, for the proper guarding, patrolling, and watching the Streets, Ways, and Passages within the Limits herein-before described; to afford at all Times his best Aid and Assistance to the Magistrates of the City, the Sheriff of the County and his Substitutes, in all Matters relative to the Preservation of Peace and good Order within the Limits before described; and to enforce the Observance of all Regulations made or to be made by the said Commissioners with respect to the public Markets, and the Conduct of Persons resorting to the same; and also to give Attendance, when required, at all Meetings of the said Commissioners or their Committees, and to furnish them with all Explanations relating to the Matters falling within his Department of Duty, as also to give Attendance in the Police Courts and at the Police Office; and to obey and enforce the Observance of all the Orders, Instructions, and Regulations which may from Time to Time be made by the said Commissioners relative to the Execution of this Act, or are herein contained, with regard to which certain Duties are imposed upon him or upon the Sergeants and Watchmen to be appointed under him; and the said Superintendent, Sergeants, and Watchmen shall have and exercise all the Powers belonging to Constables by the Law of *Scotland*.

Duty of Superintendent.

CLXIX. And be it enacted, That it shall be the Duty of the said Inspector, and he is hereby empowered, as often as the said Commissioners shall have fixed the Number of Scavengers and Lamplighters to be employed under his Charge, to appoint proper Persons to perform the above Duties, and to remove them at Pleasure; to see that all the Lamps be lighted in due Time, and kept lighted the due Time, and kept in all respects in proper Order; to see that the public Streets, Squares, Passages, and other Places within the Limits before

Duties of Inspector.

before described be properly and sufficiently, and in sufficient Time, cleansed by the Scavengers employed under his Charge and Inspection; to superintend the paving, repairing, and altering of Streets, and the Preservation of the Springs and other Supplies of Water, the laying of Pipes, and distributing of Water to the Inhabitants and public Wells; to attend any of the Commissioners when required; to attend to the due Fulfilment of all Contracts made by them, as to repairing, lighting, and cleansing the said public Streets, Squares, Passages, and other Places within the Limits before described, or other Works within the same, and to the Removal or Sale of Dung, Soil, Dirt, Ashes, and Filth; to receive and forthwith communicate to the said Commissioners any Complaints or Remonstrances relating to the lighting or cleansing which may be made to him by any Person or Persons, with the Result of his own Enquiries on the Subject; to make a Report to the said Commissioners at each of their Stated Meetings, and at other Times, if required, upon the State of the Department of lighting and cleansing; to execute all the other Duties imposed on him by this Act, and to obey all the Orders, Instructions, and Regulations which may from Time to Time be made by the said Commissioners relative to the Execution of the Duties before mentioned.

Inspector  
may sue in  
Police Court.

CLXX. And be it enacted, That it shall be lawful to the said Inspector and he is hereby authorized and required to insist, for the public Interest, by a Complaint in his own Name before the Court of Police, in all Cases arising out of any Breach of the Regulations hereby made, or which may be made by the said Commissioners, as to lighting or cleansing, and as to all other Matters and Things hereby placed to his Charge.

Vagrants  
and common  
Beggars to  
be apprehended.

CLXXI. And be it enacted, That the said Officers of Police, Watchmen, and other Officers of the Law shall apprehend and bring before the Provost, or any of the Four Baillies of *Aberdeen*, or the Sheriff of the County or his Substitutes, acting as Judges in the Police Court, all Vagrants and common Beggars, for Examination; and if such Persons shall have acquired a legal Residence in any Parish in whole or in part within the Limits of this Act, then they may be sent to the Parish to which they belong; and if it shall appear that the Persons so apprehended do not belong to any Parish within the Limits of this Act, they may be ordered to leave the Territory over which this Act extends; and if any of the said Vagrants or common Beggars shall after the Expiration of Forty-eight Hours be found idle or begging within the said Territory, they may be apprehended and carried before any of the said Judges, and the Judge before whom they shall be brought may, on Complaint of the said Procurator Fiscal or Superintendent of Police, adjudge them to be disorderly Persons, and as such may commit them to Bridewell for any Space not exceeding Sixty Days, and to be kept at hard Labour.

Keepers of  
Tippling  
Houses to  
find Security.

CLXXII. And be it enacted, That upon the Complaint of the said Superintendent of Police or Procurator Fiscal, it shall and may be lawful to the said Provost and Baillies of the City of *Aberdeen*, or any

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One of them, or to the Sheriff of the County or his Substitutes, acting as Judges in the said Police Court, and they or either of them are hereby authorized and empowered to appoint all Persons convicted of keeping Tippling Houses, or other Houses resorted to by riotous or disorderly People, to find Security for their good Behaviour, for such Length of Time, not exceeding Twelve Months, and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as they shall judge proper; and in the Event of such Security not being found within a reasonable Time, to be specified in the Order, it shall and may be lawful for the said Judges or any of them to deprive such Persons of their Licences for selling Ale or Spirituous Liquors.

CLXXIII. And be it enacted, That it shall be in the Power of the said Provost and Baillies, or any Three of them, or of the Sheriff or Sheriff Substitute respectively, acting as Judges in the said Police Court, to declare the Excise Licences of any Person or Persons selling Ale, Beer, or Spirituous Liquors, to be forfeited, upon Complaints at the Instance of the said Procurator Fiscal or Superintendent being established against any such Person or Persons permitting riotous or disorderly Conduct within the Premises occupied by him, her, or them, for vending any such Liquors, or of retaining in their Premises during his Hours of Duty any Watchman, Scavenger, or other Person employed under this Act, or of furnishing any Spirituous Liquors to such Person, or to any Person for his Use, during those Hours.

Excise Licences may be forfeited.

CLXXIV. And be it enacted, That all Brokers or Dealers in Second-hand Goods, other than licensed Pawnbrokers resident within the Limits herein-before described, shall be bound to register their Names and Places of Residence at the Office of the Town Clerk of *Aberdeen*, where they shall obtain a Certificate, under the Hand of any One of the said Magistrates, of such Registration, on Payment of a Fee of One Shilling to the Clerk; and all such Brokers and others failing to register their Names and Places of Residence as aforesaid shall be liable in a Penalty not exceeding Twenty Shillings, to be adjudged in the Police Court, on the Complaint of the said Superintendent or Procurator Fiscal.

Brokers and other Dealers in Second-hand Goods to register their Names.

CLXXV. And be it further enacted, That all Pawnbrokers and other Brokers, and Dealers in Old Cordage, Metals, or other Second-hand Goods of any Kind or Description, shall at all reasonable Times show and produce, on Demand, to the Superintendent of Police, or the Officers acting under his Orders, all and every Article or Articles, of whatsoever Kind or Description, in their Possession, which they may have received in pawn or purchased, and shall also keep Books in which the Description of such Articles shall be entered; and such Pawnbroker and other Brokers and Dealers shall also produce the said Books, when required; and as often as it shall be found that any Goods or Articles which shall be alleged to have been stolen or fraudulently obtained shall be in the Possession of any such Persons, they are hereby required, on being informed that such Goods or Articles were stolen or fraudulently obtained, to deposit the same

Brokers, &c. to produce Goods on Demand.

[*Local.*]

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with the Superintendent of Police, (who shall be bound to tender, and, if required, to grant a Certificate of the said Deposition having been duly entered in a Book in Manner after directed,) in order that they may be produced in such Manner as may be necessary for the Ends of Public Justice, or restored by Order of a Magistrate; and all Persons so dealing in Second-hand Articles who shall omit to keep a Book for entering the Description of Articles purchased or received by them in pawn, or shall refuse to produce and show the Book or Books in which the same are described, on being required so to do by the Superintendent of Police, or the Persons acting under his Orders, or who shall refuse to produce and show the Goods or Articles in their Possession, or who shall not instantly deliver any such Goods or Articles alleged to be stolen or fraudulently obtained as aforesaid to the said Superintendent of Police, or those acting under his Orders, on Certificate as aforesaid, shall for every such Offence be fined in a Sum not exceeding Five Pounds, upon Conviction, on a Complaint brought by the said Superintendent before any of the said Judges sitting in the Police Court, without Prejudice to such Persons being also proceeded against as Receivers or Resettlers of stolen Goods, according to Law; and in case of any such Refusal to produce and show such Goods or Articles in their Possession, or to deliver up any such Goods or Articles alleged to be stolen, it shall be lawful for said Judges sitting in the Police Court to grant a Warrant to search for and produce to the Superintendent of Police such Goods or Articles so alleged to be stolen: Provided always, that a Book shall be kept by or under the Directions of the said Superintendent, in which Entries shall be made of all Property seized or detained by any of the Officers of Police, or lodged with them for the Purposes of Evidence or otherwise, as well as of the Time and Manner in which such Goods shall have been afterwards disposed of.

Entries to be made in a Book of stolen Goods taken.

If Articles stolen or fraudulently disposed of be altered or defaced by any Pawnbroker, &c. he shall be held a Receiver of stolen Goods.

CLXXVI. And be it further enacted, That if any such Pawnbroker or other Broker, or Dealer in Old Cordage, Metals, or other Second-hand Goods, within the Limits to which this Act extends, shall melt any Metals, or otherwise alter or deface them, or put them away, or alter or deface or put away any other Article of any Kind whatsoever, without having previously received the Permission of the Superintendent of Police, and it shall be found that such Articles were stolen or fraudulently disposed of by the Person or Persons from whom such Pawnbroker or other Broker or Dealer may have acquired them, or by any other Person or Persons, then and in such Case it shall be held that such Pawnbroker or other Broker or Dealer knew that such Articles were stolen or fraudulently disposed of; and such Pawnbroker or other Dealer shall be proceeded against according to Law in the said Police Court, at the Instance of the said Procurator Fiscal or Superintendent, as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary.

Penalty for harbouring Rogues.

CLXXVII. And be it further enacted, That if any Person or Persons within the foresaid Limits shall knowingly entertain or harbour any Rogue or Vagabond in any House or Outhouse belonging to him, her,

her, or them, and shall not give Notice to some Constable or other Officer acting under Authority of this Act, in order that such Person may be apprehended, every Person so offending, upon being lawfully convicted thereof before any of the Judges of the Police Court hereby constituted, on Complaint of the said Procurator Fiscal or Superintendent, shall forfeit and pay a Sum not exceeding Two Pounds for each Offence, to be levied and applied as herein-after directed; and in case of Failure in Payment of such Fine within such Time as the Judge awarding it shall appoint, it shall be lawful for such Judge to ordain the Person so convicted to be committed to the Tolbooth or to Bridewell, there to be employed at hard and continued Labour for any Space not exceeding Sixty Days.

CLXXVIII. And be it further enacted, That all Masters of Hotels, Keepers of Lodging Houses, and Keepers of Inns and other Public Houses within the Limits to which this Act extends, shall be bound and are hereby required, on all Times and Occasions, when directed so to do by any of the Judges of the Police Court hereby constituted, or by the Superintendent of Police, or any Officer having the Authority of any of the said Judges, to give Information to such Judge, Superintendent of Police, or other Officer authorized as aforesaid requiring the same, of the Names and Occupations of all Persons living in or resorting to their Houses or Families, if they be known to him or her, and otherwise to describe such Persons according to their Ability and Knowledge, under a Penalty not exceeding Twenty Shillings for each Refusal, or for any Delay in giving the Information required; and in the Case of such Houses known or suspected to be resorted to by Rogues or Vagabonds, or other such Persons, it shall be lawful to and in the Power of any of the Judges of Police to issue a General Order to the Keepers of such Houses to report each and every Day at the Police Office, and at any Hour and to any Person appointed, all and every Person or Persons who has resorted to such Houses during the preceding Night and Day; and such General Order the Keepers of such Houses shall be bound and are hereby required to obey, under the Penalty aforesaid for each Failure or Refusal, or for any Delay.

Keepers of Lodging Houses, &c. to report their Lodgers.

CLXXIX. And whereas it has frequently happened that the Persons keeping Lodging Houses for the Accommodation of Strangers, and others of the lower Orders, in large Cities, have allowed Persons ill of contagious Fever or other contagious Diseases to remain in their Houses for many Days together, and until they have communicated the Infection to others; be it therefore enacted, That on Intimation being given at the Police Office of any Keeper of any such Lodging House having suffered any Person to remain Six Days in his House confined to Bed by Illness, without making Application either to One of the Dispensaries or to some Medical Practitioner, in order that the Nature of the Complaint of such Person might be ascertained, it shall and may be lawful for the Magistrate acting as Judge in the Police Court, and he is hereby authorized and empowered, after taking Proof of such Neglect, to fine the Offender in any Sum not exceeding Twenty Shillings.

Keepers of Lodging Houses for the lower Orders to give Notice of Persons ill of contagious Diseases.

CLXXX. And

Power to  
license  
Hackney  
Coaches.

CLXXX. And be it enacted, That the Provost and Magistrates of *Aberdeen* for the Time being shall have full Power and Authority, and they are hereby empowered and authorized, to license such Number of Hackney Coaches, Landaus, Chariots, or other Carriages for Hire, as they from Time to Time shall think proper; and the Town Clerk of *Aberdeen* shall be entitled to exact the Sum of One Shilling for such Licence, such Licence to continue for Two Years, and to prevent all others not licensed from plying for Hire, or occupying any Part of the Streets or Highways within the Limits of this Act; and if any Person who shall obtain such Licence shall not, within the Space of One Month after obtaining or receiving the same, keep and maintain such Coach or other Carriage for which such Licence shall be granted, for the Use and Convenience of the Public, and continue so to do during the Continuance of his or her Licence, and shall, on the Complaint of the said Procurator Fiscal or Superintendent of Police, be convicted thereof before any of the Judges in the Police Court, by the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds for each Offence, to be levied summarily, and the Licence thereafter shall be void; but in case the Person so offending shall surrender his or her Licence to the said Magistrates such Fine or Penalty shall not be levied.

For regulat-  
ing Hackney  
Coaches, &c.

CLXXXI. And be it further enacted, That the said Provost and Magistrates shall be and are hereby authorized and empowered to make such Rules and Regulations as they shall think fit for licensing and regulating the said Hackney Coaches and other Carriages, and also for Sedan Chairs, Carts, Waggon, and Porters, as well within the said Burgh as generally within the Limits to which this Act extends, and for trying in the Police Court hereby constituted, and punishing, the Misbehaviour of Coachmen, Drivers, Chairmen, Carters, and Porters, and for fixing and altering the Stands, and for ascertaining what Rates and Fares, both as to Distance and Time, shall be allowed to be taken by them, and to what Distance and under what Penalties Coachmen, Drivers, Chairmen, Carters, and Porters shall be obliged to drive or ply in and round the said City, not exceeding Seven Miles from the Town House of the said City for Coachmen, and Two Miles from the said Town House for Chairmen, Carters, and Porters; and the said Provost and Magistrates are hereby authorized and empowered, from Time to Time, to repeal, add to, alter, or amend the said Rules or Regulations, or any of them, and to impose Fines and Penalties for the Breach or Non-performance of such Rules and Regulations; which Fines and Penalties shall be recoverable in the Police Court, on the Complaint of the Procurator Fiscal of the Burgh Court of *Aberdeen*, or on the Complaint of the Party aggrieved; declaring that no One Penalty imposed by the said Provost and Magistrates shall exceed Three Pounds; and that all such Rules and Regulations, and a Specification of the Fines and Penalties for the Breach and Non-performance thereof, shall, from Time to Time, as often as they shall be made, altered, or varied, be painted on Boards,  
and



and put up in such Place or Places as the said Provost and Magistrates shall appoint, at all Times to remain and be in the said Place or Places.

CLXXXII. And be it further enacted, That if any Person or Persons, having hired or caused to be hired any such Coachman, Driver, Chairman, Carter, or Porter, licensed as aforesaid, and the Service required having been performed, shall refuse to pay such Coachman, Driver, Chairman, Carter, or Porter for his Services, according to the Rates ascertained as aforesaid, or shall in any way defraud such Coachman, Driver, Chairman, Carter, or Porter, every such Person or Persons so offending, over and above making Payment of the Hire, according to the Rate ascertained as aforesaid, or compensating the Injury arising from such Fraud, shall for every such Offence forfeit and pay, if the Judge in the Police Court shall think it reasonable, any Sum not exceeding Two Pounds, to be recovered and applied in like Manner as other Penalties by this Act imposed, unless the said Judge shall think it proper in the Circumstances of the Case to award such Penalty, or Part thereof, to be paid to the Party aggrieved, which he is hereby authorized to do.

Penalty on defrauding Coachmen, &c.

CLXXXIII. And be it further enacted, That it shall be lawful to and in the Power of the said Commissioners, and they are hereby authorized and empowered, to purchase and procure such Fire Engines, Pipes, and other Apparatus useful for extinguishing Fires, and preventing the Accidents which may arise from them, as they may think proper, or to contribute towards the Support of any Fire Engine Establishment now existing or that may hereafter exist in *Aberdeen*, and to appoint or join in appointing a fit Person to take charge of all such Fire Engines, Pipes, and other Apparatus, and also such Number of active Men as shall be thought necessary for working and managing such Engines, Pipes, and other Apparatus in a proper Manner, and for assisting in extinguishing Fires which may happen within the Limits of this Act; and the Commissioners may make or join in making Rules and Regulations, not contrary to the Law of *Scotland*, for the Government of the Persons so appointed, which they shall be bound to obey, under a Penalty not exceeding Five Pounds for each Offence.

Powers given to Commissioners respecting the extinguishing of Fires.

CLXXXIV. And be it further enacted, That if any Chimney or Funnel for conveying Smoke situated within the Limits of this Act be set on fire, or suffered to be set on fire, or shall take fire, the Occupier of the Shop, Dwelling House, Workshop, or other Place to which such Chimney or Funnel shall belong shall be liable in a Penalty of Ten Shillings; and such Occupier shall moreover be liable in such further Sum, not exceeding Ten Shillings, as the acting Judge in the Police Court shall award, to be paid in such Proportions, if there be more Claimants than One, as the said acting Judge shall direct, to the Fireman or Firemen, or other Persons by whom such Fire may have been extinguished, or to the Fireman or Firemen who shall soonest proceed to the Place in order to assist in extinguishing such Fire, or who shall report such Fire at the Police Office.

If Chimneys, &c. take fire a Penalty to be paid, and also a Reward to Firemen, &c.

Provision to be made for disabled Watchmen, &c.

CLXXXV. And be it further enacted, That it shall and may be lawful to the said Commissioners to make suitable Provision, by Pensions or other Allowances, out of the Sums of Money hereby authorized to be assessed and levied, 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 of Police who may lose his Life in the Execution of his Office; and in case of any Watchman or other Officer of Police being so disabled or wounded as to be unable to perform his Duty, or losing his Life as aforesaid, (although the Superintendent of Police be thereby obliged to engage another Person to supply his Place, which he is hereby authorized to do,) such Watchman or other Officer so disabled or wounded, and the Widow or Children of a Watchman or other Officer losing his Life as aforesaid, shall receive the ordinary Pay or Wages of such Watchman or other Officer till the next Meeting of Commissioners, when the special Circumstances of the Case shall be reported to the Meeting, who shall give such Orders respecting the same as to them shall appear proper; and for the Purposes of rewarding the Superintendent, Inspector, and other Persons employed in the Execution of this Act, for extraordinary Trouble, according to their Exertions in important or difficult Cases, and for enabling the Judge in the Police Court to remunerate Persons necessarily employed for occasional Services, it shall and may be lawful for the said Commissioners to order their Collector or Treasurer to pay to the Superintendent, Inspector, or other Persons employed as aforesaid, such Sum or Sums of Money as to the said Commissioners shall seem proper, and to place at the Disposal of the Judges in the Police Court, for the Purposes before mentioned, such Sum or Sums of Money as to the said Commissioners shall seem proper, such Sum or Sums not exceeding in the whole the Sum of Fifty Pounds in any One Year; and the Certificate of the Judge that the Money has been paid to him and applied as aforesaid shall be held and taken to be a sufficient Voucher to all concerned.

Officers and other Persons may be rewarded.

Penalty for enticing Watchmen, &c. from their Duty.

CLXXXVI. And be it further enacted, That if any Person shall entice from his Duty any of the said Watchmen, Scavengers, or other Persons employed in executing this Act, or shall entertain or permit or suffer to be entertained in his or her House any such Watchman, Scavenger, or other Person, during his Hours of Duty, or shall furnish or supply any such Watchman, Scavenger, or other Person, or any Person for the Use of such Watchman, Scavenger, or other Person, with Spirituous Liquor during his Hours of Duty, every Person upon being convicted of any of these Offences shall, on the Complaint of the Superintendent or Inspector, forfeit a Sum not exceeding Two Pounds for each Offence, to be recovered as herein directed, and applied to the Purposes of this Act: Provided nevertheless, that it shall be in the Power of the Judge of Police acting for the Time, if he thinks proper, to award the Half of the Penalty to the Person by whom Information is given.

Recovery of Compensation, &c.

CLXXXVII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by

by the said Commissioners, in pursuance of the Directions in this Act, as or by way of Compensation or Satisfaction for any Lands or other Premises, or for any Damage or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid to the Party or Parties entitled to receive the same within Twenty Days after Demand in Writing shall have been made from the said Commissioners respectively, or their Clerk or Treasurer, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied by Pounding and Sale of the Goods and Effects vested in the said Commissioners and their Treasurer respectively by virtue of this Act, under a Warrant to be issued for that Purpose, either by the Sheriff of the said County of *Aberdeen* or his Substitute, under his Hand, on Application made for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of procuring and executing such Warrant of Pounding and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being respectively, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

CLXXXVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, or Regulations shall be painted, according to the Directions contained in this Act, he, she, or they shall, upon Conviction, for each Offence forfeit and pay to the said Commissioners a Sum not exceeding Five Pounds, to be levied and applied for the General Purposes of this Act.

Penalty for defacing Boards containing Regulations.

CLXXXIX. And be it further enacted, That it shall be lawful to and for the Provost and Baillies of *Aberdeen*, or any One or more of them, as to all Offences committed, or Matters arising, or Things done, within the Borough of *Aberdeen*, and Freedom and Liberties thereof, and to His Majesty's Sheriff of the County of *Aberdeen*, or his Substitutes, or any of them, acting as Judges in the Police Court, as to all Offences committed, Matters arising, or Things done, within any Part of the Limits to which this Act extends, or beyond the said Limits, but within their County, and they are hereby authorized and empowered to hear and give Judgment in a summary Manner, as herein-after provided, in all Complaints which may be made under this Act, against any Person or Persons accused of Theft, Reset of Theft, Swindling, Falsehood, Fraud, and wilful Imposition, Embezzlement, unlawful Gambling, Assault, Rioting, breaking the Peace, or any other such criminal, riotous, or disorderly Act, or of offending against any of the Provisions

Police Court and Judges thereof.

visions of this Act, or any of the Regulations which may be established by the Authority of this Act.

The Sheriff may grant Substitutions to the Provost and Baillies.

CXC. And whereas Part of the Works by this Act authorized to be constructed, as well as certain Grounds within the Limits of this Act, are situated beyond the Jurisdiction of the Magistrates of *Aberdeen*; be it therefore enacted, That it shall be lawful to His Majesty's Sheriff of the County of *Aberdeen*, and he is hereby authorized and empowered to grant Commissions to the Provost and Four Baillies of the Borough of *Aberdeen* for the Time, and their Successors in Office, as Sheriff Substitutes, to the Effect of enabling the said Provost and Baillies, or any One of them, to act in all and every Matter and Thing relating to the Execution of this Act, with the same Powers, Jurisdictions, and Privileges as the Sheriff's ordinary Substitutes of the County have and enjoy in that Respect; and which Commissions so to be granted shall continue in force to the said Provost and Baillies, and their Successors in Office, until the same be recalled.

What Crimes not competent to be taken cognizance of in Police Court.

CXCI. And be it further enacted, That if it shall appear, either in the preliminary Investigation of the Charges against any Person or Persons accused of having committed Crimes, Delinquencies, or Offences, or during his, her, or their Trial in the Police Court, that such Person or Persons has or have been guilty of or is or are charged with Murder, Robbery, Rape, or wilful Fire-raising, or with the Crime of Bigamy, Stouthief, or of Theft by House-breaking, or of House-breaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a Common Thief, or by having been Three Times previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Three Times previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Three Times previously convicted of any Offence of that Nature, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault aggravated by Three previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent to insist in a Prosecution against such Person or Persons before the said Police Court, but the Judge officiating in the said Police Court shall and he is hereby authorized and required to commit the Person or Persons accused to the Tolbooth of *Aberdeen* for Examination; and to cause Notice to be forthwith given of such Commitment to the Procurator Fiscal of the City or County of *Aberdeen*, in order that such Person or Persons may be proceeded against conformably to Law.

In Cases of Theft, &c. the Complaint and

CXCII. And be it further enacted, That in all Cases of Theft, or of Reset of Theft, Embezzlement, or of Falsehood, Fraud, and wilful Imposition, which shall be tried in the said Police Court, the Complaint and

and the Conviction following thereon, shall bear, that the Sum of Money, or the Value of the Article or Articles stolen, resetted, or obtained by Falsehood, Fraud, and wilful Imposition, did not exceed Ten Pounds; and it shall not be competent thereafter to the Person or Persons accused, except where an Offer shall be made in the Course of the Trial or before Conviction, to prove that the Article or Articles stolen, resetted, or obtained as aforesaid, exceeded in Value the Sum of Ten Pounds.

Conviction shall state that the Value of Articles stolen did not exceed 10*l*.

CXCIII. And be it further enacted, That the Record to be kept in all Cases tried according to the summary Mode of Proceeding authorized to be adopted by this Act shall, besides the Charge and the Judgment pronounced, include, if the Prosecutor or Prisoner require it, a Statement of any Offer of Proof made on the Part of the Prosecutor or Prisoner, and refused to be admitted by the Judge, with the Deliverance of the Judge thereon, and also, if required as aforesaid, of any legal Objection to any of the Witnesses adduced on either Side, stated on the Part of the Prosecutor or Prisoner, and sustained or overruled by the said Judge, with the Deliverance of the Judge thereon.

Record of Cases tried summarily shall, if required, contain Offer of Proof.

CXCIV. Provided always, and be it further enacted, That it shall not be competent, in any Suspension or Advocation in the High Court of Justiciary, to adduce Witnesses to establish that an Offer of Proof was made on the Part of the Prosecutor or Prisoner, and refused to be admitted by the Judge, or that a legal Objection was stated to Witnesses adduced on either Side, and sustained or overruled by the Judge, unless it be also offered to be established by such Witnesses, that the Prosecutor or Prisoner required such Offer of Proof, or legal Objection to Witnesses, to be entered on the Record, and that the Judge refused to allow such Entry to be made, and unless such Offer or Objection be stated in a Suspension or Advocation presented to the Clerk of the said High Court, within Fourteen Days after the Date of such Judgment; and if it shall appear that the said Judge committed Error in regard to such Offer of Proof or Objection, the said High Court shall dispose of the Judgment complained of according to Law.

Witnesses incompetent to prove such Offer on the Statement of such Objection, unless refused to be recorded.

CXCV. And be it further enacted, That in the Courts to be held under the Authority of this Act the Procurator Fiscal of the Baillie or Burgh Court of *Aberdeen* for the Time shall be the Prosecutor of or Complainant against all Persons accused of Theft, Embezzlement, Swindling, Falsehood, Fraud, and wilful Imposition, unlawful Gambling, Assault, Rioting, breaking of the Peace, or any other such criminal, riotous, or disorderly Act not herein-before declared incompetent to be tried in the Police Court, and that the Clerk, or failing him the Treasurer to the Commissioners under this Act, shall be the Prosecutor of or Complainant against all Persons accused of offending against any of the Provisions of this Act, or any of the Regulations which may be established by the Authority of this Act, except in those Cases in which it is herein-before provided that the Procurator Fiscal, Superintendent, or the Inspector shall be the Prosecutor.

Who may prosecute.

[*Local.*]

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CXCVI. And

Actions to  
be brought  
by Com-  
plainants.

CXCVI. And it is hereby further enacted, That all necessary Actions shall be brought, and Judgment shall pass, at the Instance of such Prosecutors or Complainants respectively, for Performance of all and each of the Obligations, and for levying and recovering all and each of the Fines and Penalties, or enforcing the Punishments by this Act authorized.

Fiscal to  
receive no  
Salary.

CXCVII. Provided always, and be it enacted, That the Procurator Fiscal of the said Baillie or Burgh Court shall receive no Salary out of the Monies to be raised under the Authority of this Act, nor any Remuneration from the Commissioners, for his Trouble in prosecuting Offenders in the Police Court, but that he shall be entitled to such Expences as may be awarded to him by the Court, provided the same be recovered from Delinquents; and all Fines and Penalties recovered from Delinquents prosecuted at the Instance of the said Fiscal, where such Delinquents are brought forward by or on the Information of any Officer or Servant belonging to the Police Establishment, if such Officer or Servant be the first Informant to said Fiscal, or have the Offender or Offenders first in Custody, shall, in the first Instance, be paid over when received to the Clerk of Court, who shall enter the same in a Book to be kept for the Purpose (which shall be at all Times patent to the said Fiscal and the Treasurer or Collector of Police), and who shall, once every Month at least, pay over such Fines and Penalties as shall have been received by him to the Treasurer or Collector of Police for the Purposes of this Act, without Deduction; saving always the Fees of Court and other actual Outlays not recovered from the convicted Parties.

Fines, &c. to  
be applied to  
the Purposes  
of this Act.

CXCVIII. And be it further enacted, That upon the Apprehension by the Officers of Police of any Person charged with Offences under this Act, it shall be lawful to the Superintendent, or the superior Officer of Police upon Duty at the Time, and he is hereby empowered, in the Absence of a Magistrate, to accept of sufficient Bail by Bond or Pledge, and to liberate the Person or Persons so apprehended under such Circumstances, upon Bail being found.

Superinten-  
dent or other  
superior  
Officers in  
certain Cases  
may accept  
Bail.

Persons in  
Custody to  
be taken  
before a  
Magistrate.

CXCIX. And be it further enacted, That all Persons taken into Custody by the Officers of Police, and who shall be detained in Custody, shall be taken before One of the said Magistrates, or Sheriff or his Substitute, in the course of the first lawful Day after they shall be so taken into Custody, to be disposed of as the said Magistrates, Sheriff, or Sheriff Substitute, shall direct, according to the Form of Proceedings to be established in manner herein-after mentioned.

Prisoners  
may be re-  
manded to  
find Caution,  
&c.

CC. And be it further enacted, That it shall be lawful to the Provost, Baillies, and Sheriff or his Substitutes, or any One or more of them, to order Prisoners to be detained in the Watch House, or the Tolbooth, when remanded, for affording Time to find Caution, or to investigate the Circumstances of the Case, or for further Examination, such Examination always taking place as soon as Circumstances shall permit, and without any unnecessary Delay.

CCI. And

CCI. And be it further enacted, That where any Person or Persons shall have been apprehended and afterwards liberated on Bail, and shall fail to appear, it shall be competent, where such Bail has been by Pledge, to declare the Money or Article pledged to be forfeited; and in Cases where the Bail has been by Bond or Caution, and also in Cases where any Offender or Offenders who shall have found Caution for good Behaviour, or for keeping the Peace as aforesaid, shall commit a new Offence or Offences, inferring Forfeiture of the said Caution, it shall be competent to order the Cautioner or Cautioners to be cited to make Payment of the Sum or Sums contained in the Bond or Bonds of Caution, within the Space of Twenty-four Hours; and in default of such instant Payment, after the Lapse of the said Space, the Sum or Sums in such Bond or Bonds of Caution shall thereupon be recoverable at the Instance of the Person who may have prosecuted, or would have been entitled to prosecute by virtue of this Act, the Person or Persons for whom such Caution may have been found, by a Precept to be issued by the said Provost, Baillies, Sheriff, or Sheriff Substitutes, or any One or more of them, upon a Charge of Ten Days; and upon Failure of Payment it shall be competent to grant Warrant for entering the House, Shop, Warehouse, Manufactory, or other Place of the Defaulter, and seizing, taking possession of, and carrying away, and afterwards selling, the Defaulter's Goods and Effects, or so much thereof as may appear sufficient for the Payment of the Sum or Sums so forfeited as aforesaid, and the Expences of such seizing and other Proceedings and Sale, all in like Manner as is herein-before provided for the Recovery of Arrears of the Assessments under this Act; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects attachable within the Limits to which this Act extends, the Cautioner or Cautioners may be imprisoned by Warrant of the said Provost, Baillies, Sheriff and Sheriff Substitutes, or any One or more of them, in the Tolbooth of *Aberdeen*, for a Space not exceeding Thirty Days; and after the said Imprisonment no further Procedure against the Cautioner or Cautioners shall be competent on the Bond.

For recovering on forfeited Bonds, &c.

CCII. And be it further enacted, That all Articles pledged by any Person apprehended and liberated on Bail, which may be forfeited as aforesaid, may afterwards be redeemed within such Time and on such Terms as the sitting Judge in the Police Court may determine, and if not redeemed shall afterwards be sold or otherwise disposed of in such Manner as the said Judge shall direct; and a Book shall be kept in the Superintendent's Office wherein all Pledges shall be entered, and the Orders regarding such Pledges, the Time and Manner in which they have been disposed of, and the Proceeds of Pledges which have been sold, shall distinctly appear, and such Book shall at all Times be patent to every Commissioner under this Act.

Pledges.

CCIII. And whereas it is expedient that in all Cases arising under this Act the Proceedings shall be attended with as little Delay or Expence as possible; be it enacted, That the said Provost of *Aberdeen*,

Summary Form of Process to be established.

*Aberdeen*, and the Sheriff of the County of *Aberdeen* for the Time, shall be and they are hereby authorized and required to adapt from Time to Time the Induciæ, when any Induciæ may be thought necessary in particular Cases, and the whole Form of Process of the said Court of Police accordingly, so as to dispatch the Business under this Act in the easiest and most expeditious Manner, without written Pleading, and without recording the Evidence: Provided always, that a Record shall be preserved of the Charge and of the Judgment or Sentence pronounced; and in all Cases the Principal or a Copy of the Charge and Judgment or Sentence, certified by the Provost, Baillies, Sheriff or Sheriff Substitutes respectively by whom the same is pronounced, or by his or their Clerk, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution.

Powers of Judges of Police where no special Penalty is attached under this Act.

CCIV. And be it further enacted, That it shall be competent to the said Provost, Baillies, Sheriff and Sheriff Substitutes respectively, or any One or more of them, under such summary Form of Procedure so to be established, and where no special Penalty is attached to the Offence, to adjudge Penalties not exceeding Five Pounds, or to sentence the Party complained of to Imprisonment, either in the Tolbooth of *Aberdeen* or in the Bridewell or House of Correction in and for the City and County of *Aberdeen*, for any Period not exceeding Sixty Days, and also to sentence such Person to hard or continued Labour, or to solitary Confinement, in such Tolbooth, or Bridewell, or House of Correction, during the Time of his or her Imprisonment or any Part thereof, and also to sentence such Person to be fed, during the Term of his or her Imprisonment or any Part of it, on Bread and Water exclusively, or on any other wholesome Food exclusively, which shall be specified in such Sentence.

Damages may be awarded to the private Party;

CCV. And be it further enacted, That it shall be competent to the said Provost, Baillies, Sheriff and Sheriff Substitutes respectively, or any One or more of them, under such summary Proceeding to be established as aforesaid, to decern for Damages to the private Party, not exceeding Five Pounds, over and above any Penalty and Expences that may be awarded in virtue of this Act; and to issue his or their Precept at the Instance of such private Party for the Recovery of the Sum so decerned for; and in case it shall appear that the Loss sustained by the private Party exceeds the Sum hereby authorized to be given in the Name of Damages, the Judge acting in the Police Court shall and may give Judgment for Damages to the Amount hereby authorized; and notwithstanding such Decree, it shall be lawful to the private Party to insist before any Judge to whose Jurisdiction the Offender is amenable, for any further Claim which may be competent, whether the Sentence of the Judge acting in the Police Court contains a Reservation to that Effect or not; and in every Case where such summary Form of Proceeding shall take place Expences may be awarded to the Prosecutor, over and above the Penalty, Fine, and Damages; which Expences may be recovered in the same

and Costs to the Prosecutor.



Manner as the Penalty, Fine, or Damages are herein authorized to be recovered.

CCVI. And be it further enacted, That it shall be competent for the said Provost, Baillies, or any One or more of them, and to the Sheriff and Sheriff Substitutes respectively, at their or his Discretion, in lieu and place of or in addition to any Punishment as aforesaid, to ordain any Offender or Offenders to find Caution for good Behaviour, or for keeping the Peace, for any Period not exceeding Twelve Calendar Months, and under a Penalty not exceeding Twenty Pounds, and to sentence such Offender or Offenders to Imprisonment until such Caution be found, or until liberated in manner after mentioned; but such Imprisonment shall be subject to the Limitation after mentioned.

Offenders may be ordained to find Caution.

CCVII. And be it further enacted, That for the more effectual Execution of the Purposes of this Act it shall be lawful to execute the Warrants to be granted under this Act in any Part of the Harbour or Bay of *Aberdeen*.

Warrants may be executed in the Harbour.

CCVIII. And be it further enacted, That it shall be lawful for all Magistrates of Burghs, Sheriffs of Counties, and Justices of the Peace, to grant their Concurrence, when they think proper, to the Execution, within the Bounds to which their respective Authorities extend, of all Warrants by the Judges of the Police Court constituted under this Act, for searching for Articles stolen or supposed to be stolen, for searching for or apprehending Offenders, for citing Witnesses, or for any other lawful Purpose; and on such Concurrence being granted it shall be lawful for the Officers employed under this Act, and all other Officers of the Law, to put such Warrant in execution within the Burgh, County, or Place subject to the Authority of such concurring Magistrate.

Magistrates of Burghs and Counties to grant their Concurrence to the Execution of the Warrants of Judges of the Police.

CCIX. And be it further enacted, That in case any Fine or pecuniary Penalty or Forfeiture, with the Expences decerned for by virtue of this Act, and not exceeding in the whole Six Pounds, shall not be immediately paid, it shall and may be lawful to adjudge the Person or Persons found liable for the same to be imprisoned in the Tolbooth, Bridewell, or House of Correction aforesaid, till liberated in manner after mentioned.

On Non-payment of Penalties, Offender may be imprisoned.

CCX. And be it further enacted, That where the Penalties, Forfeitures, Damages, and Expences decerned for shall exceed the Sum of Six Pounds, and where the Manner of levying and recovering the same is not herein-before pointed out, it shall and may be lawful for the said Judges of the Police Court, or any One of them, upon Conviction of the Offender or Offenders, by their own Confession, or by legal Evidence, in case the Offender or Offenders shall not immediately pay the Sum decerned for, to cause the same to be recovered by Distress and Sale of the Offender or Offenders Goods and Effects, by Warrant under the Hand of any of the said Judges, and after deducting the Charges of such Distress and Sale,

Penalty exceeding 6*l.* to be recovered by Distress and Sale.

[*Local.*]

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the Surplus (if any) shall be paid to such Offender or Offenders; and if upon the Return of such Warrant it shall appear that no sufficient Effects can be had whereupon to levy the said Penalties, Forfeitures, Damages, and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the said Judges, or any One of them, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Effects whereon such Penalty or Penalties, Forfeitures, Damages, and Expences as aforesaid can be levied, were such Warrant issued, the said Judges, or any One of them, shall not be required to issue the same; and thereupon it shall be lawful for the said Judges, or any One of them, and he and they is and are hereby required and empowered, by Warrant or Warrants under his or their Hands, to commit such Offender or Offenders to the Tolbooth, Bridewell, or House of Correction aforesaid, there to remain without Bail for any Term not exceeding Sixty Days, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Forfeiture or Forfeitures, and all Expences attending such Proceedings as aforesaid, to be ascertained by the said Judges, or any One of them, or shall otherwise be discharged by due Course of Law.

Extent of  
Imprison-  
ment.

CCXI. And be it enacted, That in case any Person sentenced to pay a pecuniary Fine or Forfeiture, or Expences, or to find Caution, under the Authority of this Act, shall be imprisoned for Non-payment of such Fine or Forfeiture or Expences, or for Want of such Caution, no such Imprisonment shall in any such Case exceed the Period of Sixty Days, or any shorter Period which may be specified in the Sentence; and in no Case shall any Person be detained in Prison under One Conviction for a longer Period than Ninety Days; and on the Expiration of the Period of Imprisonment such Person shall be set at liberty, and shall be free from the Payment of any such pecuniary Fine or Forfeiture, and from the Sentence ordering him to find Caution, and all Charges attending the same.

Power of  
Banishment  
in certain  
Cases.

CCXII. And be it further enacted, That when any Offender shall have suffered Imprisonment in the Tolbooth or Bridewell as aforesaid to the full Extent of Sixty Days under one Sentence, as permitted by this Act, and shall be afterwards found guilty of another Offence under this Act, and when, moreover, such Offenders have no fixed Place of Residence within the Limits before described, nor any visible Means of Subsistence, the Burden of Proof as to both of which shall rest with the said Offender, it shall in such Circumstances (but not otherwise) be lawful to the said Provost and Baillies, or any One or more of them, or to the said Sheriff or his Substitutes respectively, to banish such Offenders from the said Limits for a Space not exceeding Twelve Months, in lieu of other Punishment; under Certification that if any such Offender shall return within the said Limits previous to the Expiration of the said Term of Banishment, such Offender shall again be committed to the said Tolbooth or Bridewell for a Space not exceeding Sixty Days; and under the further Certification that such Offender shall be thereafter again banished, after having suffered this Imprisonment, from the said  
Limits,

Limits, till the original Term of Banishment is fully expired, if any Part of it be not elapsed.

CCXIII. And be it further enacted, That where the Judge acting in the Police Court shall think the Case of any Offender deserving of a higher Punishment or Fine than is authorized by this Act, he shall and may commit such Offender to the Tolbooth of *Aberdeen* for Examination, or till liberated in due Course of Law, and shall cause Notice of such Commitment to be forthwith given to the Procurator Fiscal of the said Burgh of *Aberdeen*, or the Procurator Fiscal of the County of *Aberdeen*, in order that such Person may be farther proceeded against conformably to Law.

Procedure in Cases of more heinous Offenders.

CCXIV. And be it further enacted, That in all Cases where the said Judges of Police are empowered to decree for the Expence of any Works or Operations, or of any other Expences, Sums of Money, Damages, or Penalties, under the Authority of this Act, it shall be lawful for them also to decree for the Expences of Process, where Payment of the Expences of Process are not otherwise herein provided for, over and above such Expences, Sums of Money, Fines, Penalties, and Damages; and in case any Person prosecuted at the Instance of a private Party for any Offence or Offences under this Act shall be acquitted, it shall and may be lawful to the said Judge of Police, Sheriff, or Sheriff Substitute, before whom the Complaint shall be brought, if he shall see Cause, to subject the private Party in the Expences incurred by the Party acquitted.

Expences of Process may be decreed for.

CCXV. And be it further enacted, That no Appeal shall lie to the Sheriff of the County from Sentences pronounced by his Substitutes in the Police Court, and that no Stay of Execution of the Sentences pronounced under this Act, in so far as concerns Penalties, Damages, or Expences, shall be competent to the Effect of preventing Execution, until Payment or Consignation in the Hands of the Superintendent or Inspector, or other Persons who may be appointed to receive the same, of the Sums awarded under any of those Heads; and the Person or Persons against whom such Sentences shall be pronounced (or who may be found liable in such Expences), if in Custody at the Time, shall be kept in Custody, and if not in Custody at the Time, shall immediately be taken into Custody; and if the Money be not immediately paid or consigned, such Person or Persons shall be committed to the Tolbooth of *Aberdeen*, or to the Bridewell or House of Correction, as may be directed; and in all Cases a Copy of the Charge and Sentence, certified by the Judge of Police by whom the same was pronounced, or by the Clerk, shall be deemed a sufficient Warrant of Commitment; reserving nevertheless to any Persons, having paid or consigned such Penalty, Damages, or Expences, if they shall consider themselves aggrieved, to seek Redress in common Form; and in all Cases of Prosecution under this Act, at the Instance of the Superintendent of Police or of the Inspector of lighting and cleansing, it shall and may be lawful for the Judge whose Sentence has been brought under Review by another Court to authorize the Expences incurred in the Proceedings in such other Court to be defrayed out of the Assessments herein-before authorized to be levied:

No Appeal to the Sheriff from Sentences of his Substitutes.

levied: Provided always, that at the first Meeting of the said Commissioners after any such Sentence shall have been brought under Review as aforesaid, the said Superintendent or Inspector respectively shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the said Commissioners shall thereupon either direct such Sentence brought under Review to be defended, or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expences incurred in such Action by such Superintendent or Inspector subsequently to such General Meeting shall be defrayed out of the Assessments herein-before authorized to be levied.

Limitation  
of Actions.

CCXVI. And be it further enacted, That no Complaint shall be received or entertained in the said Police Court at the Instance of any Party, unless the same be presented within Three Calendar Months after the Offence or Offences complained of shall have been committed.

Further  
Limitation  
of Actions.

CCXVII. And be it further enacted, That no Action shall be commenced against the Judges, Commissioners, Superintendent, Procurator Fiscal, or any other Person or Persons, for any thing done in the Execution of this Act, in any Case, unless wilful Corruption or Oppression, or culpable Negligence, out of which real Injury has arisen, be charged, nor in any Event shall such Action be competent after Three Calendar Months from the Time the Fact is committed; and the Defenders in such Action or Process may produce this Act, and plead that the said Things were done by Authority and in virtue thereof; and if these shall appear so to be done, then and in that Case the said Defenders shall be assoilzied from such Action or Process, and the Pursuers in such Action shall be found liable to pay the said Defenders the whole Expences of Process incurred by the said Defenders.

In case the  
Works are  
not executed  
within Five  
Years, Power  
to cease.

CCXVIII. And be it enacted, That in case the several Works intended to be carried into effect under the Authority of this Act, for taking off, raising, and conveying Water from the River *Dee*, and widening the Road or Street called *Park Lane*, shall not be completed within the Space of Five Years from the passing of this Act, so as to answer the Purposes intended, all the Powers and Authorities hereby given and granted, so far as regards the taking off, raising, and conveying Water from the said River *Dee*, and widening the said Road or Street, shall thenceforth cease and determine, save only as to so much of such Works as shall have been completed within the Period aforesaid.

Rights, &c.  
of Magis-  
trates pre-  
served.

CCXIX. And be it further enacted, That nothing in this Act contained shall interfere with, diminish, alter, or abridge any Rights, Powers, Privileges, or Servitudes which the Magistrates and City Council of *Aberdeen*, or the Trustees under any Act or Acts made or to be made for the Improvement of the Harbour of *Aberdeen*, have or may have to, in, or over the said Harbour, or the Piers,  
Jetties,

Jetties, Quays, Wharfs, Docks, Locks, Lights, Lighthouses, or other Works, already erected and constructed, or which may hereafter be erected and constructed, by or under the Direction of such Magistrates and City Council or Trustees, within and about the said Harbour, or to, in, or over the whole Materials of the same.

CCXX. And be it further enacted, That nothing herein contained shall take away, diminish, alter, or abridge any Right, Power, or Privilege which is at present competent to the said Magistrates and City Counsel, in regard to regulating and lining off the Building Areas along *Union Street* and *King Street*, which were opened and made out under the Authority of an Act passed in the Fortieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for opening and making Two new Streets in the City of Aberdeen*, or to their granting Permission to the Feuars or Proprietors of such Building Areas to make out and use Cellars under the Foot Pavements of the said Streets, or to their receiving and recovering from such Feuars or Proprietors such Sum or Sums of Money as have already been or may hereafter be stipulated, by the Articles and Conditions of Sale of such Areas, to be paid to the said Magistrates and City Council, or the Treasurer of the said Burgh, by such Feuars or Proprietors, for or in respect of the Expence which has already been incurred or may hereafter be incurred in paving the said Streets, and in making and constructing the Common Sewers or Drains below the same; and providing further, that nothing herein contained shall take away, diminish, or abridge any other Rights, Powers, Properties, Privileges, or Servitudes of the said Magistrates and City Council of *Aberdeen*, and Community thereof, unless in so far as the same are hereby specially diminished or abridged.

Further Rights of Magistrates preserved.

39 & 40 G. 3. c. 11.

CCXXI. And be it enacted, That if any Person or Persons shall think himself or themselves injured or aggrieved by any Order, Rule, or Regulation made by the said Commissioners in pursuance of this Act, it shall and may be lawful for the Person or Persons who shall think himself or themselves so injured or aggrieved to complain to the Sheriff of the said County, or to the Quarter Sessions of the Peace for the County of *Aberdeen*, provided such Complaint be made within One Month after such Order, Rule, or Regulation has been published; and the said Sheriff or Court of Quarter Sessions is and are hereby authorized and required to judge of and determine such Complaints, after calling and hearing all Parties concerned.

Appeal.

CCXXII. Saving and reserving to the Provost, Magistrates, and Town Council of the Burgh of *Aberdeen*, as well as His Majesty's Sheriff and his Substitutes, and the Justices of the Peace of the County of *Aberdeen*, and all other Magistrates, all and every Jurisdiction, of whatever Kind or Nature, Civil as well as Criminal, which they have had or are anywise entitled to use and exercise, in the same Way and Manner as if this Act had never been passed.

Saving Clause.

CCXXIII. And be it further enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, with their Officers, Messengers at Arms, *[Local.]* 12 C

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

Arms, and all other Officers and Executors of the Law whatsoever, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution.

Public Act. CCXXIV. 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.

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