



ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxxxvii.

An Act for supplying the Town of *Peterhead*, in the County of *Aberdeen*, with Water; and for better lighting, paving, and otherwise improving the Streets, Roads, and Avenues within and leading to and from the said Town. [24th July 1820.]

WHEREAS the Town of *Peterhead*, in the County of *Aberdeen*, has of late Years greatly increased in Buildings and Inhabitants, and has become a Place of considerable Importance as a Sea-port: And whereas it would be greatly for the Accommodation of the Inhabitants of the said Town, and of all Persons resorting to the same, if it were sufficiently supplied with good Spring Water, and if the Streets, Roads, and Avenues within and leading to and from the same were enlarged and improved, if Foot Pavements were made on the Sides of the said Streets, and the whole properly paved, lighted, and cleansed, and if all Encroachments, Annoyances, Obstructions, and Nuisances upon the said Streets, Lanes, and other Passages, were removed and prevented: But as these useful Purposes cannot be accomplished without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

[Local.]

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sembled.

First Com-
missioners.

sembled, and by Authority of the same, That the Preses of the Governors of the *Maiden Hospital*, founded by the Company of Merchants of the City of *Edinburgh* and *Mary Erskine*, Superiors of the Town of *Peterhead*, the Baron Bailie or Bailies of *Peterhead*, the Treasurer for the Town of *Peterhead*, and the Factor for the said Hospital, all for the Time being, and Messieurs *James Hutchison*, *James Hutchison junior*, *James Argo*, *George Skelton*, *John Hutchison*, *Gilbert Alexander*, *John Gilchrist*, *Thomas Arbuthnot*, *James Hutchison Tertius*, and *Robert Cordiner*, all Merchants in *Peterhead*, shall be and they are hereby appointed Commissioners for carrying this Act into Execution; and the said *James Hutchison*, *James Hutchison junior*, *James Argo*, *George Skelton*, *John Hutchison*, *Gilbert Alexander*, *John Gilchrist*, *Thomas Arbuthnot*, *James Hutchison Tertius*, and *Robert Cordiner*, shall remain in Office until the next ensuing Election of Commissioners appointed to take place in Manner herein-after directed.

Commis-
sioners ex
officio.

II. And be it enacted, That the Preses of the Governors of the said *Maiden Hospital*, the said Baron Bailies of *Peterhead*, the said Treasurer of the Town of *Peterhead*, and the said Factor for the said Hospital, all for the Time being, shall be always *ex officio* Commissioners without being elected as after mentioned.

Election of
future Com-
missioners.

III. And be it enacted, That the remaining Ten Commissioners, before named and appointed, shall continue in Office till the First *Monday of October* One thousand eight hundred and twenty-three, when Ten others shall be chosen in their stead, by a Majority of Votes of the resident Occupiers and Possessors of Dwelling Houses, Shops, Cellars, Warehouses, and other Buildings within the said Town (convened at a Meeting to be called in manner after mentioned), valued at Five Pounds Sterling or upwards, of free yearly Rent in the Rent Roll to be prepared and authenticated by the Commissioners in Office for the Year then current in manner after mentioned, which Persons so to be elected Commissioners, shall be resident within the said Town, and shall be Occupiers or Possessors of a Dwelling House or other Buildings within the same, of the Description before specified, which shall have been rated and assessed by the said Rent Roll to be made up for the Year then current, at Fifteen Pounds Sterling or upwards, of free yearly Rent, and Elections of Commissioners in the same Way and Manner, and with the same Qualifications, and shall take place upon the First *Monday of October* in every Third Year thereafter: Provided always, that prior to any such Meeting Fourteen Days previous Notice shall have been given of the same, and of the Hour and Place of Meeting, by One Advertisement in One of the *Aberdeen Newspapers*, and Three Days previous Notice by Tuck of Drum, at Three different Times, through the said Town of *Peterhead*, all under the Direction of the Commissioners for the Time being: Provided also, that the Commissioners going out of Office may be immediately re-elected.

Mode of
voting.

IV. And be it enacted, That the said Votes shall be given by written Notes or Tickets subscribed by the Voters or Electors, specifying their Names, Designations, and Qualifications, and containing the Names and Designations of the Persons voted for, put into Boxes

to be prepared for the Purpose, on the Day appointed for the Election to take place, in Manner herein-before specified; and which Notes or Tickets the said Commissioners are hereby authorized and required to prepare in such Form as to them shall seem meet.

V. And be it enacted, That any Seven of the said Commissioners shall be a Quorum for carrying the Purposes of this Act into Execution, but no Assessment shall be made or imposed, nor any Clerk, Servant, or other Officer appointed, or their Salaries fixed by virtue of this Act, except at Meetings where Nine of the said Commissioners at least are present.

Quorum
of Commis-
sioners.

VI. And be it enacted, That in case any Dispute or Difference shall at any Time arise, relating to the Qualifications of the Electors, or of the Persons elected, the same shall be determined by the Commissioners for the Time being, or a Majority of those present, whose Determination shall be final and binding on all Parties concerned.

Disputes and
Differences
arising at
Meetings to
be deter-
mined by
Majority of
Commission-
ers present.

VII. And be it enacted, That it shall and may be lawful for the said Commissioners to nominate and appoint a Treasurer or Collector, Clerk, Scavengers, Lighters of Lamps, Pavours, Keeper of the Fountains, Wells, Watercourses, and Fire Cocks, and other necessary Officers and Servants under them in the Execution of this Act, and at Pleasure to remove and displace them or any of them respectively; 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 make such other and further Orders, Rules, and Regulations as the Matter of each particular Service shall seem to them to require and they shall deem expedient, and from Time to Time to vary, alter, or revoke any of the said Rules and Regulations, and to do such other Acts and Things as to the said Commissioners shall appear proper and necessary for putting this Act in Execution: Provided always, that all and every Officer or Officers, Servant or Servants, (Day Labourers excepted) who shall be employed under the Powers given by this Act, shall before his or their Admission into such Office give such Security or Securities for the due and faithful Performance thereof, as the said Commissioners shall think just and reasonable.

Appointing
Officers.

Security.

VIII. And be it enacted, That the Preses of the said Governors, and in his Absence the Baron Bailies of *Peterhead* in their Order, according to their Seniority, present at the Meetings after mentioned, shall in all Cases and at all Meetings of the said Commissioners act and officiate as Preses of the said Meetings; and, besides his own Vote in common with the other Commissioners, the said Preses shall in all Cases of Equality of Votes have a casting or decisive Vote in all Matters or Questions that happen to be agitated and come before the said Commissioners: Provided always, that in case of the Absence both of the said Preses of the said Governors and the said Baron Bailies, the Commissioner whose Name shall stand at the Top of the List of Commissioners for the Time, and who shall be present at such Meeting, shall act as Preses at the said Meetings, and shall in like

Preses of the
Meetings.

In Absence of
Preses Com-
missioners
standing
highest in the
List to act as
Preses for the
Time.

Manner

Manner have both a deliberative and a casting Vote in Cases of Equality: Provided also, that the Order in which the before mentioned Commissioners are named in this Act, shall be held as the Rule for fixing the Order in which they shall stand in the said List; and that in the Case of the Commissioners to be afterwards elected, the Preses of the Meeting to be held for their Election shall determine the Order in which they shall stand in the said List by casting Lots before and in Presence of such Meeting.

Commissioners obliged to accept under a Penalty; but to be only once exigible.

IX. And be it enacted, That all the said Commissioners shall be obliged to accept and act in the Execution of the Duty and Trust hereby committed to them, under the Penalty of Ten Pounds, to be paid by each of them declining or refusing to act for the First Time, to be disposed of and applied to the Purposes of this Act; but that the Penalty shall be only once exigible from those refusing to act; and that no elected Commissioner shall be obliged to act for any longer Period at one Time than for the Space of Six Years.

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

X. Provided always, and be it enacted, That in case of the Death or Refusal of any of the said elected Commissioners, it shall and may be lawful to and for the others remaining to elect any One or more Commissioners, qualified as aforesaid, to supply the Vacancies of their Number occasioned by Death or Refusal, who shall continue in Office, and supply such Vacancy, until the next ordinary Day appointed for the Election of Commissioners.

Notice of Meetings of Commissioners to be given.

XI. And be it enacted, That the said Commissioners shall have full Power to meet in such Places, and at such Times, relative to the Execution of this Act, as they shall appoint within the said Town, previous Notice, written or printed, of Twenty-four Hours being given to each of the said Commissioners by their Clerk for the Time being, by Order of the Preses, or in case of his Refusal to give such Order, by Direction of any Two or more of the said Commissioners; and which Notice shall be personally delivered to the said Commissioners, or left at their usual Places of Abode.

Penalty on Commissioners being absent from Meetings.

Commissioners not to act where interested.

XII. And be it enacted, That if any Commissioner or Commissioners shall absent himself or themselves from any Meeting held under this Act without a reasonable Excuse, to be judged of by the said Commissioners, such Commissioner or Commissioners shall forfeit and pay each the Sum of One Shilling for each Time he is absent, to be applied for the Purposes of this Act: Provided always, that no Commissioners shall be capable of acting in any Case in the Execution of this Act, unless at some Public Meeting to be held by virtue thereof, or in consequence of the Order and Appointment of such a Meeting; and that no Person during the Time that he shall be a Commissioner shall be capable to make or have any Share in any Contract connected with this Act.

Same Person not to act as Clerk and Treasurer.

XIII. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act

act as their Clerk in the Execution of this Act, or the Partner of any such Clerk the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer or the Partner of any such Treasurer the Clerk to the said Commissioners for executing this Act, and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk, in the Execution of this Act; every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland* by summary Complaint.

XIV. And be it further enacted, That the said Commissioners shall, and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer 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 this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and any Person or Persons paying or contributing towards and every Creditor upon the Rates hereby granted, without Fee or Reward; and the said Commissioners, Person or Persons, and Creditor or Creditors, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit, or shall not permit the said Commissioners, or such Person or Persons, or such Creditor or Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered in Manner herein-after mentioned.

Accounts, &c. to be kept for the Inspection of Commissioners, &c.

XV. And be it further enacted, That the said Commissioners may sue or be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of One of the said Commissioners, or of their Clerk or Treasurer for the Time being, and that no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of One of the said Commissioners, their Clerk or Treasurer by virtue of this Act, shall fall or abate by the Death or Removal of any such Commissioner, Clerk, or Treasurer, but that One of the said Commissioners, or the Clerk or Treasurer to the said Commissioners for the Time being, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

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

XVI. And be it further enacted, That the Commissioners for the Time being during the Continuance of this Act are and shall be empowered, and they are hereby authorized and required, annually, some Time in the Month of *August*, to cause to be made up a fair and equal Rent Roll from such Surveys and Information as they shall judge expedient of all Dwelling Houses, Shops, Cellars, and other

A Rent Roll of Houses, &c. to be annually made up by Direction of the Commissioners.

[Local.]

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Buildings

Buildings within the said Town, actually occupied and possessed at the Time by any Person or Persons, which shall be estimated at or above Two Pounds of yearly Rent, with the Names and Designations of the Occupiers and Possessors thereof; which Rent Roll or Valuation 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 of the said Dwelling Houses and other Buildings aforesaid; and the said Roll, after being so examined, and after being authenticated by the Signatures of the said Commissioners (which they are hereby required to do before the End of each Month of *September* annually), shall be and the same is hereby declared and appointed to be the Rule for ascertaining and determining the Qualifications, not only of the Persons entitled to elect, but also of the Persons who shall be entitled to be elected Commissioners for putting this Act in Execution, as well as the Rate and the Amount of the Assessment to be laid and imposed upon the several Occupiers and Possessors of Dwelling Houses and other Buildings aforesaid, in Manner after-mentioned: Provided always, that before completing or authenticating any of the said Rent Rolls to be made under the Authority of this Act, printed Notices for the different Persons therein included, and of the Sums at which their respective Properties shall be rated, shall be left for them at their respective Residences, in order that he, she, or they may have an Opportunity of appealing to the said Commissioners against the same; the Appeal to be taken any Time within Ten Days after the Date of such Notices; and which Appeals the said Commissioners are hereby authorized and empowered to hear and determine finally; in such Manner as may appear to them most equitable; and which Rent Roll, after being adjusted and authenticated as aforesaid, shall lie open and patent to the Inspection of all Persons liable to the said Assessment.

General Meetings to be held.

XVII. And be it enacted, That Four stated General Meetings of the said Commissioners shall be held annually within the ordinary Court Room of the said Town, or in such other Place within the said Town as the said Commissioners shall from Time to Time appoint, and which they are hereby required to appoint; *videlicet*, upon the First Monday in each of the Months of *January, April, July, and October* annually, at Twelve of the Clock at Noon, for putting this Act and the Powers hereby granted to them in Execution, beginning the First of the said Meetings upon the First Monday of *October* in the Year One thousand eight hundred and twenty; and that the Preses shall cause the whole of the said Commissioners to be summoned to attend the said Four Meetings by written or printed Notices or Summonses to be given them personally, or left at their Dwelling Houses, at least Twenty-four Hours previous to the Time of the said Meetings.

Commissioners may adjourn Meetings.

XVIII. And be it further enacted, That the said Commissioners or a Majority of them present at such Meetings, may from Time to Time adjourn to the same or any other Places within the said Town, as they may think proper or necessary, for executing the Powers vested in them by this Act; and that the Clerk of such Commissioners shall

give written or printed Notices to each of them of such adjourned Meetings, in manner before mentioned.

XIX. And be it enacted, That the Preses of the said Commissioners shall be obliged; upon Requisition made to him under the Hands of any Two of them as aforesaid, to appoint other Meetings of them, to be held within Forty-eight Hours after such Requisition; and that it shall also be in the Power of the said Preses, of himself, to appoint other Meetings of the said Commissioners, to be held so often and at such Times and Places within the said Town as to him may seem necessary and expedient, the whole Commissioners being always summoned to attend every such Meeting in manner before mentioned.

Other Meetings may be appointed.

XX. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to cause all or any of the Roads, Avenues, Streets, Lanes, and other Passages within the said Town, comprehending as herein-after specified, or any Part or Parts thereof, to be new paved or repaired, and for that Purpose may cause to be dug, carried, or carted out of or brought into the same, such Gravel, Stones, and other Materials as they shall judge necessary; and may also cause the Ground thereof to be raised or lowered, and the Course of the Channels running in or through the same to be turned or altered, and Common Sewers to be made and constructed in such Manner and Places, and to be carried through such Property as they shall think proper, but so as not to be injurious to any Person's private Property, without sufficient Indemnification being made to him, her, or them, in manner herein-after provided; and likewise that the said Commissioners shall and may cause to be purchased and erected such Number of new and additional Lamps, Lamp Irons, Posts, and other Appurtenances of the same as they shall judge to be necessary for the proper and sufficient lighting of the said Streets, Lanes, Passages and other Places of the said Town, and to employ or contract with any Person or Persons, for providing and maintaining the whole of the Public Lamps of the said Town, both old and new, and for furnishing Oil and other Materials thereto, and lighting of them from Time to Time, as they shall judge expedient; and also to direct and appoint to what Places the said Lamps shall be affixed, the Number of Nights in each Year, and at what Hour they shall be lighted, and for what Time they shall continue burning; and that the said Commissioners may cause all Encroachments and Obstructions of every Kind, in the said Roads, Streets, Avenues, Lanes, and other Passages to be removed; and they are further hereby empowered from Time to Time, and at all Times hereafter, to direct, order, and appoint all Matters and Things respecting the better paving, lighting, and cleansing, and otherwise improving the said Roads, Avenues, Streets, Lanes, and other Public Passages, and the providing, collecting, supplying, and distributing of Water to the Inhabitants of the said Town, and to the Fire-cocks which may be placed or fixed by the Direction of the said Commissioners in the different Parts thereof.

Streets to be paved.

Lamps, &c. to be erected.

Obstructions in the Streets and Lanes to be removed.

Water to be supplied.

XXI. And

Boundaries of the Town for the Purposes of the Act.

XXI. And be it enacted, That the Provisions, Authorities, and Regulations of this present Act, with respect to cleansing, lighting, and paving the Streets and other Places, preventing Nuisances and other Obstructions, and supplying the Inhabitants of *Peterhead* with Spring Water, and for imposing a Tax or Assessment for the Purposes aforesaid, shall extend to and over the Town of *Peterhead* and Territories thereof, comprehending the *Kirktown*, *Keith Inch*, and *Roneheads*, and including the Ground laid out for Feus to the North of the said Town, and belonging to the Governors of the said *Maiden Hospital*, and extending to the Washing House belonging to the Community of the said Town, and to the West as far as the Manse belonging to the Parish of *Peterhead*, and to the North-east as far as the Lands belonging to the said Community.

Springs, Watercourses, &c. to be vested in the Commissioners.

XXII. And be it enacted, That the whole Springs, Watercourses and other Supplies of Water, Fountains, Wells, Cisterns, Reservoirs, Filterers, Leaden, Cast Metal, or other Pipes or Conveyances of fresh Water herein-after mentioned, together with the Fire Cocks and Appurtenances thereof, and also the Lamps and Lamp Irons already erected, or which shall be purchased and procured by the said Commissioners, shall be and the same are hereby vested in them; to be applied and disposed of for the Purposes of this Act.

Commissioners may take Springs of Water and Watercourses, and regulate the Water Pipes.

XXIII. And be it further enacted, That the said Commissioners are and shall be authorized and empowered to take, preserve, and use for the Purpose of supplying the said Town and the Inhabitants thereof with fresh Water, all such Springs, Watercourses, and other Supplies of Water to which the said Town and Inhabitants have now legally right by virtue of Grants, original Titles, or by immemorial Possession, with the same Privileges on the Grounds where the same are situated, as the Community of Feuars and the Town Council are at present entitled to and enjoy in every respect; and to contract and agree with the Owner or Owners, Lessee or Lessees for purchasing the Fountains or Spring Wells situated on the Lands of *Auchtygall* and *Collielaw*, within the Parish of *Peterhead* and County of *Aberdeen*, belonging to the Governors of the said *Maiden Hospital*, and presently in the Possession of *Henry Flockhart* for the Purposes aforesaid; and to lay down Cast Metal, Leaden, or other Pipes for carrying or conveying the Water from all or any of the said Springs and other Supplies before mentioned into the Reservoir or Cistern, or Reservoirs or Cisterns to be erected within or near to the said Town, at such proper Place or Places as to the said Commissioners shall from Time to Time appear proper and necessary, and for carrying, conveying, and distributing the Water from the said Reservoirs or other Places aforesaid, into the several Streets, Lanes, Ways, Avenues, Passages, and to the Houses and Inhabitants of the said Town; and so often as there shall be occasion for so doing to cleanse, amend, and repair the said Pipes and Watercourses, and to erect such and so many Fountains, Reservoirs, Filtering Machine or Machines, and other Appendages thereto, at such Place or Places as the said Commissioners from Time to Time shall think needful for the collecting, purifying, preserving, and effectually distributing the said Water, according to the true Intent and Meaning of this Act, and with

Water Pipes to be laid down, Reservoirs to be erected, &c.

Power

Power also to the said Commissioners to purchase and hold all such Lands, Tenements, and other Heritages as they shall consider necessary for the above Purposes.

XXIV. Provided always, and be it enacted, That Indemnification shall be previously made and given to the Proprietor or Proprietors, Life-renter or Life-renters, Lessee or Lessees of all such Springs and other Supplies of Water as shall be so taken and used, and of the Grounds in which the said Pipes for conducting thereof shall be laid down, or on which Cisterns or Reservoirs and Filtering Machines shall be built, for the Value of the said Springs and other Supplies of Water and of the said Ground, and likewise for all Damages that shall be done to the said Grounds, as well by the first laying down of the said Pipes and building the said Cisterns, Filtering Machines, and Reservoirs as by the after cleansing, amending, and repairing of the same: Provided also, that if the said Commissioners find it necessary or expedient to make any Part of the Course for conducting the said Water through or along the Side of the Turnpike Road, leading from *Peterhead* to *Aberdeen*, they shall have it in their Power and they are hereby authorized to do so, provided they previously give Indemnification to the Trustees of the said Road for the Damage to be done thereto.

Indemnification to be made to the Proprietors, &c. of Springs, &c.

Watercourse may be carried through or along the Turnpike Road, upon Indemnification.

XXV. And whereas a Map or Plan, describing the Line of the said Works, hath been deposited with the Clerk of the Peace for the County of *Aberdeen*; be it therefore enacted, That such Map or Plan shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, at *Peterhead*; and that all Persons interested therein shall at all reasonable Times have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying a reasonable Compensation to the Clerk of the Peace, or his Deputy, for every such Inspection; and that the said Commissioners shall not make any other Reservoir, Aqueduct, or Tunnel, or have any Right or Authority to take any other Land for making any other Reservoir, or for making any other Aqueduct or Tunnel for the supplying of any Water than the Reservoirs, Aqueducts, or Tunnels in the said Map or Plan described, nor in making any Reservoirs, Aqueducts, or Tunnels deviate more than One hundred Yards from the Place or Places, Line or Course described in the said Map or Plan.

Map or Plan deposited with Clerk of Peace shall lie open to Inspection.

XXVI. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to make the said Reservoir, Aqueduct, or Tunnel, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map, or Plan, or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Aberdeen*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Commissioners to make the Reservoirs, Aqueduct, &c. notwithstanding Errors.

[*Local.*]

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XXVII. Pro-

Houses, &c.
not to be
injured.

XXVII. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to take or pull down, injure, or damage any Dwelling House or other Building, or to make use of any Land which on the First Day of *June* One thousand eight hundred and twenty was an Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Corporations,
Minors, and
others em-
powered to
convey Pro-
perty.

XXVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Trustees, Tutors, and Curators for Infants, Minors, or furious Persons or others, for whom they are Trustees, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Springs or other Supplies of Water, and of the Grounds in which the Pipes for the conducting thereof shall be laid down within the Limits aforesaid, or where Cisterns and Reservoirs, or Filtering Machines shall be built, and also of such Grounds, Houses, and Tenements as may be deemed necessary for making the said Improvements and Enlargements as aforesaid, whether by a Destination to a Series of Heirs, or under Settlement of strict Entail, to sell and convey the same, or any Part thereof for the Purposes aforesaid to the said Commissioners; and that all Contracts, Agreements, Sales, and other Conveyances that shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatever to the contrary thereof notwithstanding; and that all Trustees, Tutors, and Curators, Corporations, Proprietors, or Incumbrances, subject to Entails, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Value of
Springs, &c.
to be ascer-
tained by
Sheriff or
Sheriff De-
pute or Sub-
stitute and a
Jury.

XXIX. And be it further enacted, That in case of any Difference arising between the said Commissioners and any of the Heirs or Lessees of the said Water and Grounds, respecting the Amount of the aforesaid Value and Damage; or in case any Heir or Lessee cannot be found, or shall be absent, or shall refuse or delay for the Space of Twenty-one Days to enter into any Agreement for the Sale of any such Water or Ground, or the Damage to be done thereto, or by reason of any Incapacity shall be prevented from treating with the said Commissioners, then the Sheriff Depute of the County of *Aberdeen*, or his Substitute, shall have Power, and they are hereby empowered and required in a summary Manner, upon the Application of either Party, and after Ten Days previous Notice is made by Order of either of the Sheriff Depute or Substitute to the other Party, to cause to be summoned and impannelled a Number of competent Persons, not less than Fifteen or more than Twenty in Number, who are hereby required to appear before the said Sheriff Depute or his Substitute, at such Times and Places as shall be appointed by them, of which Times and Places so to be appointed for the Meeting of the Jury, the said Parties interested or some of their Tenants, living on, renting, or occupying the Premises respectively, shall have Fourteen Days previous Notice given to them; and out of such Persons (whose Competency shall

shall be and is hereby left to the Discretion of the said Sheriffs, so to be summoned and returned; the said Sheriff Depute or Substitute shall appoint a Jury of Twelve Persons, who after being sworn by him, and Inspection and Examination of the Subject and Matter in Dispute, and hearing and receiving such Proof or Evidence as may be adduced before them by the Parties, shall have full Power; and they are hereby authorized and empowered, by a Verdict to be returned by them in Writing, to ascertain and determine the Amount of such Value and Damages respectively; and whatever the said Jury shall do and determine in the Premises, shall be final, conclusive, and obligatory on all the Parties concerned; and that afterwards, upon Tender or Payment of the Monies that shall be so adjudged by the said Jury, in lieu and place of the Value and Damages to the said Lands, and others as aforesaid, to the Person or Persons entitled to receive the same respectively, at his, her, or their Dwelling House, in case such Party or Parties can be found, and on the Refusal of the same, or that the said Party or Parties have no Dwelling House in the County of *Aberdeen*, upon Payment and Consignation thereof, with the Approbation and by Warrant of the said Sheriff Depute or Substitute, into the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British Linen Company*, the said Commissioners shall from thenceforth have Power, and they are hereby authorized and empowered to take and use the said Water generally and particularly before-mentioned; and to lay down, cleanse, amend, or repair the aforementioned Pipes and to build and erect the aforesaid Cisterns, Filtering Machines, and Reservoirs in the said Grounds, (as the Cases shall respectively happen to be), without being liable or answerable on that account for any other further Damage or Sum of Money than what shall be awarded and determined by the Verdict of the said Jury, in Manner above-mentioned.

XXX. Provided always, and be it enacted, That if such Jury or Juries shall by their Verdict award the Premises to be of the Value which the Owners and Occupiers shall have demanded for the same, or a greater Value, then and in that case the Costs and Charges of every Sort and Kind attending the obtaining such Verdict shall be paid and defrayed by the said Commissioners; and if the said Jury or Juries shall award the Premises to be of less Value than the said Commissioners shall be willing and shall have offered to pay for the same, then and in that case the said Costs and Charges shall be paid and defrayed by the said Owners and Occupiers; and if the said Jury or Juries shall award the Premises to be of less Value than the said Owners and Occupiers shall have demanded, but to be of greater Value than shall have been offered by the said Commissioners, then and in that case the said Costs and Charges shall be paid and defrayed by the said Owners and Occupiers, and by the said Commissioners equally between them: Provided also, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating, such Costs and Charges shall be paid by the said Commissioners.

Expence of
ascertaining
the Value by
whom paid.

XXXI. And be it further enacted, That the said Sheriff Depute or his Substitute shall have Power from Time to Time to impose any reasonable Fine not exceeding Five Pounds Sterling, on any

Penalty on
Jurymen and
Witnesses
not appear-
ing.

of the Persons who shall be so summoned and returned on any such Jury or Juries, who shall not appear or who shall refuse to be sworn, (or, being Quakers, to affirm) on the said Jury or Juries, or being sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend or shall refuse to be sworn, (or, being Quakers, to affirm), or who being sworn shall refuse to give his, her, or their Evidence; and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, and from Time to Time summarily to levy such Fine or Fines by Distress and Sale, returning the Overplus, if any be, to the Owners; all such Fines to be applied to the Purposes of this Act.

Application
of Compensation Money
when exceeding 200l.

XXXII. 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 Incorporation having no Power voluntarily to dispose of the same, 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, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *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 Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same 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 said 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 and 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 said Court to 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

If under
200l. and
above 20l.

XXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements,

ments, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation having no Power voluntarily to dispose of the same, 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, 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 Account as aforesaid, in order to be applied in Manner herein-before directed, or otherways 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 Commissioners appointed by this Act (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 as far as the Case be applicable.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than 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.

Where under
20l.

XXXV. 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, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, 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 said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherways, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof,

In case of
not making
out Titles,
&c.;

or if Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank.

[*Local.*]

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or

or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of questionable Title, Possessor to be deemed to have a Title until the contrary shall be shewn.

XXXVI. 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*, or 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 with any such Money, or 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 said Lands, Tenements, or Heritages to be purchased with such Money, and also the Lands, Tenements, or 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.

Expence of Purchase may be allowed by the Court.

XXXVII. Provided always, 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 Banks, or either of them, and to be applied in 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 the Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money, for such Purposes as the said Court shall direct.

Ships not to be supplied without Permission.

XXXVIII. And be it enacted, That it shall not be lawful for any Shipmaster or other Person having the Charge of any Ship or Vessel at any of the Quays of *Peterhead*, to supply the same with Water for the Purposes of a Voyage, from any of the Spring Wells or Reservoirs vested

in the said Commissioners, without Permission first asked and obtained from them, or their Clerk, Treasurer or Collector, under a Penalty not exceeding Ten Shillings Sterling, to be recovered by summary Complaint, in the Name of the Treasurer of the said Commissioners, to any of the Baron Bailies of *Peterhead*, or Justices of the Peace for the County of *Aberdeen*; and it is hereby provided, that when such Permission is granted, such Shipmasters and others being so supplied with Water, shall pay a certain Remuneration therefor to the said Commissioners or their Treasurer, not exceeding Three-pence for every Hogshead of Water so received.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and empowered, to contract with any Person or Persons for forming Watercourses and laying Pipes for carrying and distributing the said Water, erecting Fountains, Cisterns, Filtering Machines, and Reservoirs, at such Place or Places as they shall consider necessary, and for maintaining the same; and for paving, lighting, and cleansing the Roads, Avenues, Streets, Lanes, or other Passages within the said Town; and that such Contract or Contracts shall be signed by the Preses and Clerk, in the Name of the Meeting at which the said Agreement or Contract shall be made and entered into.

Commissioners may contract for laying Pipes and paving Streets.

XL. And be it further enacted, That no such Contract or Agreement shall be entered into by the said Commissioners, for the Performance or Execution of any of the said Works and Operations, until after Twenty-one Days previous Notice has been given in one of the *Aberdeen* or other Newspapers circulated in *Peterhead*, desiring Persons to give in signed Proposals for building, making, and maintaining the said Watercourses, Pipes, Fountains, and Reservoirs; and paving, lighting, and cleansing the said Roads, Avenues, Streets, Lanes, and Passages; excepting where the Contract Price does not exceed Twenty Pounds Sterling, in which Case it shall be lawful for the said Commissioners to give such previous Notice by Tuck of Drum only through the Streets of the said Town; and in either Case the said Commissioners shall accept and contract with the Person whose Proposals shall appear to be most reasonable and beneficial.

Notice of entering into Contracts.

XLI. And be it further enacted, That the said Commissioners are hereby authorized and empowered to order such Sum or Sums of Money as they shall contract for on account of the aforesaid Works and Operations, to be paid out of the Monies to be raised for the Purposes of this Act, by virtue of the Powers herein-after mentioned.

Expence contracted for to be paid out of the Duties under this Act.

XLII. 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 nauseous or offensive Thing, or throw or cast any Dog or Cat, or any Filth, Dirt, or other nauseous or offensive Thing into any Reservoir or Aqueduct, Tunnel or Water-way, made or to be made for supplying the said Town or any Part thereof with Water, or cause or suffer the Water of any Sewer

For preserving the Water clean and wholesome.

Sewer or Drain to run or be conveyed into any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Water-way, or cause any other Annoyance to be done to the Water contained in any such Well, Fountain, Reservoir, Aqueduct, Tunnel, or Water-way, 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 Sterling, to be recovered in manner herein-after directed.

Supplying
Houses with
Water.

XLIII. And be it enacted, That it shall and may be lawful to and for the said Commissioners to supply and distribute Water to such of the Inhabitants of the said Town as shall be disposed to receive the Benefit thereof, by private Pipes and Cisterns into their own Houses; and the said Commissioners are hereby authorized to demand and receive such a Sum as shall be fixed and agreed upon betwixt them and the Persons who shall apply for and obtain the Benefit of such Private Pipes; which Sums so to be received shall form Part of the Fund to be applied to the Purposes of this Act.

Dung or
Fulzie laid
on Streets,
&c. to be
vested in
Commission-
ers, and sold
or let on
Tack.

XLIV. And be it further enacted, That all Dung or Fulzie laid upon the Roads, Streets, Avenues, Lanes, Passages, and other Public Places within and near the said Town, and on the Sides of the Highways within One Mile thereof, estimating from the Town House, situated in *Broad Street* in *Peterhead*, from and after the passing of this Act shall and the same are hereby vested in the said Commissioners, who shall have the sole Management thereof, and shall have Power to make such Regulations as they may think necessary for the Disposal and Removal of the same, with Power to the said Commissioners to sell or let in Tack the said Dung or Fulzie, for such Period as they shall think proper, but never to exceed Three Years at a Time, and that by Public Roup on previous Advertisement through the Town of *Peterhead* by Tuck of Drum; and the Produce or Rent of the said Dung or Fulzie shall form Part of the Fund to be applied to the Purposes of this Act: Provided always, that the Inhabitants of the said Town shall have full Power and Liberty to lay on the said Streets such Dung or Fulzie as may be produced in their own Stables or Houses, for the Purpose of carrying the same away for their own private Use, without the said Commissioners having any Claim thereto; but such Dung or Fulzie shall in no case be allowed to remain longer on the said Streets than Six Hours, and if not removed within that Time it shall immediately become the Property of the said Commissioners.

Streets,
Lanes, and
Avenues may
be enlarged
or widened.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to cause any of the said Roads, Avenues, Streets, Lanes, and other Public Passages within the said Town, to be enlarged, widened, or altered, and to cause to be removed from the said Public Streets, all outer Stairs, or other projecting Constructions, which are evidently Encroachments and Public Nuisances upon the same, and also to cause such other new Roads, Streets, and Avenues as they shall judge to be more direct and commodious, to be opened
and

and laid out in such Manner as they shall think requisite, and may find Opportunity for so doing from Time to Time; and for that Purpose it shall be lawful to the said Commissioners to treat, contract, and agree with the respective Owners, Proprietors, or Lessees for purchasing such Grounds, Houses, and Tenements, and such projecting Constructions, or any Part thereof, as the said Commissioners may deem necessary for enabling them to make the said Enlargement and Alteration, or new Roads and Streets, and to disburse and pay out of the Monies to be raised by virtue of this Act, not only the agreed Price of the said Grounds, Houses, and Tenements so to be purchased by the said Commissioners, but also the Expence of laying out and completing the said Roads, Avenues, Streets, and other Public Passages after being so enlarged and altered, and laid out as aforesaid.

XLVI. And whereas, from the great Inconvenience which has been found to arise from the Want of Foot Pavement along the Public Streets of the said Town, some of the Inhabitants have already been induced at their own Expence to cause Foot Pavements to be made and laid down opposite to their Houses and Shops, and it would be of great Convenience and Utility that the whole of the said Streets capable of admitting thereof were laid with such Foot Pavement; be it therefore enacted, That the said Commissioners under this Act, immediately after its Commencement, or so soon thereafter as they may find it necessary, shall be and they are hereby empowered and required to cause to be laid down upon each Side of every Street and Lane within the said Town, where the same has not been already done, the Curb or Bord Stone of a Foot Pavement of such Breadth as the Dimension of each Street or Lane will admit, which Curb Stone shall not be less than Four, or more than Six Inches above the Carriage-way of the Street, and shall be laid so as to form on the outer Side thereof a Kennel or Gutter for Water to run in: Provided that where the whole Breadth of any of the said Streets will not admit of a Pavement being laid down 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.

Commissioners may order Foot Pavements to be made.

XLVII. And be it further enacted, That the Heritors and Proprietors of all Houses and Buildings in the Line of the said Public Streets and Lanes are and shall be obliged to lay down and complete a sufficient Pavement within the said Curb Stones at their own private Expence, but so as to be uniform and regular throughout each Street or Lane, and to the Satisfaction of the said Commissioners; and that if any of the said Heritors and Proprietors shall fail to do so for the Space of Six Months after the said Curb Stones shall be laid down as aforesaid, then and in that Case the said Commissioners are and shall be authorized and empowered to employ proper Persons to make and lay down the said Foot Pavement in manner above-mentioned; and that an Order or Warrant subscribed by Four or more of their Number, shall be a sufficient Voucher and Document for ascertaining the Amount of the Expence thereof, and for recovering Payment of such Expence from

Commissioners entitled to lay Foot Pavements, and recover the Expence from Proprietors of opposite Houses.

[Local.]

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the

the Proprietor or Proprietors of the House or Building before which the said Pavement has been laid down, and that in the same Way and Manner, and by the like summary Process as other Monies due and recoverable under the Authority of this Act are to be raised and levied; Provided always, that no Heritor or Proprietor shall be obliged to lay down at their own Expence such Pavement before his or their Houses or Building of any greater Breadth than Three and a Half Feet, exclusive of the Curb or Bord Stone, and that the Expence of laying and completing any Part of the Pavement exceeding the said Breadth of Three and a Half Feet shall be paid by the said Commissioners out of the Monies to be raised by virtue of this Act.

Penalties on committing Nuisances.

XLVIII, And be it further enacted, That if any Person or Persons shall throw any Dung, Ashes, or other Nastiness out of any Door or Window within the said Town by Night or by Day, or dust Carpets from or over any Window or Stair opening to any public Street, Court, Close, or Lane within the same, or shall lay down or cause to be laid down thereon, any Dung, Ashes (except in Time of Frost), Rubbish, or Filth of any Kind, the Person or Persons so offending shall for the First Offence forfeit and pay any Sum not exceeding Five Shillings Sterling; and for the Second and every subsequent Offence of the like Nature, any Sum not exceeding Ten Shillings Sterling; providing and declaring, that it shall be lawful to the Inhabitants to lay down the Dung collected by them in Dung Pits on their back Courts or on the Streets, for the Purpose of having the same carted away as before mentioned, but always in such a Manner as to leave a sufficient Space for Carriages and Carts, and not to obstruct the Side Ways; but such Dung shall in no Case be allowed to remain above Six Hours under the aforesaid Penalty.

Carriages, &c. not to be left in the Streets.

XLIX. And be it enacted, That if any Person or Persons shall leave any Coach; Chaise, Cart, or other Carriage, yoked or unyoked, in any of the said Roads, Avenues, Streets, Lanes, or Public Passages, without having some Person to take Care of the same, or shall obstruct a free Passage in the said Streets and other Places for other Carts or Carriages, or shall ride upon any such Cart or Waggon, he, she, or they shall, for every such Offence, forfeit and pay any Sum not exceeding Five Shillings Sterling; and if any Person or Persons shall lay down any Stones, Timber, Lime, or other Materials taken from any Buildings demolished or demolishing, or intended to be used in any other Way upon any Avenue, Street, Lane, or Passage of the said Town, without Leave first had from Two of the said Commissioners in Writing, he, she, or they shall, for every such Offence, forfeit and pay the Sum of Ten Shillings Sterling, and the like Sum for every Day during which the said Stones, Timber, Lime, or Rubbish shall be upon the said Avenue, Street, Lane, or Passage.

Materials for Building not to be laid down without the Authority of the Commissioners.

Old Materials of Buildings may be sold.

L. And be it further enacted, That after the Purchase of any Tenements, Buildings, or Areas of Ground that may be found necessary for the Execution of the aforesaid Improvement and Enlargement of Roads and Streets, or any Part of them as aforesaid, the said Commissioners shall be and they are hereby empowered to sell by
Public

Public Auction or otherwise, for Payment of an adequate Price, the old Materials of such Houses and Buildings, if any be, as well as the remaining Ground or Areas along the Line or Course of the said Roads, Avenues, and Streets, after their being so altered, opened, and laid out; and that they shall be obliged to apply the Purchase Money thereof to and for the Purposes of this Act, and none other.

LI. And be it enacted, That the Water falling from the Tops of all Houses or other Buildings within the said Town fronting the Public Streets, Lanes, and Passages, shall be conveyed in leaden, wooden, or other Pipe or Pipes, reaching within Four Inches of the Ground, and affixed against and flat upon the Sides or Fronts of such Houses or Buildings, and not projecting more than Three Inches without the same; and in case the Owners or Proprietors of the said Houses and Buildings shall not convey the Water, falling from the Tops thereof, in Manner aforesaid, then and in every such Case such Owner or Proprietor failing so to do, shall forfeit and pay any Sum not exceeding Ten Shillings Sterling; and if the Water from such House or other Building, shall thereafter be still conveyed otherwise for the Space of One Calendar Month or more, then and in every such Case, the Owner or Proprietor of every such House or Building, shall forfeit and pay any Sum not exceeding Ten Shillings Sterling, and so *toties quoties*, for every Month thereafter, during which the Water shall be conveyed otherwise than is above directed, every such Fine and Forfeiture being to be received and applied in Manner herein appointed.

Water from House Tops to be conveyed by Pipes.

LII. And be it enacted, That all Houses or other Buildings to be afterwards erected within the said Town and situated at the Corners of Streets, shall have their Corners rounded off to the Height of the First Story or Floor at least, and in case the Owners or Proprietors of such Houses or Buildings shall fail to cause the Corners of the same to be so rounded off, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to put an immediate Stop to such Buildings in such Way and Manner as they may consider most expedient, and to continue such Interdict until the Provision of this Act, as to the rounding off the said Corners, shall be complied with by the Owners or Proprietors of the said Houses and Buildings.

Corners of Houses to be rounded off.

LIII. And in order to preserve Uniformity in the Lines of such new Streets as shall be opened in the said Town of *Peterhead*, and to alter and amend the Lines of Houses in the old Streets; be it enacted, That before laying the Foundation of any new Building, the Person intending to do so shall be obliged to give Eight Days Notice in Writing, to the Clerk or Treasurer of the said Commissioners, in order that they may visit the proposed Building, with Power to the said Commissioners, or a Quorum of their Number, to make such Alterations on the Line of the said Houses as shall tend to the Improvement of the Road, Street, or Passage: Provided always, that where Ground is given up in consequence of such Line, the

New Streets to be built in a uniform Line.

Party

Party giving it up shall receive reasonable Compensation for the same from the said Commissioners, such Compensation, in case of Disagreement, to be ascertained by a Jury in manner herein directed.

Consent of
Governors of
the Maiden
Hospital be-
fore Proper-
ties are pur-
chased for
Streets.

LIV. And be it further enacted, That before purchasing any Properties for the Purpose of opening new Streets within the Limits of the said Town of *Peterhead*, the said Commissioners shall obtain the Consent and Approbation of the Governors of the said *Maiden Hospital*, and the Bailies of *Peterhead* and Town Council of the said Town, in Writing, of the said Measure.

Names of
Streets to be
put up, and
Houses to be
numbered.

LV. And be it further enacted, That the said Commissioners shall and may cause to be painted, engraved, or described in Stone, or otherwise, and to be affixed on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of the said Streets, Lanes, or other Passages of the said Town of *Peterhead*, the Name by which they are or may be respectively called or known; and if any Person or Persons shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Name, Description, or any Part thereof, or cause or procure the same to be done, every Person so offending, shall for every Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

Occupiers of
Houses and
Shops obli-
ged daily to
sweep and
clean the
Foot Pave-
ments along
their Pro-
perty.

LVI. And be it further enacted, That in every Street and Lane of the said Town, where Foot Pavements are or shall be made and laid down, the Persons possessing or occupying Houses or Shops along the Line of such Pavements shall be, and they are hereby obliged and required, to the full Extent of the House or Shop possessed by them, every lawful Day, between the Hours of Seven and Nine in the Morning, from the First Day of *April* to the First Day of *October*, and between Eight and Ten of the Clock in the Morning during the Remainder of the Year, to cause to be scraped, swept, and cleansed the said Foot Pavement to the aforesaid Extent; and that if they neglect so to do, they shall for every Offence forfeit and pay a Penalty of Two Shillings and Sixpence Sterling.

Biers, Bur-
dens, &c.
not to be
carried or
driven on the
Footpaths,
and Casks,
&c. not to be
landed
thereon.

LVII. And be it further enacted, That if any Person or Persons shall carry, run, drive, draw, or cause to be carried, run, driven, or drawn, on any of the Foot Pavements within the said Town, any Bier, Sedan Chair, Burden, Barrel, or Cask, or any Wheel or Wheels, Sledge, Wheel-barrow, or other Carriage whatsoever, or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle upon any of the said Foot Pavements, (except across them directly to or from Shops, Cellars, Warehouses, or Stables), or shall place and suffer to remain upon any of the said Foot Pavements any Cask, Box, or other Interruption, or shall roll any Casks or Barrels of any Kind, whether full or empty, upon any of the said Foot Pavements, (except across them as aforesaid) then and in any of the said Cases it shall and may be lawful to and for any Person or Persons who shall see any such Offence committed to seize, and also for any Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey or deliver him, her, or them, into the
Custody

Custody of a Peace Officer or Town Officer, in order to be conveyed before any of the Baron Bailies of *Peterhead*, or Justices of the Peace for the County of *Aberdeen*; and the Party or Parties accused being brought before such Baron Bailie or Justice he shall proceed to examine upon Oath any Witness or Witnesses who may be adduced to give Information touching such Offence; and if the Party or Parties accused shall be convicted thereof, either by his, her, or their own Confession, or by the Oath of One or more credible Witness or Witnesses, he, she, or they so convicted, shall forfeit and pay any Sum not exceeding Five Shillings Sterling, for the First and every subsequent Offence.

LVIII. And be it enacted, That all the Soil, Dirt, Ashes, and Filth as well as Dung from Stables or Cow-houses, collected by Individuals in private Ash Pits or Necessaries within the Limits of this Act, shall be kept and deposited in such Ash Pits or Necessaries, properly covered and shut up, and in Situations removed from the Public Roads, Streets, Lanes, Closes, and Courts, so as not to prove offensive to the Neighbourhood, the said Commissioners being obliged to afford every Facility for removing such Ashes and Filth from those Houses not having proper Ash Pits, or proper Places for depositing the same, with Power also to the said Commissioners to cause the said Ash Pits or Necessaries to be removed, on Complaint from any of the Inhabitants, if the same shall appear to the said Commissioners to be a Nuisance.

Soil, &c. from
Stables, &c.

LIX. And be it enacted, That no Merchant, Shopkeeper, Trader or other Person, being a Dealer in Gunpowder, within the said Town shall have or keep in their Houses, Shops, or Warehouses, at any Time, more than Five Pounds Weight of Gunpowder, but shall deposit and lodge his, her, or their whole remaining Stock of Powder in the Storehouse or Powder Magazine already constructed, or which may be hereafter constructed by the said Commissioners; and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candle 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 Five Pounds Weight of Gunpowder, or of selling the same by Candle Light, he, she, or they shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling for every Pound Weight above the said Quantity, over and beside the Forfeiture thereof; and that the said Commissioners shall make such Orders and Regulations respecting the receiving and depositing the said Gunpowder in the said Storehouse or Powder Magazine as the Nature of the Case shall appear to them to require.

A limited
Quantity of
Gunpowder
may be kept
in Houses,
Shops, &c.

LX. And be it further enacted, That the aforesaid Quantity of Five 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 not exceeding Five Pounds Sterling to be paid for each Offence by the Occupier of the said Houses, Shops, or Warehouses, and to be levied and applied in Manner after directed.

Gunpowder
to be kept
separate from
other Goods.

Duty on
Gunpowder.

LXI. 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 Town, such Sum or Sums of Money not exceeding One Penny Sterling, 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 Superintendance of the Magazine erected, or to be erected for the Security thereof; and in order to ascertain the Number of Persons liable to the said Assessment, the Surveyor of Customs at the Port of *Peterhead*, or the Collector of Shore and Harbour Duties thereof, shall, when required, be obliged to furnish to the said Commissioners a List of the Importers of such Gunpowder.

Holes made
in Streets to
be fenced
and lighted.

LXII. And be it enacted, That in case any Hole or Opening shall be made in any of the Roads, Streets, Lanes, Passages, or Public Places of the said Town, for the Purpose of digging Foundations, or building or digging Wells, Drains, or for any other Purposes, the Person or Persons making or causing to be made the said Holes or Openings, and the Persons employed and concerned therein, shall at his, her, or their own Expence, cause a sufficient Rail or Fence of Ropes or other Materials to be put round the said Holes or Openings, and shall also cause a Lamp or Light to be fixed at or near the same, to be kept burning every Night that such Holes and Openings shall remain unfilled up, from Sun-setting to Sun-rising; and in case any of the said Person or Persons shall refuse or neglect to affix, and keep burning the said Lamps or Lights in Manner aforesaid, the Person or Persons so offending shall forfeit and pay any Sum not exceeding Ten Shillings Sterling for each Offence.

Foot Pavements to be railed in when Houses shall be taken down or repaired.

LXIII. And be it enacted, That when it shall be necessary to take down and unroof any Houses or Tenements fronting the Streets of the said Burgh, for the Purpose of rebuilding or repairing them, or for any other Purposes, or when it becomes necessary to perform any other Work upon Stone or Brick Houses or Tenements, whereby Risk shall arise of Stones, Bricks, Slates, Timber, or any other Materials falling upon the said Foot Pavements on the Sides of the Streets, then and in every such Case the Person or Persons carrying on or causing to be carried on such Works, shall at his, her, or their Expence, fence round or cause to be fenced round with a sufficient Rail of Rope, Wood, or other Fence, those Parts of the said Foot Pavements which are opposite to the said Houses or Tenements, and shall uphold and keep in proper Repair and Condition the said Rail, Ropes, or other Fences, during the whole Time the said Works are carrying on, so as to prevent Passengers from passing along those Parts of the Pavements; and that it shall be lawful for and in the Power of the said Baron Bailies, or Justices of the Peace, or any One of them, to fine the Person or Persons refusing or neglecting so to fence round the said Pavements in a Sum not exceeding Five Shillings Sterling for each Day's Failure, and also to order the said Pavements to be fenced in, at the Expence of the Person or Persons carrying on the said Works or Repairs.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously obstruct, hinder, or molest any Officer, Servant, or other Person or Persons employed in the Execution of any of the Powers committed by this Act to the said Commissioners, or shall wilfully or maliciously break, throw down, or extinguish, damage or spoil any Lamp or Lamps that now are, or shall hereafter be set up for lighting of the said Roads, Avenues, Streets, Lanes, and Passages, or damage the Posts, Irons, or other Furniture thereof, or the Fountains or Watercourses, Reservoirs, Cisterns, Pipes, Filtering Machines, Fire Cocks, or other Conductors or Engines for conveying and distributing the Water as aforesaid, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed to seize, as also to and for any other Person or Persons to assist in seizing the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them into the Custody of a Peace Officer or Officers of the said Town, in order to be secured and carried before any One of the Baron Bailies thereof, or any One or more of His Majesty's Justices of the Peace for the County of *Aberdeen*, or other Judge; and that such Baron Bailie, Justice, or other Judge shall proceed to examine upon Oath any One or more Witness or Witnesses, who may be adduced to give Information touching such Offender, which Oath the said Bailie or Justice is hereby authorized and required to administer; and that if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or by the Oath of any One or more credible Witness or Witnesses, upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay the Sum of One Pound Sterling for the First Offence, and the Sum of Two Pounds Sterling for the Second and every subsequent Offence, and moreover shall be obliged to make full Satisfaction to the said Commissioners for the Damage so done by him, her, or them as aforesaid; and that in case such Offender or Offenders shall not upon Conviction pay the Forfeiture and make the Satisfaction as before directed, such Bailie, Justice, or other Judge is hereby required to commit him, her, or them to the Common Gaol of *Peterhead*, or the House of Correction for the City and County of *Aberdeen*, for any Time not exceeding the Space of Three Calendar Months, and such Offender or Offenders shall not be discharged therefrom before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and it shall be lawful for the said Bailies or other Judge to publish the Names of the Offender in the *Aberdeen* Newspapers if he or they shall see proper, specifying the Nature and Extent of the Offence and Punishment.

Penalty on Persons obstructing the Works, breaking the Lamps or spoiling the Springs, &c.

LXV. And be it further 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, or other Furniture thereof, or the Fountains, Wells, Reservoirs, Cisterns, Pipes, Filtering Machines, Fire Cocks or Plugs, and other Conductors or Engines for carrying and distributing the Water as aforesaid, and shall not immediately on Demand make Satisfaction for the Damage thereto, then and in every such Case, it shall and may be lawful to and for any

Persons carelessly breaking the Lamps, &c. or damaging the Fountains, &c. to make good the same.

any of the Baron Bailies of the Town of *Peterhead*, or any One or more of His Majesty's Justices of the Peace for the County of *Aberdeen*, upon Complaint made to him or them, to cause to be summoned before him or them 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 or Non-appearance of the Party or Parties so complained of and summoned, to award such Sum or Sums of Money by Way of Satisfaction for such Damage as the said Bailie, or Justice shall think reasonable; and in case of Neglect or Refusal of such Party or Parties to pay such Sum or Sums of Money so awarded within Ten Days after Demand thereof, to cause the same to be levied by Distress and Sale of his, her, or their Goods and Chattels; the Surplus, after Payment of the Damage and Expence, if any be, arising from such Sale, to be paid to him, her, or them when demanded.

Assessment
to be raised
and levied.

Rate to
be laid on
the Free
yearly Rents
of Houses
and Build-
ings.

Exemptions
from the
Assessment.

LXVI. And in order to raise a proper and sufficient Fund for answering the Purposes of this Act, be it enacted, That the said Commissioners shall have Power and they are hereby authorized and required, at their Quarterly Meeting to be held on the First *Monday* of *October* annually, to find and ascertain certain Rates and Assessments necessary for the Purposes of this Act, to be raised and levied from the whole Occupiers and Possessors, whether Heritors or Tenants of all Houses, Shops, Cellars, and other Buildings within the said Town, actually occupied and possessed, by an equal Pound Rate or Assessment, to be laid and proportioned upon the free yearly Rent of such Houses and other Buildings of the Description before specified, according as the same may be stented and assessed by the aforesaid Rent Roll or Valuation to be made up in the Month of *August* annually, by the Direction of the said Commissioners as above mentioned, but so as the said Pound Rate or Assessment shall not exceed Two Shillings in the Pound *per Annum*, of the said respective free yearly Rent or Value, nor affect any such Rent to be rated under Two Pounds Sterling yearly, and that the same shall be charged upon the Tenants or Occupiers only; and all such Tenants and Occupiers are hereby made liable for and obliged to pay the said Rate or Assessment so directed to be raised and levied as aforesaid, according to the true annual Rent or Value (to be fixed and ascertained in Manner herein-before mentioned), of the said respective Houses and other Buildings lying and being within the said Town: Provided always, that all Houses, or Part or Parts of Houses, and other Buildings above mentioned, occupied by any one Person and valued under the yearly Rent of Two Pounds Sterling, and also all Persons receiving Supply from the Parish Funds, shall be and they are hereby exempted from the Payment of any Assessment appointed to be raised and levied by this Act: Provided also, that no House or Houses within the said Town, entirely used or employed in carrying on Manufactures (except Breweries), and where no Part thereof shall be occupied as a Dwelling House, and no Kind of Victuals are dressed or prepared therein, shall be subject or liable to be rated or assessed for the Duties imposed by this present Act, for any higher Rate or Assessment than upon One Half of the yearly Rent or Value of all such manufacturing Houses.

LXVII. And

LXVII. And be it enacted, That all Houses and other Buildings possessed by the Proprietors or Life-renters themselves, shall be rated and assessed for the Duties hereby imposed upon such yearly Rent or Value as the same shall be rated and estimated by the said Commissioners, or such other Persons as they shall appoint, according to the best of their Judgment; and that such Proprietors and Life-renters shall only be liable and obliged in Payment of the said Assessments for Houses and Buildings actually occupied by themselves and their Servants, but not for those possessed by their Tenants, from whom only the said Assessment for their respective Possessions shall be levied and recovered in Terms of this Act; and that all such Heritors and Life-renters shall only be entitled to vote in the Election of, or to be elected Commissioners under this Act, according to the estimated Rents of the Houses, Shops, Warehouses, Cellars, and other Buildings actually possessed by themselves, without regard to the Rents of any other Houses belonging to them.

Houses possessed by Proprietors and Life-renters to be rated by the Commissioners.

LXVIII. And be it enacted, That the said Commissioners may and they are hereby empowered from Time to Time at their yearly Meeting, on the First *Monday* of *October*, to lessen and reduce the aforesaid Rates and Assessments granted by this Act, and again to raise the same, but so as never to exceed in any one Year the before mentioned Rate of Two Shillings in the Pound, of the free yearly Rent of the Houses and other Subjects herein-before mentioned.

Commissioners may lessen or reduce the Assessments at the yearly Meetings.

LXIX. And be it further enacted and declared, That the aforesaid Rate and Assessment shall be leviabie and levied upon the Eleventh Day of *November* yearly, beginning the first Year's Payment thereof upon the Eleventh Day of *November* One thousand eight hundred and twenty, for the Year from the Eleventh Day of *November* One thousand eight hundred and twenty-one; and that if any Person or Persons who shall be rated or assessed by virtue and in pursuance of this Act, shall refuse or neglect to pay the said Rate or Assessment charged upon him, her, or them, for the Space of Fourteen Days next after his her, or their respective Rate or Rates, Assessment or Assessments shall be due and demanded by the Collector or Collectors authorized and empowered by the said Commissioners to collect and receive the same, (such Demand being made to the respective Person or Persons so charged by a written or printed Notice, either delivered personally or left at his, her, or their respective House or Houses, Place or Places of Abode), then and in every such Case it shall and may be lawful to and for such Collector or Collectors, and every or any of them, having a Warrant or Warrants, which the said Collector or Collectors is and are hereby required to apply for, and the said Baron Bailies and Justices, or any One of them, is and are hereby authorized and required to grant, and with the Assistance of any Messenger, Sheriff Officer, Peace Officer, or any Town Officer, to enter the House or Houses, Apartment or Apartments in the Day-time, of the Person or Persons so deficient in Payment of the said Assessment, and then and there to seize and keep Possession of his, her, or their Goods and Chattels; and if the said Rate or Assessment shall not be paid within Ten Days next after such Seizure shall have been made

Rates to be levied and Term of Payment.

Recovery of Rates.

(together with the Costs and Charges attending the same), to sell by Public Auction, at the Market Place of *Peterhead*, so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment with the Costs and Charges attending such Seizure and Sale, according as the same shall be settled and allowed by the Baron Bailie or Justice who shall have granted such Warrant, returning the Overplus, if any be, to the Owner or Owners of such Goods and Chattels.

Empty Houses becoming possessed may afterwards be rated.

LXX. And be it enacted, That if any Dwelling House, Shop, Cellar, or other Building, which are not possessed at the Time of laying on the general yearly Assessment as aforesaid, shall afterwards, during the Currency of that Year, become possessed, it shall be lawful to and in the Power of the said Commissioners, or such Person or Persons as they shall appoint, to meet and assess the same in Manner before described.

Travelling Merchants to pay Assessments.

LXXI. And be it enacted, That all travelling Merchants, Auctioneers, and others, who shall take up a temporary Residence in the said Town of *Peterhead* for the Purpose of disposing of Merchandize, Goods, and other Effects, and who, in Prosecution of such Business, shall occupy a Shop, Warehouse, or other Place for the disposing of the said Goods within the said Town, shall pay the Assessments mentioned in this Act, according to the yearly Rent of the Premises occupied by them for the current Year, for which they shall be charged with such Assessments, whether they continue to occupy such Shop, Warehouse, or other Apartment for the whole Year, or for a less Period.

Application of the Rates and Penalties.

LXXII. And be it further enacted, That all Monies to arise from the Rates and Assessments by this Act imposed, and directed to be made and received, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of the same, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint to collect and receive the same, to be applied to and for the defraying, in the first Place, the Charges and Expences of passing this present Act, and in the next Place, for paying off and discharging all such Sum or Sums of Money as shall be laid out and employed by the said Commissioners, in supplying the said Town with fresh Water, and in paving, lighting, cleansing, and improving the Roads, Streets, Lanes, Avenues, and other Places within the same, and for the other Uses and Purposes herein-before mentioned, and to and for no other Use, Intent, or Purpose whatsoever.

Commissioners may make Bye Laws.

LXXIII. And be it enacted, That it shall and may be lawful for the said Commissioners, at any Meeting to be held for that Purpose, at any Time or Times after the passing of this Act to make, ordain, and establish Rules, Orders, and Bye Laws, for regulating their own Proceedings, and the Conduct of their Officers; and also from Time to Time, as Occasion may require, to repeal, add, and amend, or alter such Rules, Orders, and Bye Laws, as to them shall appear necessary and expedient, and to enforce the same by pecuniary Penalties, not exceeding in any case, the Sum of Two Pounds Sterling, to be levied in Manner herein-after directed: Provided
always,

always, that none of the said Rules, Orders, and Bye-Laws shall become valid or take effect, till they be published in One of the *Aberdeen* Newspapers, and printed and put up in the most conspicuous Places of the said Town of *Peterhead*; and also that no such Rule, Order, or Bye Law shall be repugnant to the Laws of that Part of the United Kingdom called *Scotland*, or to any thing in this Act contained.

Bye Laws not valid till published in the Newspapers, and in the Town.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the Baron Bailies, Town Council, and Community of Feuars of the said Town of *Peterhead* for the Time being, and they are hereby authorized and empowered to pay unto the said Commissioners out of the Funds and Revenue belonging to the Community of Feuars of the said Town; such Sum or Sums of Money, to be applied towards executing the Purposes of this present Act, as the said Bailie and Town Council from Time to Time shall deem expedient, after defraying and discharging the ordinary and necessary annual Expenditure therefrom.

Bailie and Town Council may pay Sums from Funds of the Community, towards the Purposes of this Act.

LXXV. And be it further enacted, That the said Commissioners shall and may, and they are also hereby authorized and empowered from Time to Time to borrow and take up at Interest, any Sum or Sums of Money, not exceeding in the Whole the Sum of Seven thousand Pounds Sterling, and to grant, assign, and set over for Security and Payment thereof, and Interest to arise on the same, in Manner hereinafter mentioned, the several Rates, Duties, and Assessments given and granted by this present Act, to any Person or Persons who shall be willing to advance and lend Money thereon; and that all the Monies so to be borrowed and advanced shall be employed for the respective Purposes aforesaid, and no other Use or Purpose whatever.

Power to borrow Money.

LXXVI. And be it further enacted, That the said Commissioners shall be, and they are hereby empowered and required to issue to such Person or Persons as shall advance or lend Money by virtue of this Act, separate Bonds and Assignments for any Sum not exceeding Five hundred Pounds Sterling of Principal Money in each Bond, and Assignment bearing the Interest, and of the Form and Tenor transferable by Indorsation, and payable in Manner herein-after provided; and that such Bonds and Assignments shall be marked and numbered progressively, according to the Time and Order in which the same shall be issued, and full Copies of the same shall be delivered to the Treasurer of the Commissioners, who is hereby empowered and required to enter the same in a 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 Three of the said Commissioners as shall sign and witness each particular Bond and Assignment as herein-after mentioned: Provided always, that no such Money shall be borrowed or Bonds and Assignments issued except at a Meeting or Meetings to be holden in consequence of a previous Order of the Commissioners for that Purpose entered in the said Book or Books, and of all which the Commissioners for the Time being shall have due Notice; and that nothing in this Act contained shall empower the said Commissioners to borrow any Principal Sum of Money, exceeding in the whole

Commissioners may issue Bonds and Assignments of the Rates and Monies in Security.

whole the Sum of Seven thousand Pounds Sterling, or to issue any Bond and Assignment under this Act, for any greater Sum than Five hundred Pounds Sterling each, of such Principal Money marked or numbered as aforesaid, or of any other Form and Tenor, or transferable or payable in any other Manner than as herein-after provided.

Interest to
be paid
yearly.

LXXVII. And be it further enacted, That out of the Monies to arise by virtue of this Act, the said Commissioners, or their Treasurer for the Time being, shall pay, and they are hereby required regularly Once in the Year at the least, if demanded, to pay the Interest which shall become due upon each of such Bonds and Assignments, to the Person or Persons having right to the same, for the Time being, and to mark the Payment of such Interest on the Back of such Bonds and Assignments, and in the Sederunt Book of the Commissioners, or such other Book or Books to be kept as aforesaid.

Preserving
Bonds and
Assignments
paid, and for
Consignation
of Money
where the
Person hold-
ing the same
shall neglect
or refuse to
receive Pay-
ment, or grant
sufficient
Discharge.

LXXVIII. And be it further enacted, That the said Commissioners, and the Treasurer to such Commissioners, shall keep and preserve all such Bonds and Assignments, so paid and received, with the Transfers by Indorsement, and Discharges or Receipts for Payment of the Interest or Principal Monies, on the Back of the same; and in the Event that any Person or Persons having right to any of such Bonds and Assignments, at the Time when the same shall become due and payable, or when the said Commissioners shall be desirous to pay off the same, shall neglect to demand, or refuse to receive Payment of such Principal Monies and Interest then due upon the same; or shall refuse or be incapable to grant a sufficient Discharge upon Payment, that then and in that Event, the said Commissioners, or Treasurer for the Time being, shall be empowered, and they are hereby required, upon Application to and by Warrant of the Sheriff Depute or Substitute of the said County of *Aberdeen*, (which Warrants such Sheriff Depute or Substitute is hereby empowered and required to grant), and upon such due Notice, as such Sheriff Depute or 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 Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British Linen Company* (on Account of the Person or Persons then having Right to such Bond and Assignment) as such Sheriff Depute or 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 such 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 to enter a Memorial of such Payments or Consignation, 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.

Forms of
Bonds and
Assignments.

LXXIX. And be it further enacted, That such Bonds and Assignments and Securities for the Monies borrowed as aforesaid, shall be to the Effect and of the Form and Tenor following; *videlicet*,

‘ BY virtue of an Act made in the First Year of His Majesty
 ‘ King George the Fourth, intituled [*here insert the Title of this*
 ‘ *Act,*] I A. B. Treasurer to the Commissioners by the said Act
 ‘ appointed, and by Authority of the said Commissioners, in consi-
 ‘ deration of the Sum of _____ Sterling 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 of the Rates and Monies by the said Act granted, to pay
 ‘ to the said C. D., his Executors and Successors, or Assignees, Inte-
 ‘ rest of the said Sum of _____, at the Rate of _____
 ‘ *per Centum per Annum*, regularly once in the Year at least, if de-
 ‘ manded, from the Date hereof, and to repay such Principal Sum of
 ‘ _____ and all Interest that shall arise thereon, not
 ‘ before paid, to the said C. D., his Executors and Successors, or
 ‘ Assignees, at the Term of _____, which shall be in the Year
 ‘ _____: And for
 ‘ the further Security of the said C. D., I do hereby assign to the
 ‘ said C. D., his Executors and Successors or Assignees, such Pro-
 ‘ portion of the said Rates and Monies by the said Act granted,
 ‘ as shall be equivalent to the said Sum of _____
 ‘ and the Interest to become due thereupon as aforesaid. Dated
 ‘ and marked or numbered at F., this G. Day of H. in the Year I.,
 ‘ and Number K.’

And that such Bonds and Assignments on Paper duly stamped and
 signed by the Treasurer of the said Commissioners, and witnessed by
 any Three of the said Commissioners all for the Time being, and
 issued at such regular Meeting or Meetings as aforesaid, shall be a
 sufficient Security to the Person or Persons so lending or advancing
 such Monies for the same, and till the Re-payment or Consigna-
 tion of 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 Commis-
 sioners, out of the first and readiest of such Rates and Duties, and that
 by Action to be brought if necessary before the Sheriff Depute of *Aber-*
deenshire or his Substitute, or by any other Form known and used in
 the Law of *Scotland*, together with the full Expences of such Action,
 or of recovering such Monies and Interest; and that every Person
 or Persons to whom such Bonds and Assignments shall be issued and
 granted as aforesaid, or who for the Time shall have right to the
 same, may from Time to Time assign or transfer his, her, or their
 Right, Title, and Interest in the Premises, by Writing under his,
 her, or their 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 to the like Effect:

Which shall
 be a sufficient
 Security and
 Lien on the
 Rates and
 Monies
 granted by
 the Act;

and may be
 recovered by
 Action or
 otherwise
 with full
 Costs;

and may be
 assigned or
 transferred.

‘ 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 and Successors or
 ‘ Assignees. Dated at P. this H. Day of B.

Form of
 Transfer;

‘ Witness K. L.’
 [Local.]

(Signed) C. D.’

to be
entered;

and certified
by the Treas-
urer for the
Time being;

and after
such Entry
and Certifi-
cate, cannot
be released
by the Per-
sons making
such Trans-
fer.

Proceedings
to be entered
in Books.

Commission-
ers to be
accountable
for Mis-appli-
cation of
Money.

If Works are
not com-
pleted, &c.
Powers of
Act to cease.

Compelling
Payment of
Subscrip-
tions.

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 and Successors or Assignees, 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 the Case shall happen; and that it shall not be in the Power of the Person or Persons making such Transfers, by Indorsement certified to have been entered as aforesaid, to make void, release, or discharge such original Bond and Assignment, or Transfer or Transfers of the same, or any Money due or Benefit arising thereupon, or any Part thereof.

LXXX. And be it further enacted, That all and every Act and Acts of the said Commissioners shall be entered in Books to be kept for that Purpose by their Treasurer or Clerk; which, and all other Books and Entries respecting the same, or that contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every Public Meeting, and shall be signed by the Preses or Clerk of the said Meetings; and such Books shall and may also be produced and taken in Evidence in all Courts whatsoever.

LXXXI. And be it further enacted, That in case the said Commissioners shall misapply any Part of the said Monies and Funds by this Act authorized and appointed to be raised, they may be prosecuted and made accountable therefor before any Court of Law competent, at the Instance of any Five or more Possessors of Houses, qualified to act as Electors of Commissioners under this Act: Provided always, that such Actions shall be commenced within Four Calendar Months after the Balance of the Books or Accounts shall be struck for the Year in which the Offence or Misapplication prosecuted for shall be alleged to have been committed.

LXXXII. And be it enacted, That in case the Works for supplying the said Town with Water shall not be completed so as to answer the Purposes thereof, on or before the First Day of *October* One thousand eight hundred and twenty-five, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to so much thereof as shall have been then completed.

LXXXIII. And be it further enacted, That if any Person or Persons who hath or have become Subscribers towards defraying the Expences of passing this Act, and carrying the Purposes thereof, or any of them into Execution, shall neglect or refuse to pay the Whole or any Part

Part of such Subscription Money when required so to do by a written Notice subscribed by the Clerk or Treasurer of the said Commissioners, delivered to such Subscriber or Subscribers, or left at the Dwelling House or ordinary Residence of such Subscriber or Subscribers aforesaid, and that within Six Calendar Months from and after the Notice to be left as aforesaid, then and in every such Case it shall be competent for the said Commissioners to cause to be brought in the Name of their Clerk or Treasurer aforesaid, an Action or Actions for Recovery thereof, in any Court competent within that Part of *Great Britain* called *Scotland*: Provided nevertheless, that the Money so subscribed and paid as aforesaid, shall be repaid with the legal Interest thereof, out of the Monies allowed to be borrowed by virtue of this Act, or out of the Rates and Assessments allowed to be levied and collected by Authority of the same, and until such Re-payment as aforesaid, the Monies so advanced by the Subscriber, with the legal Interest thereof, shall be a Lien and Burden on such Rates and Assessments.

LXXXIV. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Collector to be appointed by them for receiving the Monies and Rates granted by this Act, to prosecute for and recover in the Name of their said Collector the several Fines, Penalties, Forfeitures, and Damages hereby imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) by Action, Bill, Complaint, or Information, exhibited within Six Calendar Months after such Offence is committed, before any One or more of the Baron Bailies of *Peterhead* (notwithstanding they be Commissioners under this Act for the Time), or any One or more of His Majesty's Justices of the Peace for the County of *Aberdeen*, or other Judge competent, within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the Baron Bailies, Justices, or other Judges aforesaid, shall and they are hereby empowered and required to proceed in the Trial of such Offenders in a summary Way; and upon Conviction of the Offender or Offenders by their own Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the said several Fines, Penalties, Forfeitures, and Damages which shall be awarded and ordered by the said Magistrate, Justices, or other Judges, the Person or Persons who shall be convicted of any of the Offences before described shall and may be sent by them to the Common Gaol of *Peterhead*, or House of Correction for the City and County of *Aberdeen*, and there be kept in Confinement for such Time, not exceeding Two Calendar Months, as such Baron Bailies, Justices, or other Judges shall direct, unless the Sum so awarded against them shall be sooner paid or discharged.

Penalties to be levied, and Mode of recovering.

LXXXV. Provided always, and be it enacted, That it shall and may be lawful to and for the Baron Bailies, Justices, and other Judges aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, when they see Cause, to mitigate, compound, or lessen any of the Fines,

Penalties may be mitigated.

Fines, Penalties, or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act, when such Penalty is specially fixed; and that every such Mitigation and Composition shall be a sufficient Discharge to the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Appeal.

LXXXVI. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, or by any Regulations, Rules, Orders, or Bye-Laws, made in pursuance thereof, it shall and may be lawful to and for such Person or Persons to complain either to the Sheriff Depute of the said County of *Aberdeen*, or his Substitutes, or to any Two or more of His Majesty's Justices of the Peace of the said County, who are hereby authorized and required to call the Parties before them, and hear and determine such Complaints, and their Judgment or Judgments thereon shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction, or to any Stay or Challenge by any other Process of Law whatsoever, any Law or Practice to the contrary notwithstanding.

Jurisdiction of the Superior and Magistrates of Peterhead, &c. reserved.

LXXXVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, abridge, lessen, change, or intrude upon any Jurisdiction, Power, or Authority of the Superior, Baron Bailies, or Council of the Town of *Peterhead*, and Community thereof, or the Rights, Privileges, and Property of any Person or Persons whatsoever, but that the same shall remain entire and effectual to all Intents, both to such Superiors, Baron Bailies, Council, and Community, and to every other Person, except in so far as the same are meant and intended to be taken away by this Act.

Act to be pleaded in Actions brought.

LXXXVIII. And be it enacted, That in case any Suit or Action shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Suit or Action may produce this Act, and plead that the said Things were done by the Authority thereof; and if it shall appear so to be done, that then the Defendant or Defendants shall be so absolved from every such Suit or Action, and shall have such Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same, as the Judge in the Case may determine.

Costs.

Public Act.

LXXXIX. 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.